

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Bill No. CB-069-2023

Chapter No. 65

Proposed and Presented by Council Member Olson

Introduced by Council Members Olson, Hawkins, Watson, Ivey, Dernoga, Blegay,
Burroughs, Franklin, Fisher and Oriadha

Co-Sponsors _____

Date of Introduction October 17, 2023

BILL

1 AN ACT concerning

2 Urban Street Design Policy and Standards

3 For the purpose of adopting an urban street design policy and standards pursuant to the 2023 Urban
4 Streets Design Standards, incorporated in the Department of Public Works and Transportation’s
5 “Specifications and Standards for Roadways and Bridges” (2007), as revised in 2023, consistent
6 with the Council's 2014 approval of its most current general plan for the County, Plan Prince
7 George's 2035; and generally regarding urban street design standards.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 23. ROADS AND SIDEWALKS.

10 Section [23-146,] 23-105, 23-146, and 23-615,

11 The Prince George's County Code

12 (2019 Edition; 2022 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George’s County
14 Maryland that Section 23-105 of the Prince George’s County Code be and the same is hereby
15 repealed and reenacted with the following amendments:

16 **SUBTITLE 23. ROADS AND SIDEWALKS.**

17 **DIVISION 1 GENERAL PROVISIONS.**

18 **Sec. 23-105. - Authority of the Director.**

19 (a) The Director shall administer and enforce this Subtitle except as specifically provided
20 otherwise. In addition, the Director is authorized and empowered to make, adopt, and amend such

1 rules and regulations as are reasonably necessary to implement the requirements and purpose of
2 this Subtitle, and to fully exercise the authority of Article 25A of the Annotated Code of Maryland
3 and the County Charter, to protect the public safety and health with respect to public roads under
4 the jurisdiction of the County.

5 (b) The Director shall review the Design and Construction Standards and may recommend
6 amendments or revisions as he deems necessary, from time to time, except as otherwise
7 specifically prohibited. Prior to implementing a revision to the Design and Construction Standards,
8 the proposed revision shall be made available to the public for input.

9 (c) The Director may disapprove the issuance of a permit for all or part of the proposed road
10 construction where the work will interfere with the access to adjacent properties or the abutting
11 lots, will not provide adequate traffic safety or circulation or continuation of the road, or the road
12 construction may have an adverse effect on the public roads or nearby properties.

13 (d) At any time prior to acceptance of the completed road construction under a permit issued by
14 the Department, the Director may find that the limits or details of the work called for in the permit
15 will not provide proper grading, will interfere with access to adjacent properties or the abutting
16 lots, or will not provide adequate drainage or traffic circulation or continuation of the road, and for
17 these and other reasons indicating that the road construction may have an adverse effect on the
18 public roads or nearby properties may:(1)Alter the permit requirements to extend, reduce, or
19 modify the extent or details of the road construction; or(2)Revoke the permit where work has not
20 started pursuant to the procedures contained herein.

21 (e) Where the Director finds that road construction has been performed by an owner, occupant,
22 or developer of property abutting a road, or by another person, whether the work was under a
23 permit or not, and a situation has been created which constitutes or creates a hazard or interference
24 to the users of the road, results in a nuisance, or is otherwise not in compliance with the County
25 Code or the Design and Construction Standards, the Director may order the owner or developer of
26 the abutting properties, or the person who created the situation, to correct or remove the
27 construction or correct the situation within a specified period of time. If the owner or developer of
28 the abutting property fails to take corrective action as specified in the order within the designated
29 period of time, in conformance with this Subtitle, the Director may cause the necessary corrections
30 to be made, and the costs of this action may be assessed to the owner in accordance with the
31 provisions of Section 23-109. If a person who is not the owner, developer, or representative of

1 same for the abutting property creates a situation, as set forth above, which the person fails to
 2 correct when notified by the Department, the Department may perform the necessary corrective
 3 action and the person who created the situation shall be guilty of a misdemeanor.

4 (f)The Director of Public Works and Transportation shall establish and apply standards for the
 5 maintenance of all County roads.

6 .(g)(1)The Director is authorized to waive, defer, or accept payment in lieu of compliance with the
 7 requirements of this Subtitle (except as provided in Subsection (h)), in whole or in part, where
 8 construction of road improvements is not practicable or desirable due to scattered ownership of
 9 lots in the area, insufficient right-of-way, or other factors determined by the Director to constitute
 10 an unreasonable hardship to the applicant or permittee, or hazard or nuisance to the public. Nothing
 11 herein shall be deemed to authorize the Director to waive or reduce any private right-of-way or
 12 easement standards set forth in Subtitle 24 of this Code, but the Director may increase these
 13 standards when deemed appropriate.

14 (2) As relates to a small wireless facility permit only, upon an Applicant's showing that
 15 enforcement of a requirement found in this Subtitle or in the Design Manual for Small Wireless
 16 Facilities and this Subtitle would conflict with any applicable law, the Director is authorized to
 17 waive any such requirement but only to the minimum extent required for compliance.

18 (h) The Director must verify for land located within the Chesapeake Bay Critical Area, that any
 19 and all proposed grading and/or construction is in accordance with the requirements of the
 20 Conservation Manual and Subtitles 4, 5B, 24, and 27 of the County Code prior to the approval or
 21 issuance of any permit within the Critical Area. The Director may not waive or grant a variance
 22 from this Subsection.

23 (i) Notwithstanding Section 23-105 of this Division, [If] if the Director disapproves a permit
 24 complying with Urban Street Design standards, they shall provide formal findings with full
 25 documentation that includes detailed evidence, analysis, and justification for a permit disapproval.

26 These findings shall be published within the annual report.

27 SECTION [1.] 2. BE IT ENACTED by the County Council of Prince George's County,
 28 Maryland, that Section 23-146 of the Prince George's County Code be and the same is hereby
 29 repealed and reenacted with the following amendments:

30 **SUBTITLE 23. ROADS AND SIDEWALKS.**

31 **DIVISION 3. DESIGN AND CONSTRUCTION STANDARDS AND REQUIREMENTS.**

1 **Sec. 23-146. - Urban Street Design Policy and Standards.**

2 (a) The County hereby adopts an urban street design policy and [principles] standards
 3 pursuant to the 2023 Urban Streets Design Standards, incorporated in the Department of Public
 4 Works and Transportation’s “Specifications and Standards for Roadways and Bridges” (2007), as
 5 revised in 2023, consistent with the Council's 2014 approval of its most current general plan for
 6 the County, Plan Prince George's 2035.

7 (b) All planned County financed and approved road, sidewalk, trail and transit-related
 8 construction and reconstruction projects within [Urban] Regional Transit Districts and Local
 9 Centers in the County shall [include urban design policy and principles, as set forth in Plan Prince
 10 George's 2035, for proposed construction of streets and roads for the project, except when costs
 11 shall be demonstrated to be disproportionate to the projected need, or when such facilities would
 12 be inappropriate due to the nature of the project, including the context and character of the
 13 surrounding built and natural environment of the surrounding neighborhood or area] be
 14 constructed pursuant to the adopted County Urban Street Design Standards and the applicable
 15 master, sector, or functional master plan.

16 (c) The Department will review and revise, as deemed necessary by the Director, plans,
 17 manuals, policies, processes, and the capital improvement program to foster the implementation
 18 of a complete and green street on public roadways projects, including privately built projects
 19 approved by the Department or on non-County projects funded in part or entirely by County funds.

20 (d) Notwithstanding any other provision of this Subtitle, the requirements of the County’s
 21 adopted Urban Street Design Standards may only be adjusted as is minimally necessary to address
 22 existing geotechnical, approved development or environmental constraints, and/or existing
 23 development, that inhibits construction of the Urban Street to its required buildout. In such cases,
 24 the Director may only authorize the following alternatives to the applicable required Urban Street
 25 Design Standard:

26 1. Reduction in number of travel lanes; and/or,

27 2. Reduction in width of travel lanes; and/or,

28 3. Reduction in width or elimination of median; and/or,

29 4. Reduction in width or elimination of center turn lane; and/or,

30 5. Replacement of an off-street bicycle facility with a barrier- or parking-separated on-
 31 street facility; and/or,

1 6. Reduction in width or elimination of on-street parking.

2 Under no circumstances shall any bicycle, pedestrian, or transit facility or accommodation
3 required by the Urban Street Design Standards be reduced or eliminated except as permitted by
4 that Standard or as identified in Section 23-146(d). If the Director determines that circumstances
5 require modifications deviating from the standards and as identified in Section 23-146(d), they
6 shall document their findings, to include analysis and justification for the modification or
7 deviation. That shall be published in the annual report. The findings and documentation shall
8 explain how the facilities will achieve a 25-mph design speed (or lower), and how the facility will
9 achieve future compliance with the applicable standard. The findings shall be made available to
10 the Council, Planning Board, and Public upon request.

11 SECTION 3. BE IT ENACTED by the County Council of Prince George’s County,
12 Maryland, that Section 23-615 of the Prince George’s County Code be and the same is hereby
13 repealed and reenacted with the following amendments:

14 **SUBTITLE 23. ROADS AND SIDEWALKS.**

15 **DIVISION 7. COMPLETE AND GREEN STREETS.**

16 **Sec. 23-615. - Complete and Green Streets Policy.**

17 (a) The County hereby adopts a complete and green street policy and principles, consistent
18 with the adopted Complete Street Policy by National Capital Region Transportation Planning
19 Board and the National Complete Streets Coalition, as revised by the County Code.

20 (b) All planned County financed and approved road, sidewalk, trail, and transit related
21 construction and reconstruction projects shall include environmental site design and facilities for
22 the combined use of motor, emergency and freight vehicles, transit, bicycles and pedestrians,
23 [except when cost shall be disproportionate to the projected need or when such facilities would be
24 inappropriate due to the nature of the project, including the context and character of the
25 surrounding built and natural environment of the neighborhood or area] and shall be constructed
26 pursuant to the adopted County Urban Street Design Standards and the applicable master, sector,
27 or functional master plan.

28 (c)The Department will review and revise, as deemed necessary by the Director, plans, manuals,
29 policies, processes, and the capital improvement program to foster the implementation of a
30 complete and green street on public roadways projects, including privately built projects approved
31 by the Department or on non-County projects funded in part or entirely by county funds.

1 SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby
2 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
3 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
4 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words,
5 phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since
6 the same would have been enacted without the incorporation in this Act of any such invalid or
7 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

8 SECTION 5. BE IT FURTHER ENACTED that the implementation date of the provisions
9 of this Act shall be June 1, 2024.

10 SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
11 calendar days after it becomes law.

Adopted this 14th day of November, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.