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

Legislative Session

1992

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Bill No. \_\_\_\_\_ CB-40-

1992

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Chapter No.

45

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Proposed and Presented by \_\_\_\_\_ Council Member  
Wineland \_\_\_\_\_

Introduced by \_\_\_\_\_ Council Member  
Wineland \_\_\_\_\_

Co-Sponsors

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Date of Introduction \_\_\_\_\_ June 2,  
1992 \_\_\_\_\_

**SUBDIVISION BILL**

AN ACT concerning

Private Roads and Easements

FOR the purpose of delegating authority to the Director of the Department of Public Works and Transportation to determine that certain private rights-of-way or easements are adequate for the issuance of building permits.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Section 24-128,  
The Prince George's County Code  
(1991 Edition).

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of Prince George's County, Maryland, that Section 24-128 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments: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.**

\* \* \* \* \*  
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(c) Upon petition of the owner of 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 (9), above, the Director of the Department of Public Works and Transportation may determine the adequacy of the private right-of-way or easement for the issuance of a building permit for a building or other structure on such lot, subject to the following conditions:

(1) The use of such lot shall be restricted to one-family detached dwellings or agricultural uses, and structures and uses accessory thereto;

(2) The private right-of-way or easement width shall be a minimum of fifteen (15) feet, and the travel way width shall be a minimum of ten (10) feet;

(3) Such authorization shall be based upon a written finding that the private right-of-way or easement is adequate to serve the extent of the development proposed;

(4) The private right-of-way or easement shall not lie within a municipality or connect to a street under the jurisdiction of a municipality; and

(5) The development shall comply with all other applicable requirements of this Code.

[(c)] (d) Upon petition of the owner of 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),] (9) or Subsection (c), above, and upon the recommendation of the County Executive, the County Council, by resolution, may approve the issuance of a building permit for any building or other structure on such lot, subject to the following conditions:

\* \* \* \* \*  
\*

[(d)] (e) When the private right-of-way or easement, which is the subject of a petition pursuant to Subsection [(c),] (d), lies within a municipality or connects to a street under the jurisdiction of a municipality, the municipality shall be given notice of said petition. The municipality shall have thirty (30) calendar days from the date such notice is mailed to review the petition and to submit comments thereon to the

Department of Public Works and Transportation. In the event that a municipality recommends denial of the petition, said petition may be granted only upon the affirmative vote of two-thirds of the full Council.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect thirty (30) calendar days from the date it becomes law.

Adopted this 21st day of July, 1992.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

\_\_\_\_\_

Richard J. Castaldi  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Acting Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_  
\_\_\_\_\_

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.