

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2000 Legislative Session

Bill No. CB-72-2000

Chapter No. 84

Proposed and Presented by Council Member Russell

Introduced by Council Member Russell

Co-Sponsors _____

Date of Introduction October 17, 2000

SUBDIVISION BILL

1 AN ACT concerning

2 Private Roads and Easements

3 For the purpose of permitting the Planning Board to approve private rights-of-way in the R-A,
4 L-A-C and R-L Zones under certain circumstances and remove existing provisions concerning
5 private rights-of-way in the R-M and M-X-T Zones.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Section 24-128(b),

9 The Prince George's County Code

10 (1999 Edition).

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13 repealed and reenacted with the following amendments:

14 SUBTITLE 24. SUBDIVISIONS.

15 DIVISION 4. REQUIREMENTS: TRANSPORTATION

16 AND CIRCULATION.

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

18
19 (b) The Planning Board may approve plats and plans of development containing private
20 roads, rights-of-way, and/or easements under the following conditions:

21 * * * * *

(7) In Comprehensive Design and Mixed Use Zones:

* * * * *

[(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 on-street parking is not permitted, within a right-of-way of at least twenty-eight (28) feet; or at least thirty-four (34) feet, if on-street 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.]

* * * * *

(12) Private roads provided for by this Subsection shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width, and shall be adjacent to either right-of-way line.

* * * * *

(14) For an integrated development which shall contain land in each of the R-A, L-A-C and R-L Zones which is a planned golf course community, the Planning Board may approve a subdivision that includes single-family detached or single-family attached dwellings with private roads, and public utility easements for water and sewer, natural gas, electric and telephone service and private easements for all other public utilities 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 and private easements for public utilities other than water and sewer, natural gas, electric and telephone, notwithstanding the restrictions of Section 24-128(b) (12), 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) Department of Public Works and Transportation shall review and comment and 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 and that they are consistent with a safe, efficient hierarchical street system for the development.

(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

1 County, Maryland, stating that the subject property is to be developed with private roads or
 2 rights-of-way, and that the property's homeowners' association, property owners, or tenants are
 3 responsible for the maintenance of all private roads or rights-of-way including appropriate
 4 capital reserve funds, and for the accessibility to emergency vehicles of all lots on the property.
 5 The capital reserve funds shall ensure maintenance as well as resurfacing of the private roads and
 6 associated improvements such as, but not limited to, storm drainage, street lights and street trees
 7 normally associated with public roads.

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

12 (v) Development shall comply with all other applicable requirements of the
 13 Code. Private roads shall be bonded, permitted and inspected by the Department of Public
 14 Works and Transportation pursuant to Section 23-142(b) of the Prince George's County Code
 15 and shall include public storm drain easements. Private streets for townhouses shall be
 16 constructed in compliance with Section 27-433(e) of the code or as determined by the
 17 Department of Public Works and Transportation. All private roadways serving more than four
 18 (4) lots or dwelling units shall be constructed to remain passable during a 100-year flood event
 19 pursuant to Section 23-136(a)(4)(D) of the Prince George's County Code.

20 * * * * *

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

Adopted this 21st day of November, 2000.

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.