

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2004 Legislative Session

Bill No. CB-12-2004

Chapter No. _____

Proposed and Presented by The Chairman (by request – Planning Board)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

SUBDIVISION BILL

1 AN ACT concerning

2 Private Roads and Easements

3 For the purpose of permitting the Planning Board to approve alleys in Comprehensive Design
 4 and Mixed Use Zones under certain circumstances.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS

7 Sections 24-128(b) and 24-137,

8 The Prince George's County Code

9 (1999 Edition).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Sections 24-128(b) and 24-137, of the Prince George's County Code be, and the
 12 same are hereby repealed and reenacted with the following amendments:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 4. REQUIREMENTS: TRANSPORTATION

AND CIRCULATION.

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

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

19 * * * * *

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

21 (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-X, M-A-C, M-X-C,

M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In [the V-L, V-M, and R-L] all of the above [Z]ones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. For the purposes of this Section, an “alley” shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.

* * * * *

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

* * * * *

(8) Within a Transit District Overlay (T-D-O) or Development District Overlay (DDO) Zone, [when private rights-of-way, easements, or roads are authorized in the underlying zone pursuant to the provisions of this Section,] the Planning Board may approve a subdivision with private rights-of-way, easements, alleys or roads [in accordance with the provisions of this Section applicable to that underlying zone].

* * * * *

Sec. 24-137. Cluster subdivision.

(g) Criteria for approval. An approved cluster development shall, through creative design and a variety of one-family detached dwelling styles, provide for a total environment better than that which would normally be achieved under standard regulations. If, in the opinion of the Planning Board, the proposed preliminary plat of subdivision, Conceptual Site Plan, Detailed Site Plan, or architectural drawings could be improved with respect to the criteria listed below by the reasonable modification of the purpose, configuration, location, or design of cluster open

1 space or buildings, or the location or configuration of lots, streets, parking areas, or other
2 features of the development, the proposed preliminary plat of subdivision, Conceptual Site Plan,
3 Detailed Site Plan, or architectural drawings shall be so modified or disapproved. In approving a
4 proposal, the Planning Board shall find that the following criteria have been met, as applicable to
5 the particular plat or plan under consideration:

6 * * * * *

7 (14) When alleys are proposed on the preliminary plan, the Planning Board shall find
8 that their use is appropriate to the overall design and function of the subdivision and that they
9 conform to the provisions of Section 24-128(b)(7)(ii).

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

Adopted this ____ day of _____, 2004

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.