

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

**1997 Legislative Session**

Bill No. \_\_\_\_\_ CB-4-1997

Chapter No.

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

Introduced by

Co-Sponsors

Date of Introduction

**SUBDIVISION BILL**

AN ACT concerning

Adequate Public Facilities

For the purpose of deleting mitigation techniques for transportation inadequacy from the Subdivision Regulations.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Sections 24-124,

The Prince George's County Code

(1995 Edition, as amended by CB-77-1996).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 24-124 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments: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. 24-124. Adequate roads required.**

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

\* \* \* \* \*

(5) Roadway improvements participated in by the subdivider will alleviate any inadequacy as defined by the "Guidelines." Such participation shall be limited to improvements defined in paragraph (4), above, and with sufficient surplus capacity to

adequately accommodate the subdivider's proposed traffic impact. The amount and timing of the subdivider's participation shall be determined by the Planning Board as defined in the "Guidelines[;]" [or].

[(6) Consideration of certain mitigating actions is appropriate as defined in the approved "Guidelines for Mitigation Actions," and as provided below:

(A) Projected traffic service in the study area, which shall be based on existing traffic, traffic generated by other approved development, and growth in through traffic as defined in the "Guidelines," is calculated to be greater than the acceptable level of service; and

(B) The provisions for adequate roads, as described in Subparagraph (a)(1), above, are not met.

(i) Where projected traffic service is calculated to be greater than or equal to twenty-five percent (25%) above, the acceptable peak-hour service level threshold as defined in the "Guidelines," the Planning Board may require that any physical improvement or trip reduction programs participated in, or funded by, the subdivider or his heirs, successors, and assigns shall fully abate the impact of all traffic generated by the proposed subdivision in the study area. Following the development of the proposed subdivision and implementation of the approved mitigation action, the total traffic service will be reduced to no higher than twenty-five percent (25%) above the acceptable peak-hour service level threshold as defined in the "Guidelines" (total traffic service shall be based on projected traffic and traffic generated by the proposed development); or

(ii) Where projected traffic service is calculated to be greater than but less than twenty-five percent (25%) above the acceptable peak-hour service level threshold as defined in the "Guidelines," the Planning Board may require that any physical improvements or trip reduction programs fully funded by the subdivider or his heirs, successors, and assigns shall fully abate the impact of one hundred and fifty percent (150%) of all traffic generated by the proposed subdivision in the study area. Following the development of the proposed subdivision and implementation of the mitigation action, the total traffic service within the

study area will be reduced to no lower than the acceptable peak-hour service level threshold defined in the "Guidelines"; or

(C) Where existing traffic service in the service area is at the acceptable peak-hour service level threshold or better, as defined in the "Guidelines," and if the total traffic service in the study area is no greater than ten percent (10%) above the acceptable peak-hour service level threshold as defined in the "Guidelines" and the proposed subdivision generates less than twenty-five (25) A.M. or P.M. peak-hour trips, the Planning Board may require that the subdivider or his heirs, successors, and assigns shall be responsible for the pro rata cost of the physical improvements necessary to alleviate the inadequacy as defined in the "Guidelines."

(D) Planning Board action on a mitigation action may be appealed to the District Council by the applicant or by any party of record. The appeal shall be filed with the Clerk of the Council within thirty (30) days following notice of action on the mitigation proposal by the Planning Board to all parties of record. The appeal shall be based upon the record as made before the Planning Board and shall set forth the reasons for the appeal. In deciding an appeal of a mitigation action, the Council shall exercise original jurisdiction. For any such appeal, the Council may, based on the record, approve, approve with conditions, remand, or deny the mitigation action.]

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey  
Chair

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

APPROVED:

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

BY:

Wayne K. Curry  
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.