

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2008 Legislative Session**

Bill No. CB-33-2008

Chapter No. 43

Proposed and Presented by Council Member Dernoga

Introduced by Council Members Dernoga and Dean

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

Date of Introduction July 23, 2008

**SUBDIVISION BILL**

AN ACT concerning

Subdivisions

For the purpose of establishing requirements, procedures and standards for Public Benefit Conservation Subdivisions and amending certain provisions for conservation subdivisions.

BY repealing and reenacting with amendments:

**SUBTITLE 24. SUBDIVISIONS.**  
Sections 24-128 and 24-152,  
The Prince George's County Code  
(2003 Edition, 2007 Supplement).

**SECTION 1. BE IT ENACTED** by the County Council of Prince George's County, Maryland, that Sections 24-128 and 24-152 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 24. SUBDIVISIONS.**

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

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

(a) No subdivision plat or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.

\* \* \* \* \*

1 (4) In the R-T Zone, in the R-R Zone when townhouses are provided in accordance  
2 with a Public Benefit Conservation Subdivision, and in the R-30, R-30C, R-18, and R-18C  
3 Zones, when land is developed in conformance with the requirements of the R-T Zone, the  
4 Planning Board may approve the subdivision with private roads, pursuant to the provisions of  
5 Section 27-433 of the Zoning Ordinance.

6 \* \* \* \* \*

7 **DIVISION 11. CONSERVATION SUBDIVISIONS.**

8 **Sec. 24-152. Conservation Subdivisions.**

9 (a) **Applicability.** Conservation subdivision design shall be required for all preliminary  
10 plats of subdivision for residentially zoned land located in the Rural Tier approved after June 30,  
11 2006, with the exception of applications for:

- 12 (1) Property zoned R-80; or
- 13 (2) Four (4) or fewer lots, provided no additional subdivision for additional lots is  
14 permitted for the entirety of the original application and the original property has not been the  
15 result of a previous subdivision pursuant to Section 24-107(c)(3).

16 (b) **Purpose.** The purpose of a conservation subdivision is to protect the character of land  
17 through the permanent preservation of farmland, woodland, sensitive natural features, scenic and  
18 historic landscapes, vistas, and unique features of the site in keeping with the General Plan and  
19 Countywide Green Infrastructure Plan. The standards in this Section provide for lots, open space  
20 and internal street designs that conserve woodlands, farmland, farm structures, historic  
21 structures, and the scenic and unique character of development sites. A conservation subdivision  
22 prioritizes site characteristics for conservation and is intended to create a site layout that  
23 conserves important site features such as open space networks, blocks of productive farmland,  
24 unique characteristics of a site and contiguous woodland habitats. The site design should  
25 encourage agricultural pursuits, create attractive development layouts respecting existing features  
26 of the site, and encourage connectivity between scenic, historic, agricultural, and environmental  
27 characteristics of abutting properties.

28 (c) **Purpose of a Public Benefit Conservation Subdivision.** The purpose of a Public  
29 Benefit Conservation Subdivision is to prioritize site characteristics which conserve important  
30 site features such as open space networks and contiguous woodland habitats adjacent to other  
31 existing open space tracts. The site design should encourage connectivity between

1 environmental characteristics of adjacent properties and should provide a continuous open space  
2 network between the proposed development layout and the adjacent properties. Intermodal trails  
3 which provide a link to adjacent properties as an enhancement of recreational opportunities are  
4 encouraged.

5 [(c)](d) **Land distribution.**

6 \* \* \* \* \*

7 [(d)](e) **Regulations.**

8 \* \* \* \* \*

9 [(e)](f) **Submittal requirements.**

10 \* \* \* \* \*

11 [(f)](g) **Conservation area.**

12 \* \* \* \* \*

13 [(g)](h) **Residential development area.**

14 (1) The residential development area shall include individual lots, recreational  
15 facilities, community or individual septic recovery areas, stormwater management facilities, and  
16 all easements and streets serving these lots.

17 (2) Layout Design Criteria.

18 \* \* \* \* \*

19 (3) Lot specific design criteria.

20 (A) Buildings and driveways shall be sited to maintain the existing grade as  
21 much as possible.

22 (B) A variety of lot sizes and lot widths should be provided within clusters of  
23 dwellings in order to prevent visual monotony. Since the variety of lot sizes and lot widths in a  
24 Public Benefit Conservation Subdivision may be limited, to the extent that such variation is  
25 impracticable, the applicant may provide a variety of house facades and enhanced streetscape  
26 elements for lighting, landscaping and sidewalks.

27 (C) Dwellings should be sited to avoid the rears being oriented toward the fronts  
28 of other dwellings and external streets. A landscape plan may be required to provide for the  
29 buffer of views of the rear and sides of dwellings from all streets and easements and the fronts of  
30 other dwellings.

1 (D) Direct driveway access for individual lots onto perimeter streets shall be  
2 avoided unless necessary for safety reasons or for some other benefit such as environmental  
3 preservation.

4 (E) Large expanses of driveways and parking areas shall not be visible from the  
5 external streets and abutting properties.

6 (4) Stormwater management. The applicant shall utilize low impact development  
7 (LID) techniques, unless otherwise authorized by the [Department of Environmental Resources]  
8 Department of Public Works and Transportation (DPW&T). For purposes of this Section, "low  
9 impact development (LID) techniques" refer to stormwater management designs that  
10 accommodate stormwater through the use of existing hydrological site features and by reducing  
11 impervious surfaces (roadways), curbs, and gutters; decreasing the use of storm drain piping,  
12 inlet structures; and eliminating or decreasing the size of stormwater ponds. Due to the  
13 constraints associated with the lot sizes in a Public Benefit Conservation Subdivision, traditional  
14 stormwater management designs and practices may need to be utilized, particularly adjacent to  
15 lots of less than twenty thousand (20,000) square feet where urban street construction utilizing  
16 sidewalks should be provided. However, the use of LID and integrated management practices  
17 shall be encouraged to enhance stormwater management. Such integrated management practices  
18 may include bioretention, dry wells, filter buffer, infiltration trenches and similar techniques.

19 (5) Gateway signs permitted pursuant to Section 27-624 shall be reviewed by the  
20 Urban Design Section prior to the approval of the sign permit for compatibility with the  
21 character of the surrounding and proposed community.

22 (6) Lighting techniques should be utilized that decrease adverse impacts on the  
23 adjoining and abutting properties.

24 [(h)](i) **Scenic and historic roads.**

25 \* \* \* \* \*

26 [(i)](j) **Streets.**

27 \* \* \* \* \*

28 [(j)](k) **Criteria for approval.** The Planning Board shall find that the conservation  
29 subdivision:

30 (1) Fulfills the purpose and conforms to the regulations and standards for a  
31 conservation subdivision.

1 (2) Achieves the best possible relationship between the development and the  
2 conservation of site characteristics as prioritized in the sketch plan and preliminary plan.

3 (3) Because the use of the Conservation Subdivision technique in the Developed or  
4 Developing Tier is optional, the Planning Board shall also find that the proposed plan is clearly  
5 superior to that which could be achieved through the use of conventional development standards  
6 and clearly meets the purposes of the Conservation Subdivision technique. Lot yield shall be a  
7 secondary consideration to achieving the purposes of the Public Benefit Conservation  
8 Subdivision in assessing whether a proposed plan is clearly superior.

9 [(k)](l) **Preliminary plat.** In addition to the information required for a major subdivision  
10 provided in Section 24-119, the preliminary plat for a conservation subdivision shall:

11 (1) Include all information required in the sketch plan process, including the proposed  
12 purpose (scenic, historic, agricultural, or environmental) of the conservation area(s); [and]

13 (2) Include as a separate exhibit for any application in the Developed or Developing  
14 Tier, a reasonable and achievable lotting pattern reflecting the minimum conventional standards  
15 of the existing zoning of the property; and

16 [(2)](3) Include a draft conservation easement document.

17 [(l)](m) **Final plat notation.**

18 \* \* \* \* \*

19 [(m)](n) **Ownership/maintenance.**

20 \* \* \* \* \*

21 [(n)](o) **Easements.** An easement agreement shall be recorded in the Land Records of  
22 Prince George's County for the conservation area, prior to the approval of the final plat. The  
23 easement agreement shall be approved by the Prince George's County Planning Board (or its  
24 designee) prior to recordation. The easement shall run with the land, shall be in full force and  
25 effect in perpetuity, and shall describe and identify the following:

- 26 (1) The location and size of the conservation areas;
- 27 (2) Existing improvements on the conservation areas;
- 28 (3) Provisions that prohibit future development of the conservation areas;
- 29 (4) The purpose of the conservation area;
- 30 (5) Provisions for a prohibition on future subdivision of the conservation area;
- 31 (6) Provisions for maintenance and ownership of the conservation area;

(7) Responsibility for enforcement of the easement;

(8) Provisions for succession in the event that one of the parties to an easement agreement should be dissolved; and

(9) Regardless of who the owner of a conservation area is or will be, there shall be an additional party to the easement in addition to the property owner:

(A) A land conservation organization that is:

(i) A not-for-profit, tax-exempt organization within the meaning of Section (501)(c)(3) of the Internal Revenue Service Code;

(ii) Established to promote the preservation and protection of natural, historic and agricultural resources; and

(iii) Party to a cooperative agreement with the Maryland Environmental Trust committing to follow the Land Trust Alliance's Standards and Practices in any easement it holds; or

(B) A local governmental agency, upon the demonstration by the applicant that they have exhausted all reasonable efforts to obtain an agreement with a private non-profit organization. If the conservation area is dedicated to the local government agency in fee simple, there does not have to be an additional party to the easement; however, the conservation easement shall be in perpetuity and in a form acceptable to the Maryland Environmental Trust.

[(o)](p) **Definitions.**

\* \* \* \* \*

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

Adopted this 9<sup>th</sup> day of September , 2008.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Samuel H. Dean  
Chairman

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.