



**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

Legislative Session \_\_\_\_\_ 1990 \_\_\_\_\_

Bill No. \_\_\_\_\_ CB-39-1990 \_\_\_\_\_

Chapter No. \_\_\_\_\_ 45 \_\_\_\_\_

Proposed and Presented by Council Members Mills & Wineland

Introduced by \_\_\_\_\_ Council Members Mills and Wineland \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_ June 12, 1990 \_\_\_\_\_

**SUBDIVISION BILL**

AN ACT concerning

Vehicular Access

FOR the purpose of allowing the Planning Board to approve vehicular access easements under certain circumstances, reinstating provisions for owners of certain landlocked properties to seek authorization for permits, and eliminating the processing fee.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Section 24-128,

The Prince George's County Code

(1987 Edition, 1988 Supplement,

as amended by CB-30-1989).

SECTION 1. BE IT ENACTED by the

County Council of Prince George

's County, Maryland, that Section 24-128 of the Prince George's

County Code be and the same is hereby repealed and reenacted with

the following amendments:

**SUBTITLE 24. SUBDIVISIONS.**

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

**Sec. 24-128. Private roads and easements.**

\* \* \* \* \*

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

\* \* \* \* \*

(9) Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board.

[ (9) ] (10) \* \* \* \* \*

(c) Upon petition of the owner of [a] an existing lot having its sole frontage on, or its only direct vehicular access to, a private right-of-way or easement not provided for by Subsection (b), Paragraphs (2) through (8), above, and upon the recommendation of the County Executive, the County Council, by resolution, may approve the issuance of a building permit for [a detached one-family dwelling] any building or other structure on such lot, subject to the following conditions:

(1) For a one-family detached dwelling, and structures accessory thereto, including a detached garage, but excluding any other buildings, such approval shall be based upon a finding that the private right-of-way or easement is adequate to serve such lot and the development proposed thereon, provided that such development

complies with all other applicable requirements of this Code. [A fee of One Hundred Dollars (\$100.00) shall be charged for the costs associated with this determination.]

(2) For any other building or structure, such approval shall not be granted unless the findings in Paragraph (1) are made, and the owner submits documentary evidence demonstrating the inability to obtain access for use of the parcel by any other means, including dedication to public use of the right-of-way. In addition, the owner shall submit detailed construction plans demonstrating that the private road shall be constructed in accordance with the provisions governing standard paving sections and Fire Department access in Subtitle 11 and Subtitle 23 of this Code. Such plans shall be reviewed by the Department of Public Works and Transportation for adequacy, a performance bond shall be posted by the owner in an amount determined by that Department, and the Department shall have the right to inspect all work for conformance with the approved plans.

(3) No private right-of-way or easement across land in a Residential Zone shall be deemed adequate access to serve any development other than a one-family detached dwelling, and structures accessory thereto, including a detached garage, but excluding any other buildings.

[ (2) ] (4) \* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect on the date it becomes law.

Adopted this 24th day of July, 1990.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Jo Ann T. Bell  
Chairman

ATTEST:

\_\_\_\_\_  
Jean M. Schmuhl, CMC  
Clerk of the Council

APPROVED:

DATE: August 2, 1990

BY: \_\_\_\_\_  
Parris N. Glendening  
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.