

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2014 Legislative Session**

Bill No. CB-28-2014

Chapter No. 20

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Franklin, Turner and Davis

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

Date of Introduction May 13, 2014

**SUBDIVISION BILL**

1 AN ACT concerning

2 Department of Permitting, Inspections, and Enforcement

3 For the purpose of amending provisions of Subtitle 24 to transfer certain responsibilities and  
4 functions to the Department of Permitting, Inspections, and Enforcement.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS.

7 Sections 24-101, 24-116, 24-119, 24-119.01, 24-120, 24-121, 24-123,  
8 24-127, 24-128, and 24-152,

9 The Prince George's County Code  
10 (2011 Edition; 2013 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
12 Maryland, that Sections 24-101, 24-116, 24-119, 24-119.01, 24-120, 24-121, 24-123, 24-127,  
13 24-128, and 24-152 of the Prince George's County Code be and the same are hereby repealed and  
14 reenacted with the following amendments:

15 **SUBTITLE 24. SUBDIVISIONS.**

16 **DIVISION 1. GENERAL PROVISIONS.**

17 **SUBDIVISION 1. DEFINITIONS.**

18 **Sec. 24-101. Definitions.**

19 \* \* \* \* \*

20 (b) The following terms used in this Subtitle are defined as follows:

21 \* \* \* \* \*

1 (3) **Concept Study, Stormwater Management:** A generalized, conceptual plan to  
2 show the proper disposal of stormwater, pursuant to the procedures and standards set forth in  
3 Subtitles 4 and 23 of this Code, as administered by the Department of [Environmental  
4 Resources] Permitting, Inspections, and Enforcement.

5 \* \* \* \* \*

6 **DIVISION 2. APPLICATION PROCEDURES AND DOCUMENTS.**

7 **Sec. 24-116. Subdivision Review Committee.**

8 \* \* \* \* \*

9 (b) **Committee Membership.** The Committee shall be composed of representatives from  
10 the following agencies, departments, and offices: the Planning Department, the Department of  
11 Parks and Recreation, the Police Department, the Department of Public Works and  
12 Transportation, the Washington Suburban Sanitary Commission, [the Department of  
13 Environmental Resources,] the Department of Permitting, Inspections, and Enforcement, the Fire  
14 Department, the State Highway Administration, the Soil Conservation District, the Department  
15 of Housing and Community Development, and, when appropriate, the Health Department, the  
16 Historic Preservation Commission, and the Board of Education.

17 \* \* \* \* \*

18 **Sec. 24-119. Procedures for major subdivisions.**

19 \* \* \* \* \*

20 (d) **Preliminary Plan.** The subdivider shall present a preliminary plan to the Planning  
21 Department.

22 \* \* \* \* \*

23 (5) An approved preliminary plan of subdivision shall remain valid for two (2) years  
24 from the date of its approval, unless an extension of the validity period is granted.

25 (A) Extensions of the validity of an approved preliminary plan may be granted  
26 by the Planning Board provided:

27 \* \* \* \* \*

28 (vii) A final extension of up to two (2) years from the expiration of a  
29 previously approved extension(s) may be granted upon the applicant's submission to the  
30 Planning Board of a letter from a permitting agency (including, but not limited to the  
31 Washington Suburban Sanitary Commission, U.S. Army Corps of Engineers, Maryland

1 Department of Water Resources Administration, Prince George's County Department of  
2 [Environmental Resources] Permitting, Inspections, and Enforcement indicating:

- 3 (aa) The date of application for the required permit;
- 4 (bb) That the issuance of the required permit is delayed due to
- 5 circumstances beyond the control of the applicant; and
- 6 (cc) The approximate date of issuance of the required permit.

7 \* \* \* \* \*

8 **Sec. 24-119.01. Informational mailing, civic association registration.**

9 (a) Informational mailings with applications.

10 \* \* \* \* \*

11 (2) The applicant shall send informational mailings to previous persons of record for  
 12 the following types of applications: Preliminary Plans of Subdivision, including a minor  
 13 preliminary plan to be approved by the Planning Board, Sketch Plans for Conservation  
 14 Subdivisions, Zoning Map Amendments, Comprehensive and Specific Design Plans, Conceptual  
 15 and Detailed Site Plans, Special Exceptions and Revisions of Site Plans for Special Exceptions,  
 16 Special Permits, Variances and Chesapeake Bay Critical Area Conservation Plans filed in  
 17 conjunction with other applications requiring public hearings by the Planning Board or District  
 18 Council, Nonconforming Use Certifications, Departures from Sign or Design Standards, and  
 19 Departures from the required number of Parking and Loading Spaces. It applies to private  
 20 applications to amend those zones, plans permits, and departures; to amend the M-U-T-C, T-D-  
 21 O, or D-D-O Zone; to approve or amend the M-U-I Zone; and to amend conditions imposed by  
 22 the Planning Board or District Council. It applies to all applications to amend an Aviation Policy  
 23 Area or a Chesapeake Bay Critical Area Overlay Zone. It applies to all Sectional Map  
 24 Amendments where a Regulating Plan was approved in accordance with Subtitle 27A of the  
 25 County Code. It does not apply to District Council initiated plans and studies for the M-U-T-C,  
 26 T-D-O, or D-D-O Zone, to Special Exception revocation petitions filed by the Department of  
 27 [Environmental Resources] Permitting, Inspections, and Enforcement, or to applications which  
 28 the Planning Director is authorized to approve administratively.

29 **DIVISION 2. APPLICATION PROCEDURES AND DOCUMENTS.**

30 **Sec. 24-120. Documents required for major subdivisions.**

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(b) Final Plat.

\* \* \* \* \*

(2) If required, the final street profiles shall be submitted as a part of the final plat.

The street profiles shall be approved by the Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement, or the municipality, as appropriate.

\* \* \* \* \*

(6) The Final Plat shall show:

\* \* \* \* \*

(F) The location of property line markers or monuments. Such monuments and metal property line markers shall be three-quarters (3/4) of an inch in diameter and twenty-four (24) inches in length, and shall be placed in the ground at all lot corners, intersections of streets, intersection of streets and alleys with property boundary lines, and at all points on street, alley, and lot boundary lines where there is a change in direction or curvature;

\* \* \* \* \*

(ii) After completion of road, street, and alley grading and paving in the subdivision, and the grading and landscaping of lots, it shall become the duty of the property owner to commission a registered land surveyor to place the markers and monuments in the ground as required by this Subtitle, and as certified by the land owner on the record plat, or to certify that such markers are in place. Certification that such markers are in place shall be made to the Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement in the case of markers and monuments required for streets and alleys, and [to the Department of Licenses and Permits] for those required to designate lot corners and boundaries.

\* \* \* \* \*

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

**Sec. 24-121. Planning and design requirements.**

(a) The Planning Board shall require that proposed subdivisions conform to the following:

\* \* \* \* \*

(14) If an entrance feature or gateway sign is proposed in a residential subdivision, it shall be identified on the preliminary plan on a separate Homeowners' Association parcel, or easement located on a homeowner's lot, and be designed in accordance with the standards in

1 Section 27-624 of the Zoning Ordinance. A Homeowners' Association or other entity or person  
2 designated in a maintenance arrangement approved by the Department of [Environmental  
3 Resources] Permitting, Inspections, and Enforcement, shall be responsible for the maintenance of  
4 the entrance feature or gateway sign.

5 (15) The Planning Board shall not approve a preliminary plan of subdivision until  
6 evidence is submitted that a stormwater management concept plan has been approved by the  
7 Department of [Environmental Resources] Permitting, Inspections, and Enforcement or the  
8 municipality having approval authority, unless the Planning Board finds that such approval will  
9 not affect the subdivision.

10 \* \* \* \* \*

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

12 **Sec. 24-123. General requirements.**

13 (a) The Planning Board shall require that preliminary plan conform to the following:

14 \* \* \* \* \*

15 (4) All streets proposed for dedication to public use shall be designed to the standards  
16 of the County road ordinance and street standards for width and minimum curve radii or to the  
17 standards of municipalities having jurisdiction. Variations from these standards may be granted  
18 by the Planning Board upon the recommendation of the Department of [Public Works and  
19 Transportation] Permitting, Inspections, and Enforcement or upon the recommendation of the  
20 municipality or other governmental authority having jurisdiction.

21 \* \* \* \* \*

22 **Sec. 24-127. Secondary rural roads.**

23 In the O-S, R-A, R-E, and R-R Zones, in the event lots created by a final plat have a net lot  
24 area of two (2) acres or more and are subjected to covenants that run with the land to restrict  
25 further subdivision of the lots, and said lots are to be restricted to agricultural uses and/or one-  
26 family dwellings only, a secondary rural road, having a minimum right-of-way width of fifty  
27 (50) feet constructed in accordance with Section 23-120 of this Code shall be required. A  
28 maximum of forty-five (45) lots shall have access to the secondary rural road, every secondary  
29 rural road shall connect to another public road, but no secondary rural road shall connect two (2)  
30 other public roads. No final plat of subdivision shall be approved without the posting of a  
31 completion bond with the Department of [Public Works and Transportation] Permitting,

1 Inspections, and Enforcement for construction of all secondary rural roads necessary to serve all  
2 lots fronting on said secondary rural road.

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

4 \* \* \* \* \*

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

7 \* \* \* \* \*

8 (3) In any O-S, R-A, R-E, or R-R Zone, upon the submission by the subdivider of  
9 covenants running with the land, which the Planning Board finds meet the purposes and intent of  
10 this paragraph, and upon a finding that the subdivision will not adversely affect the development  
11 of a public road system in the area of the subject property, the Planning Board may approve the  
12 subdivision with private rural roads provided that such private rural roads are designated as  
13 common areas as herein defined, and subject to the following conditions:

14 \* \* \* \* \*

15 (D) A private rural road shall not connect to more than one (1) public road and  
16 shall be constructed in accordance with the private rural road standards, pursuant to Subtitle 23  
17 of this Code. No final plat of subdivision shall be approved without completion of the road or  
18 the posting of a completion bond with the Department of [Public Works and Transportation]  
19 Permitting, Inspections, and Enforcement to assure completion of the road prior to the issuance  
20 of any use and occupancy permit.

21 \* \* \* \* \*

22 (7) In Comprehensive Design and Mixed Use Zones:

23 (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-  
24 X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all  
25 attendant plans of development) with private roads to serve attached single-family dwellings,  
26 two-family dwellings, and three-family dwellings, but not single-family detached or multifamily  
27 dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of  
28 the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R  
29 Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision  
30 with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a  
31 public right-of-way. The District Council may disapprove the inclusion of alleys during the

1 consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section,  
2 an "alley" shall mean a road providing vehicular access to the rear or side of abutting lots, and  
3 which is not intended for general traffic circulation.

4 \* \* \* \* \*

5 (ii) The pavement width of private alleys shall be not less than eighteen  
6 (18) feet when it is determined that the provision of the minimum width is consistent with a safe,  
7 efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots  
8 with frontage on a public street, alleys shall not be required to be improved with street trees or  
9 curb and gutter, unless a drainage problem has been identified by the Department of  
10 [Environmental Resources] Permitting, Inspections, and Enforcement or the Department of  
11 Public Works and Transportation.

12 \* \* \* \* \*

13 (13) Notwithstanding any provision of this Code to the contrary, the Planning Board  
14 may approve a system of public roads, private roads, rights-of-way, and/or easements for a  
15 subdivision, with land in any Residential Zone and/or the R-M Zone, provided a portion of the  
16 land is zoned M-X-T and all of the land is the subject of the same approved Conceptual Site  
17 Plan. In such cases, the applicant shall present the Planning Board with sufficient assurances  
18 regarding the perpetual maintenance of the nonpublic roads. Prior to action by the Planning  
19 Board, the Department of [Public Works and Transportation] Permitting, Inspections, and  
20 Enforcement shall approve the conceptual design and widths of the nonpublic roads and  
21 conceptual connections to public roads.

22 (14) For an integrated development which shall contain either land in each of the R-A,  
23 L-A-C, and R-L Zones which is a planned golf course community, or land in the M-X-C Zone,  
24 the Planning Board may approve a subdivision that includes single-family detached or single-  
25 family attached dwellings with private roads, and public utility easements for water and sewer,  
26 natural gas, electric, and telephone service and private easements for all other public utilities in  
27 accordance with the following requirements:

28 \* \* \* \* \*

29 (B) Department of [Public Works and Transportation] Permitting, Inspections,  
30 and Enforcement shall review and comment and the Planning Board shall find that the proposed

1 access by private roads or rights-of-way will be adequate to serve the lots in the subdivision and  
2 that they are consistent with a safe, efficient, hierarchical street system for the development.

3 \* \* \* \* \*

4 (E) Development shall comply with all other applicable requirements of the  
5 Code. Private roads shall be bonded, permitted, and inspected by the Department of Public  
6 Works and Transportation pursuant to Section 23-142(b) of the Prince George's County Code  
7 and shall include public storm drain easements. Private streets for townhouses shall be  
8 constructed in compliance with Section 27-433(e) of the Code or as determined by the  
9 Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement. All  
10 private roadways serving more than four (4) lots or dwelling units shall be constructed to remain  
11 passable during a 100-year flood event pursuant to Section 23-136(a)(4)(D) of the Prince  
12 George's County Code.

13 \* \* \* \* \*

14 (16) Within a MARC Planned Community developed in accordance with Section  
15 27-475.06.05, the Planning Board may approve a subdivision with private roads, rights-of-way,  
16 easements or alleys provided that:

17 \* \* \* \* \*

18 (B) The pavement width of private alleys shall be not less than eighteen (18) feet  
19 when it is determined that the provision of the minimum width is consistent with safe, efficient,  
20 vehicular access to individual lots. Since alleys only provide vehicular access to lots with  
21 frontage on a public street, alleys shall not be required to be improved with street trees or curb  
22 and gutter, unless a drainage problem has been identified by the Department of [Environmental  
23 Resources] Permitting, Inspections, and Enforcement or the Department of Public Works and  
24 Transportation; and

25 (C) The Department of [Public Works and Transportation] Permitting,  
26 Inspections, and Enforcement shall review and comment on all proposed private roads, and the  
27 Planning Board shall find that the proposed access by private roads or rights-of-way will be  
28 adequate to serve the lots in the subdivision and that they are consistent with a safe, efficient,  
29 hierarchical street system for the development.

30 \* \* \* \* \*



1 (c) Upon petition of the owner of an existing lot having its sole frontage on, or its only  
2 direct vehicular access to, a private right-of-way or easement not provided for by Subsection (b),  
3 paragraphs (2) through (11), above, the Director of the Department of [Public Works and  
4 Transportation] Permitting, Inspections, and Enforcement may determine the adequacy of the  
5 private right-of-way or easement for the issuance of a building permit for a building or other  
6 structure on such lot, subject to the following conditions:

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

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

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

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

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

17 (d) Upon petition of the owner of an existing lot having its sole frontage on, or its only  
18 direct vehicular access to, a private right-of-way or easement not provided for by Subsection (b),  
19 paragraphs (2) through (11), or Subsection (c), above, and upon the recommendation of the  
20 County Executive, the County Council, by resolution, may approve the issuance of a building  
21 permit for any building or other structure on such lot, subject to the following conditions:

22 \* \* \* \* \*

23 (2) For any other building or structure, such approval shall not be granted unless the  
24 findings in paragraph (1) are made, and the owner submits documentary evidence demonstrating  
25 the inability to obtain access for use of the parcel by any other means, including dedication to  
26 public use of the right-of-way. In addition, the owner shall submit detailed construction plans  
27 demonstrating that the private road shall be constructed in accordance with the provisions  
28 governing standard paving sections and Fire Department access in Subtitle 11 and Subtitle 23 of  
29 this Code. Such plans shall be reviewed by the Department of [Public Works and  
30 Transportation] Permitting, Inspections, and Enforcement for adequacy, a performance bond  
31

1 shall be posted by the owner in an amount determined by that Department, and the Department  
2 shall have the right to inspect all work for conformance with the approved plans.

3 \* \* \* \* \*

4 (e) When the private right-of-way or easement, which is the subject of a petition pursuant  
5 to Subsection (d), lies within a municipality or connects to a street under the jurisdiction of a  
6 municipality, the municipality shall be given notice of said petition. The municipality shall have  
7 thirty (30) calendar days from the date such notice is mailed to review the petition and to submit  
8 comments thereon [to the Department of Public Works and Transportation]. In the event that a  
9 municipality recommends denial of the petition, said petition may be granted only upon the  
10 affirmative vote of two-thirds of the full Council.

11 \* \* \* \* \*

12 **DIVISION 11. CONSERVATION SUBDIVISIONS.**

13 **Sec. 24-152. Conservation Subdivisions.**

14 \* \* \* \* \*

15 (h) **Residential development area.**

16 \* \* \* \* \*

17 (4) Stormwater management. The applicant shall utilize low impact development  
18 (LID) techniques, unless otherwise authorized by the Department of [Public Works and  
19 Transportation (DPW&T)] Permitting, Inspections, and Enforcement. For purposes of this  
20 Section, "low impact development (LID) techniques" refer to stormwater management designs  
21 that accommodate stormwater through the use of existing hydrological site features and by  
22 reducing impervious surfaces (roadways), curbs, and gutters; decreasing the use of storm drain  
23 piping, inlet structures; and eliminating or decreasing the size of stormwater ponds. Due to the  
24 constraints associated with the lot sizes in a Public Benefit Conservation Subdivision, traditional  
25 stormwater management designs and practices may need to be utilized, particularly adjacent to  
26 lots of less than twenty thousand (20,000) square feet where urban street construction utilizing  
27 sidewalks should be provided. However, the use of LID and integrated management practices  
28 shall be encouraged to enhance stormwater management. Such integrated management practices  
29 may include bioretention, dry wells, filter buffer, infiltration trenches and similar techniques.  
30

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

Adopted this 17<sup>th</sup> day of June , 2014.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
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.