

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2003 Legislative Session

Bill No. CB-60-2003

Chapter No. 73

Proposed and Presented by Council Member Dean

Introduced by Council Members Dean, Shapiro and Exum

Co-Sponsors _____

Date of Introduction October 7, 2003

SUBDIVISION BILL

1 AN ACT concerning

2 Private Roads and Easements

3 For the purpose of permitting the Planning Board to approve private rights-of-way in the M-X-C
4 Zone.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS.

7 Section 24-128(b),

8 The Prince George's County Code

9 (1999 Edition, 2002 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 24-128(b) of the Prince George's County Code be and the same is hereby
12 repealed and reenacted with the following amendments:

13 **SUBTITLE 24. SUBDIVISIONS.**

14 **DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.**

15 **Sec. 24-128. Private Roads and Easements.**

16 * * * * *

17 (b) The Planning Board may approve plats and plans of development containing private
18 roads, right-of-way, and/or easements under the following conditions:

19 * * * * *

20 (14) For an integrated development which shall contain either land in each of the R-A,
21 L-A-C, and R-L Zones which is a planned golf course community, or land in the M-X-C Zone.

1 the Planning Board may approve a subdivision that includes single-family detached or single-
2 family attached dwellings with private roads, and public utility easements for water and sewer,
3 natural gas, electric, and telephone service and private easements for all other public utilities in
4 accordance with the following requirements:

5 (i) The preliminary plan for the subject property shall include a statement
6 explaining why private roads or rights-of-way and private easements for public utilities other
7 than water and sewer, natural gas, electric, and telephone, notwithstanding the restrictions of
8 Section 24-128(b)(12), will be used. The applicant shall demonstrate that dedicating roads or
9 rights-of-way to public use in the subdivision is impractical or unnecessary, and that using
10 private access is consistent with sound planning for the development.

11 (ii) Department of Public Works and Transportation shall review and
12 comment and the Planning Board shall find that the proposed access by private roads or rights-
13 of-way will be adequate to serve the lots in the subdivision and that they are consistent with a
14 safe, efficient, hierarchical street system for the development.

15 (iii) Covenants approved as to form and sufficiency by the Planning Board's
16 attorney and the County Attorney shall be recorded among the Land Records of Prince George's
17 County, Maryland, stating that the subject property is to be developed with private roads or
18 rights-of-way, and that the property's homeowners' association, property owners, or tenants are
19 responsible for the maintenance of all private roads or rights-of-way including appropriate
20 capital reserve funds, and for the accessibility to emergency vehicles of all lots on the property.
21 The capital reserve funds shall ensure maintenance as well as resurfacing of the private roads and
22 associated improvements such as, but not limited to, storm drainage, street lights, and street trees
23 normally associated with public roads.

24 (iv) The requirements of Section 11-276 of the Prince George's County
25 Code shall be met by having the Fire Chief or his designee approve the private roads or rights-of-
26 way, notwithstanding Section 11-276(b) and Section 11-276(f) for one- and two-family detached
27 dwellings. For all others, the requirements of Section 11-276 shall apply.

28 (v) Development shall comply with all other applicable requirements of the
29 Code. Private roads shall be bonded, permitted, and inspected by the Department of Public
30 Works and Transportation pursuant to Section 23-142(b) of the Prince George's County Code
31 and shall include public storm drain easements. Private streets for townhouses shall be

1 constructed in compliance with Section 27-433(e) of the Code or as determined by the
2 Department of Public Works and Transportation. All private roadways serving more than four
3 (4) lots or dwelling units shall be constructed to remain passable during a 100-year flood event
4 pursuant to Section 23-136(a)(4)(D) of the Prince George's County Code.

5 (vi) If property in the M-X-C Zone is the subject of a recorded final plat of
6 subdivision with public roads, upon satisfying the above criteria, the owner may vacate the
7 public roads and replat the roads pursuant to the provisions of Section 24-108 to create parcels to
8 be conveyed to a homeowners' association.

9 * * * * *

10 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect thirty (30)
11 calendar days after it becomes law.

Adopted this 18th day of November, 2003.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.