

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

**2000 Legislative Session**

Bill No. CB-68-2000

Chapter No. 61

Proposed and Presented by Council Member Maloney

Introduced by Council Member Maloney

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

Date of Introduction July 25, 2000

**SUBDIVISION BILL**

1 AN ACT concerning

2 Appeals from the Planning Board to the District Council

3 For the purpose of clarifying that the Planning Board must mail notices of its decisions to  
 4 persons of record and that the mailing commences the time when Board decisions may be  
 5 appealed to or called up for review by the District Council.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Sections 24-124 and 24-137,

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 Sections 24-124 and 24-137 of the Prince George's County Code be and the same  
 13 are hereby repealed and reenacted with the following amendments:

**SUBTITLE 24. SUBDIVISIONS.**

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

**Sec. 24-124. Adequate roads required.**

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

18 \* \* \* \* \*

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

21 \* \* \* \* \*

(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 Planning Board shall give notice of its action by sending a copy to each party of record by first-class mail, postage prepaid. 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; or

\* \* \* \* \*

## **DIVISION 6. REQUIREMENTS FOR OPTIONAL APPROACHES.**

### **Sec. 24-137. Cluster subdivision.**

\* \* \* \* \*

(j) Appeal of Board actions. Planning Board action on a preliminary subdivision plat for cluster development may be appealed to the District Council by the applicant or by any party of record as of the date of the hearing. The Planning Board shall give notice of its decision by sending a copy to each party of record by first-class mail, postage prepaid. The appeal shall be filed with the Clerk of the Council within thirty (30) days following notice of action on the cluster proposal by the Planning Board to all parties of record at the hearing thereon. The appeal shall be based upon the record as made before the Planning Board, and shall set forth the reasons for the appeal. Planning Board action on a Conceptual Site Plan, Detailed Site Plan, or architectural drawing for cluster development may be appealed to the District Council in accordance with Section 27-290 of the Zoning Ordinance. In deciding an appeal of a Planning Board action, the Council shall exercise original jurisdiction. For any such appeal, the Council

1 may, based on the record, approve, approve with conditions, remand, or deny the subdivision  
2 plat.

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

Adopted this 6th day of September, 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.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.