

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2009 Legislative Session

Bill No. CB-10-2009

Chapter No. _____

Proposed and Presented by Council Member Knotts

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

SUBDIVISION BILL

1 AN ACT concerning

2 Public Trails

3 For the purpose of restricting the location of public trail easements on private lots.

4 BY repealing and reenacting with amendments:

5 SUBTITLE 24. SUBDIVISIONS.

6 Section 24-123,

7 The Prince George's County Code

8 (2007 Edition, 2008 Supplement).

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
10 Maryland, that Section 24-123 of the Prince George's County Code be and the same is hereby
11 repealed and reenacted with the following amendments:

12 **SUBTITLE 24. SUBDIVISIONS.**

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

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

15 (a) The Planning Board shall require that plats conform to the following:

16 (1) The rights-of-way of all highways, streets, and transit facilities shown on the
17 General Plan, functional master plans, and area master plans shall be shown on the preliminary
18 plat and, when reserved or dedicated, shown on the final plat.

19 (2) All proposed streets shall be continuous and in alignment with existing or platted
20 streets in adjoining subdivisions so as to create a street network that is functional and easily
21 understandable. Generally, streets should cross other streets at right angles.

1 (3) All internal subdivision streets shall be wholly within the County and shall not be
2 designed to directly connect to an adjacent county unless the applicant has obtained the prior
3 written approval of the District Council and the appropriate land use authority of the adjacent
4 County.

5 (A) An applicant must file a written request for said approval. The request shall
6 be filed with the Clerk of the District Council. The District Council must either approve or
7 disapprove said request within forty-five (45) days from the date of filing. Failure of the District
8 Council to act within said forty-five (45) day period shall constitute an approval of the request.
9 For purposes of this provision an internal subdivision street shall be deemed to be a public
10 roadway having a right-of-way width of eighty (80) feet or less.

11 (B) After public hearing before the District Council, the Council shall not allow
12 the proposed bi-county subdivision unless it finds that delivery of public safety services, utility
13 services, and tax collection will be timely and adequate for the lots in Prince George's County.

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

20 (5) Arterial highways shall have a minimum right-of-way width of one hundred and
21 twenty (120) feet; collector streets, a minimum right-of-way width of eighty (80) feet; and
22 parkways, such right-of-way width as may be designated by the Planning Board. The width of
23 secondary subdivision streets shall be not less than fifty (50) feet and the width of primary
24 subdivision streets not less than sixty (60) feet.

25 (6) Land for bike trails and pedestrian circulation systems shall be shown on the
26 preliminary plat and, where dedicated or reserved, shown on the final plat when the trails are
27 indicated on a master plan, the County Trails Plan, or where the property abuts an existing or
28 dedicated trail, unless the Board finds that previously proposed trails are no longer warranted.
29 Notwithstanding the above, an easement for bike trails and pedestrian circulation systems shall
30 not be created on individual residentially zoned lots.
31

1 (7) Bike trails and pedestrian circulation systems constructed on easements held on
2 residentially-zoned property shall comport with the following requirements:

3 (A) Landowners within one-half mile of the subject residential property for the
4 proposed trail must be notified via first-class mail of the pending construction of the trail. The
5 notice shall contain a list of subject properties on which the proposed trail will be situated, as
6 well as the date for the public hearing. Signs notifying the public of the proposed bike trail shall
7 be posted on the subject property and shall comport with the requirements of Section 27-125.03
8 of the Zoning Ordinance;

9 (B) Upon thirty (30) days notice, a public hearing shall be held before the
10 Planning Board on the proposed bike trail and pedestrian circulation system. At the conclusion
11 of the public hearing, the record shall remain open for a period of fifteen (15) days to allow for
12 public comment on the proposed bike trail and pedestrian circulation system;

13 (C) On the portions of the trail constructed employing easements on residential
14 property, manned security posts shall be provided at intervals of every one thousand (1,000) feet.
15 The posts shall be manned by members of the Maryland-National Capital Park and Planning
16 Commission Park Police;

17 (D) Locking barriers shall be provided at the beginning and end of each
18 residential area on which trails are constructed on easements on residential property. The
19 barriers shall be locked during all hours the trail is not open to the public; and

20 (E) Trails constructed on easements on residential property shall be open to the
21 public between the hours of 9 a.m. and 4:00 p.m. daily.
22

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

Adopted this ____ day of _____, 2009.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Marilynn M. Bland
Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
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