

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 9/16/2003

**Reference No.:** CB-44-2003

**Proposer:** Peters

**Draft No.:** 2

**Sponsors:** Peters, Dean, Harrington

**Item Title:** A Subdivision Bill permitting the Planning Board to approve private rights-of-way or easements in the C-S-C, M-A-C-, M-X-C and M-X-T Zones under certain circumstances

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**Drafter:** Jackie Brown, Director  
PZED Committee

**Resource** Ric Santos  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:**

**Date Presented:** 7/1/2003

**Executive Action:** 9/29/2003 S

**Committee Referral:** 7/1/2003 PZED

**Effective Date:** 9/16/2003

**Committee Action:** 7/23/2003 FAV(A)

**Date Introduced:** 7/29/2003

**Public Hearing:** 9/16/2003 10:00 A.M.

**Council Action:** 9/16/2003 ENACTED

**Council Votes:** PS:A, MB:A, SHD:A, TD:-, CE:A, DCH:A; TH:A, TK:A, DP:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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**PLANNING, ZONING AND ECON. DEV. COMMITTEE REPORT**

**7/23/03**

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Harrington, Dean, Dernoga, and Exum)

Staff gave an overview of the proposed amendments to Subtitle 24, the Subdivision Regulations, contained in CB-44-2003. Section 24-128(a) currently requires that every subdivided lot or parcel approved by the Planning Board have frontage on a public street. Section 24-128(b) has 14 exceptions to this requirement, and CB-44 adds an additional exception for lots or parcels within an integrated shopping center located in the C-S-C, M-A-C, M-X-C or M-X-T Zone.

A Proposed Draft-2 (DR-2) was prepared to address technical concerns raised by legal staff concerning the coordination between the Subdivision Regulations and the Zoning Ordinance

related to the interpretation of the definition of street. The bill is amended on page 2, beginning on line 16, to remove the following language: “rather than the creation of a street per the definition of a street in Part 2 of Subtitle 27. As such, setback and any other requirements related to streets shall not apply.” A companion bill, CB-57-2003 amends the definition of “street” in Section 27-107.01 of the Zoning Ordinance.

The Planning Board supports the legislation. The Principal Counsel provided a memorandum noting formatting and technical amendments to the bill. The Office of Audits and Investigations determined there should not be any negative fiscal impact on the County as a result of enacting CB-44.

The committee voted favorably on the legislation including the deletion of the language proposed in DR-2.

### **BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

The Planning Board is currently permitted to approve preliminary plans of subdivision containing private roads, rights-of-way, and/or easements in specific zones, under a number of circumstances. This legislation allows the Planning Board to approve private rights-of-way or easements to serve lots within integrated shopping centers located in certain zones.

### **CODE INDEX TOPICS:**