

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-20-2020
 Chapter No. 26
 Proposed and Presented by Council Member Turner
 Introduced by Council Members Turner, Streeter, Davis, Hawkins, Franklin and Glaros
 Co-Sponsors _____
 Date of Introduction June 9, 2020

SUBDIVISION BILL

1 AN ACT concerning

2 Subdivisions—Requirements—Adequate Public Safety Facilities—Waivers

3 For the purpose of clarifying the authority in the County Subdivision Regulations for waivers of
 4 the Public Safety Facilities mitigation requirement by express approval of the governing body of
 5 Prince George's County.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Section 24-122.01,

9 The Prince George's County Code

10 (2019 Edition).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Section 24-122.01 of the Prince George's County Code be and the same is hereby
 13 repealed and reenacted with the following amendments:

14 SUBTITLE 24. SUBDIVISIONS.

15 DIVISION 3. REQUIREMENTS: PLANNING, DESIGN,
 16 AND PUBLIC FACILITIES.

17 **Sec. 24-122.01. Adequacy of public facilities.**

18 (a) The Planning Board may not approve a preliminary plan of subdivision if it finds that
 19 adequate public facilities do not exist or are not programmed for the area within which the
 20 proposed subdivision is located, as defined in the "Guidelines for the Mitigation of Adequate
 21 Public Facilities: Public Safety Infrastructure" and "Guidelines for the Analysis of the Traffic

1 Impact of Development Proposals." The Planning Board shall require adequate public facilities,
2 as provided in this Section and in Division 4 of this Subtitle.

3 * * * * *

4 (c) Police facilities.

5 (1) Before any preliminary plan may be approved, the Planning Board shall find that:

6 (A) The population and/or employees generated by the proposed subdivision at
7 each stage of the proposed subdivision will not exceed the service capacity of existing police
8 stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate
9 Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or

10 (B) An adequate police facility available to serve the population and/or employees
11 generated by the proposed subdivision has been programmed with one hundred percent (100%)
12 of the expenditures for the construction of such a facility within the adopted County Capital
13 Improvement Program as determined under the "Guidelines"; or

14 (C) That improvements participated in or funded by the subdivider, including
15 participation in a specific Public Facilities Financing and Implementation Program as defined in
16 Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."

17 (d) Fire and rescue facilities.

18 (1) Before any preliminary plan may be approved, the Planning Board shall find that:

19 (A) The population and/or employees generated by the proposed subdivision at
20 each stage of the proposed subdivision will be within the adequate coverage area of the nearest
21 fire and rescue station(s) as determined by the Planning Board in the "Guidelines for the
22 Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from
23 time to time; or

24 (B) An adequate fire and rescue station(s) available to serve the population and/or
25 employees generated by the proposed subdivision has been programmed with one hundred
26 percent (100%) of the expenditures for the construction of such a facility within the adopted
27 County Capital Improvement Program as determined under the "Guidelines", provided, however,
28 that if construction of such improvements has not commenced within nine (9) years after the first
29 year the project is fully funded in an adopted County Capital Improvement Program, the
30 preliminary plan may not be considered and approved by the Planning Board based upon future
31 construction until such facilities are actually constructed; or

1 (C) That improvements participated in or funded by the subdivider, including
 2 participation in a specific public facilities financing and implementation program as defined in
 3 Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."

4 (2) Before any preliminary plan may be approved, if the location of the property
 5 proposed for subdivision is outside the appropriate service area of the Ten Year Water and
 6 Sewerage Plan or is in the Rural Tier, the Planning Board shall require the subdivider to provide
 7 water storage tanks, the availability of water tanker trucks, or other appropriate source of water
 8 for fire extinguishing purposes.

9 (e) Data Collection by Office of Audits and Investigations and Office of Management and
 10 Budget.

11 (1) Except as provided in Subsection (3) below, the Chief of Police and the Fire Chief
 12 shall submit the following information to the County Office of Audits and Investigations, County
 13 Office of Management and Budget, and the Planning Board:

14 (A) For Police personnel, a statement of authorized strength of sworn officers of
 15 at least:

16 (i) Ninety percent (90%) of an authorized strength of One Thousand Four
 17 Hundred Twenty (1,420) equaling One Thousand Twelve Hundred Seventy Eight (1,278) sworn
 18 officers on and after December 31, 2004;

19 (ii) Ninety-five percent (95%) of an authorized strength of One Thousand
 20 Four Hundred Twenty (1,420) equaling One Thousand Three Hundred Forty Nine (1,349) sworn
 21 officers on and after December 31, 2005; and

22 (iii) One Hundred percent (100%) of an authorized strength of One
 23 Thousand Four Hundred Twenty (1,420) sworn officers on and after December 31, 2006;

24 (B) For Fire personnel, a statement of authorized strength of fire and rescue personnel of at least:

25 (i) Ninety-five percent (95%) of an authorized strength of Six Hundred
 26 Ninety Two (692) equaling Six Hundred Fifty Seven (657) fire and rescue personnel on and after
 27 December 31, 2004; and

28 (ii) One Hundred percent (100%) of an authorized strength of Six Hundred
 29 Ninety Two (692) fire and rescue personnel on and after December 31, 2005.

30 (C) A statement reflecting adequate equipment pursuant to studies and regulations
 31 used by the County, or the Public Safety Master Plan for police and fire stations in the vicinity of

1 the area proposed for subdivision; and

2 (D) A statement by the Police Chief that the rolling twelve-month average,
3 adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a
4 maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10)
5 minutes total for emergency calls for service. Prior to January 2006, the Police Chief shall
6 calculate the cumulative average response times beginning with the January 2005 response time
7 data. In this Section, total time means the length of time from the call for service until the arrival
8 of Police personnel on-scene or other appropriate police response.

9 (E) A statement by the Fire Chief that the response time for the first due station in
10 the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel
11 time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for
12 service during the preceding month.

13 (2) If any of the required statements in this Subsection are not provided that meet the
14 criteria specified in this Section on the date the application is accepted by the Planning Board or
15 within the following three (3) monthly cycles of response time reports, then the Planning Board
16 may not approve the preliminary plan until a mitigation plan between the applicant and the
17 County is entered into and filed with the Planning Board.

18 (3) The provisions of Subsection (e)(1) shall not apply to commercial or industrial
19 applications for preliminary plans.

20 (4) The governing body of the County may waive any surcharge imposed within the
21 developed tier.

22 (f) The governing body of the County may, by Resolution, waive any public safety
23 facilities mitigation requirement imposed pursuant to this Section.

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

Adopted this 21st day of July, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council 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.