

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2014 Legislative Session

Bill No. CB-39-2014

Chapter No. 42

Proposed and Presented by Council Member Olson

Introduced by Council Member Olson, Lehman, Patterson and Franklin

Co-Sponsors _____

Date of Introduction July 15, 2014

SUBDIVISION BILL

1 AN ACT concerning

2 Private Roads and Easements

3 For the purpose of permitting the Planning Board to approve private roads and alleys in the C-O
4 Zone under certain circumstances.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS.
7 Section 24-128 (b),
8 The Prince George's County Code
9 (2011 Edition; 2013 Supplement).

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12 repealed and reenacted with the following amendments:

13 **SUBTITLE 24. SUBDIVISIONS.**

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

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

16 (a)

17 * * * * *

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

20 (1) In the O-S, R-A, R-E, and R-R Zones, a private right-of-way easement
21 may be deemed adequate by the Planning Board if no more than four (4) lots are to be served by

1 the easement, or in Sustainable Growth Tier IV no more than seven (7) lots and a remainder
 2 agricultural parcel(s), subject to the following criteria:

3 (A) Such easement shall have a minimum right-of-way width of twenty-two (22)
 4 feet connecting the lots to a public road;

5 (B) All lots served by such easement shall have a minimum net lot area of two
 6 (2) acres, as provided in Section 24-129(a) of this Subtitle; and

7 (C) The use of such lots shall be restricted to one-family dwellings or
 8 agricultural uses.

9 (D) The right-of-way easement is adequate to serve the proposed uses pursuant to
 10 Section 24-124.

11 (2) In any residential zone, a private right-of-way easement with a minimum right-
 12 of-way width of twenty-two (22) feet may be deemed adequate by the Planning Board to connect
 13 any publicly-owned and operated park to a public road.

14 (3) In any O-S, R-A, R-E, or R-R Zone, upon the submission by the subdivider of
 15 covenants running with the land, which the Planning Board finds meet the purposes and intent of
 16 this paragraph, and upon a finding that the subdivision will not adversely affect the development
 17 of a public road system in the area of the subject property, the Planning Board may approve the
 18 subdivision with private rural roads provided that such private rural roads are designated as
 19 common areas as herein defined, and subject to the following conditions:

20 (A) The covenants shall be filed in the land records at time of filing the final plat
 21 and a certification shall be included on the record plat to the effect that the subdivision is subject
 22 to covenants.

23 (B) A resubdivision increasing the number of lots shall not be permitted unless
 24 there is a resubdivision of the entire tract.

25 (C) A maximum of eight (8) lots, two (2) acres or larger, shall be permitted in a
 26 subdivision using private rural roads and the number of lots five (5) acres or larger shall be
 27 unlimited, provided that each lot adjoining a private rural road shall be used for one-family
 28 dwelling or agricultural purposes.

29 (D) A private rural road shall not connect to more than one (1) public road and
 30 shall be constructed in accordance with the private rural road standards, pursuant to Subtitle 23
 31 of this Code. No final plat of subdivision shall be approved without completion of the road or

1 the posting of a completion bond with the Department of Public Works and Transportation to
2 assure completion of the road prior to the issuance of any use and occupancy permit.

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

8 (5) In the R-35 Zone, the Planning Board may approve the subdivision with private
9 rights-of-way, pursuant to the provisions of Section 27-431 of the Zoning Ordinance.

10 (6) Private roads may be deemed adequate to serve a recreational community
11 development provided for by the Zoning Ordinance, provided that:

12 (A) Such private roads shall be conveyed to a homes association and provisions
13 for maintenance charges shall be made; and

14 (B) Such private roads shall be improved to the standards set forth in Section
15 23-121 (b) of Subtitle 23 of this Code.

16 * * * * *

17 (18) In the C-O Zone when developing townhouses in accordance with Section 27-461,
18 the Planning Board may approve the use of private streets and alleys. The pavement width of
19 private streets may be reduced to twenty-two (22) feet in width when appropriate and the
20 pavement width of private alleys shall be not less than eighteen (18) feet in width.

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

Adopted this 9th day of September, 2014.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.