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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1990 _____

Bill No. _____ CB-105-1990 _____

Chapter No. _____ 75 _____

Proposed and Presented by _____ Council Member Pemberton _____

Introduced by _____ Council Member Pemberton _____

Co-Sponsors _____

Date of Introduction _____ September 25, 1990 _____

SUBDIVISION BILL

AN ACT concerning

Private Roads and Easements

FOR the purpose of permitting the Planning Board to approve private rights-of-way in the M-X-T and R-M Zones under certain conditions.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Section 24-128(b),

The Prince George's County Code

(1987 Edition, 1989 Supplement, as amended
by CB-39-1990).

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Prince George's County, Maryland, that Section 24-128(b) of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments: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

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(7) In Comprehensive Design and Mixed Use Zones:

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(D) For land in the R-M and the M-X-T Zones, the Planning Board may approve a preliminary plan of subdivision that includes single-family detached or multifamily dwellings, with private roads to serve all types of dwelling units, in accordance with the following requirements:

(i) The preliminary plan for the subject property shall include a statement explaining why private roads or rights-of-way will be used. The applicant shall demonstrate that dedicating roads or rights-of-way to public use in the subdivision is impractical or unnecessary, and that using private access is consistent with sound planning for the development.

(ii) The Planning Board shall find that the proposed access by private roads or rights-of-way will be adequate to serve the lots in the subdivision.

(iii) Covenants approved as to form and sufficiency by the Planning Board's attorney and the County Attorney shall be recorded among the Land Records of Prince George's County,

Maryland, stating that the subject property is to be developed with private roads or rights-of-way, and that the property's homeowners' association, property owners, or tenants are responsible for the maintenance of all private roads or rights-of-way, and for the accessibility to emergency vehicles of all lots on the property.

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

(v) The private roads to be constructed shall, at a minimum, comply with the following: pavement sections shall consist of four (4) inches of bank-run gravel, four (4) inches of bank-run gravel bituminous concrete, and two (2) inches of bituminous concrete; and pavement widths shall be at least twenty-six (26) feet, if onstreet parking is not permitted, within a right-of-way of at least twenty-eight (28) feet, or at least thirty-four (34) feet, if onstreet parking is permitted, within a right-of-way of at least thirty-six (36) feet.

(vi) The preliminary plan shall provide for no more than twenty percent (20%) single-family detached dwelling units.

(vii) Development shall comply with all other applicable requirements of this Code.

(viii) When the subdivision includes single-

family detached units, the preliminary plan for the subject property shall include a resolution adopted by the County Council prior to approval of the preliminary plat which determines the adequacy of the private road to protect the health, safety, and welfare of the residents of the development to be served. This resolution shall not serve as prima facie evidence of the adequacy of the road to serve the lots in the development.

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

Adopted this 13th day of November, 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: November 28, 1990

BY: _____
Parris N. Glendening
County Executive

KEY:

Underscoring indicates language added to existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.