

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2008 Legislative Session

Bill No. CB-25-2008
 Chapter No. 33
 Proposed and Presented by Council Members Dean and Exum
 Introduced by Council Members Dean and Exum
 Co-Sponsors _____
 Date of Introduction June 10, 2008

SUBDIVISION BILL

1 AN ACT concerning

2 Adequate Public Facilities and Roads

3 For the purpose of amending the findings for adequacy of public facilities and roads
 4 improvements for development on property subject to a specific public facilities financing and
 5 implementation program.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Sections 24-122.01 and 24-124,

9 The Prince George's County Code

10 (2003 Edition, 2006 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Sections 24-122.01 and 24-124 of the Prince George's County Code be and the
 13 same are hereby repealed and reenacted with the following amendments:

14 **SUBTITLE 24. SUBDIVISIONS.**

15 **DIVISION 3. REQUIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.**

16 **Sec. 24-122.01. Adequacy of public facilities.**

17 (a) The Planning Board may not approve a subdivision plat if it finds that adequate public
 18 facilities do not exist or are not programmed for the area within which the proposed subdivision
 19 is located, as defined in the ["Guidelines for the Analysis of Development Impact on Fire and
 20 Rescue Facilities," "Guidelines for the Analysis of Development Impact on Police Facilities,"]
 21 "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" and

1 "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning
 2 Board shall require adequate public facilities, as provided in this Section and in Division 4 of this
 3 Subtitle.

4 (b) Water and sewerage.

5 (1) The location of the property within the appropriate service area of the Ten Year
 6 Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability
 7 of public water and sewerage for preliminary or final plat approval.

8 (c) Police facilities.

9 (1) Before any preliminary plat may be approved, the Planning Board shall find that:

10 (A) The population and/or employees generated by the proposed subdivision at
 11 each stage of the proposed subdivision will not exceed the service capacity of existing police
 12 stations as determined by the Planning Board in the ["Guidelines for the Analysis of
 13 Development Impact on Police Facilities,"] "Guidelines for the Mitigation of Adequate Public
 14 Facilities: Public Safety Infrastructure" as may be amended from time to time; or

15 (B) An adequate police facility available to serve the population and/or
 16 employees generated by the proposed subdivision has been programmed with one hundred
 17 percent (100%) of the expenditures for the construction of such a facility within the adopted
 18 County Capital Improvement Program as determined under the "Guidelines"; or

19 (C) That improvements participated in or funded by the subdivider, including
 20 participation in a specific Public Facilities Financing and Implementation Program as defined in
 21 Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."

22 (d) Fire and rescue facilities.

23 (1) Before any preliminary plat may be approved, the Planning Board shall find that:

24 (A) The population and/or employees generated by the proposed subdivision at
 25 each stage of the proposed subdivision will be within the adequate coverage area of the nearest
 26 fire and rescue station(s) as determined by the Planning Board in the ["Guidelines for the
 27 Analysis of Development Impact on Fire and Rescue Facilities"] "Guidelines for the Mitigation
 28 of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to
 29 time; or

30 (B) An adequate fire and rescue station(s) available to serve the population
 31 and/or employees generated by the proposed subdivision has been programmed with one

1 hundred percent (100%) of the expenditures for the construction of such a facility within the
2 adopted County Capital Improvement Program as determined under the "Guidelines", provided,
3 however, that if construction of such improvements has not commenced within nine (9) years
4 after the first year the project is fully funded in an adopted County Capital Improvement
5 Program, the preliminary plat may not be considered and approved by the Planning Board based
6 upon future construction until such facilities are actually constructed; or

7 (C) That improvements participated in or funded by the subdivider, including
8 participation in a specific public facilities financing and implementation program as defined in
9 Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."

10 * * * * *

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

12 **Sec. 24-124. Adequate roads required.**

13 (a) Before any preliminary plat may be approved, the Planning Board shall find that:

14 (1) There will be adequate access roads available to serve traffic which would be
15 generated by the proposed subdivision, or there is a proposal for such roads on an adopted and
16 approved master plan and construction scheduled with one hundred percent (100%) of the
17 construction funds allocated within the adopted County Capital Improvement Program, [and/or]
18 within the current State Consolidated Transportation Program[;], and/or such roads are
19 incorporated in a specific public facilities financing and implementation program as defined in
20 Section 27-107.01(186.1); and

21 (2) The traffic generated by the proposed subdivision will be accommodated on
22 major intersections and major roadways within the established study area such that they will be
23 functioning below the minimum peak-hour service levels adopted by the Planning Board in the
24 "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as may be
25 amended from time to time (hereinafter the "study area" refers to major intersections and major
26 roadways as defined in the "Guidelines"); or

27 (3) Roadway improvements or trip reduction programs fully funded by the subdivider
28 or his heirs, successors, and assigns will alleviate the inadequacy as defined in the "Guidelines;"
29 or

30 (4) Roadway improvements fully funded by the subdivider and the County and/or the
31 State government which will alleviate any inadequacy as defined in the "Guidelines," and which

1 will provide surplus capacity, may be eligible for the establishment of a Surplus Capacity
2 Reimbursement Procedure, as defined in the "Guidelines," provided:

3 (A) The transportation facility improvements are identified in the Adopted
4 County Capital Improvement Program or current State Consolidated Transportation Program,
5 with an amount greater than zero percent (0%) but less than one hundred percent (100%) of the
6 total cost to complete the improvements[;], and/or are incorporated in a specific public facilities
7 financing and implementation program as defined in Section 27-107.01(186.1); and

8 (B) The total cost estimates to complete the improvements have been approved
9 by the Planning Board upon acceptance by the appropriate public agency; and

10 (C) The necessary permits for construction of the transportation facility
11 improvements have been issued by the appropriate public agency; and

12 (D) The subdivider agrees to fund the difference between the total cost to
13 complete the improvements and the amount allocated for the improvements by the County or
14 State government in the Adopted CIP or current CTP; or

15 * * * * *

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

Adopted this 23rd day of July , 2008.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Samuel H. Dean
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.