



Consultant's Comprehensive Review Draft for Prince George's County, Maryland

Subdivision Regulations Rewrite
September 2017

C L A R I O N

In Association with:

White & Smith
Spikowski Planning Associates
Design Collective
GB Place Making
Nelson/Nygaard
Mosaic Urban Partners
Justice & Sustainability Assoc.
The Planning and Design Center

Subtitle 24: Subdivision Regulations

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MEMORANDUM

TO: Prince George's County

FROM: Clarion Associates

DATE: September 20, 2017

RE: Comprehensive Review Draft of Zoning Ordinance and Subdivision Regulations

This Comprehensive Review Draft of the Zoning Ordinance and Subdivision Regulations marks a major milestone on Prince George's County's road toward 21st Century development regulations—regulations that will promote high-quality economic development, protect stable residential neighborhoods, and implement the vision of the County's future in the *Plan Prince George's 2035 (Plan 2035)* General Plan.

This draft constitutes the Consultant team and M-NCPPC staff proposals for a modern Zoning Ordinance and Subdivision Regulations. These recommendations have not been approved or endorsed by the County Council. The Council will not formally consider these recommendations until additional public input has been received on this Comprehensive Review Draft, and a legislative draft incorporating additional revisions based on this review is presented to the Council in early 2018.

In 2014, Prince George's County embarked on an effort to rewrite its development regulations. The effort was timely for several reasons.

- First, the current Zoning Ordinance and Subdivision Regulations had not been comprehensively updated in over 50 years. Instead, there had been countless amendments to the current regulations to address specific needs, resulting in conflicting provisions, a potpourri of different terminology, and a 1,200-plus-page set of regulations that are confusing, inconsistent, and difficult to use.
- Second, the County had just adopted *Plan Prince George 2035 (Plan 2035)*—a new General Plan that sets a new



and clear direction for the future. *Plan 2035* places a strong emphasis on supporting different types and levels of compact, transit-oriented, mixed-use, and pedestrian-oriented development at specific places. Other *Plan 2035* goals include supporting economic development, protecting the character of established neighborhoods, and supporting green building practices. These are goals which the current regulations are in many instances not equipped to handle.

The rewrite effort has taken approximately three and one-half years to this point, and has involved countless hours of work by many, and over 300 meetings. See table below.

| | PHASE | TIMEFRAME |
|---|---|--------------------------------|
| 1 | Public Outreach and Input | March – August 2014 |
| 2 | Evaluation and Recommendations Report | August 2014 – March 2015 |
| 3 | Drafting Zoning Ordinance and Subdivision Regulations | |
| | Module 1: Zones and Use Regulations | March – December 2015 |
| | Module 2: Development Standards and APF Standards | January – June 2016 |
| | Module 3: Procedures and Subdivision Regulations | June 2016 – February 2017 |
| 4 | Comprehensive Review Draft | September 2017 – December 2017 |

The effort began in the spring of 2014 with six months of outreach and research. During this time, the Consultant team and M-NCPPC staff conducted numerous stakeholder interviews, convened three Countywide forums, met with a Zoning Advisory Panel, convened four focus groups with different groups of stakeholders and industries with common interests, met with the Planning Board, spoke with attorneys representing both developers and neighborhood groups, and met with most of the County Council members. Based on these efforts, as well as the Consultant team’s individual evaluation of the regulations, an *Evaluation and Recommendations Report* was prepared. It served as a starting point for discussions about the changes that needed to be addressed in the rewritten regulations.

More specifically, the *Evaluation and Recommendations Report* recognizes that in spite of some strengths of the current regulations, Prince George’s County has not been attracting the type of economic growth occurring in other counties in the Washington, D.C., region—or the type or quality of development called for in *Plan 2035*. The report goes on to identify the role zoning and subdivision has played in this, and what changes the County could make in the Zoning Ordinance and Subdivision Regulations to enable the County to live up to its potential as a premier place to work, play, and shop. Four major areas of improvement were identified. They are:

- **Making the Regulations More User-Friendly and Streamlined;**
- **Modernizing, Simplifying, and Consolidating the Zones and Zone Regulations;**
- **Implementing Key Goals, Policies, and Strategies of Plan 2035; and**
- **Modernizing the Regulations and Incorporating Best Practices.**

The report concluded with an Annotated Outline of the revised structure for the rewritten Zoning Ordinance and Subdivision Regulations, if the recommendations in the report were followed. The *Evaluation and Recommendations Report* was made available to the public in December 2014. This was followed by public meetings at three Countywide forums, as well as meetings with the Zoning Advisory Panel, the four focus groups, the Planning Board, and the County Council. The purpose of these meetings was to present and get input on the report and, ultimately, to receive direction from the County Council.

Based on this input and the direction provided by the County Council, revisions were made to the Annotated Outline, and the drafting of the regulations began in late 2014. In drafting the regulations, the Consultant team followed the structure set out in the Annotated Outline.

Because the regulations are significant in both length and complexity, the drafting was divided into three installments, or modules, as follows:

- **Module 1: Zones and Use Regulations;**
- **Module 2: Development Standards (and the Adequate Public Facility Standards in the Subdivision Regulations); and**
- **Module 3: Procedures (and the balance of the Subdivision Regulations).**

After each module was drafted, a Public Review Draft was released for public review and comment, and the Consultant team conducted three Countywide forums on each module, as well as meetings with the Zoning Advisory Panel, the focus groups, the Planning Board, and the County Council, to present the material and get input, and to receive direction from the County Council.

Based on the input received from M-NCPPC staff resulting from the outreach and community input outlined above, the Consultant has prepared this Comprehensive Review Draft for the public's consideration. It is a well-organized, and much more streamlined and user-friendly document, than the current regulations. Furthermore, it implements the County's other goals for the project:

- Supporting different types of and levels of walkable urbanism—compact, transit-oriented, mixed-use, and pedestrian-oriented development—at appropriate places;

- Promoting high-quality economic development;
- Enhancing community and municipal information and input opportunities on the development review process;
- Protecting the character of existing residential neighborhoods;
- Protecting the character of rural and agricultural lands;
- Supporting infill development that is consistent with its context;
- Protecting environmentally sensitive lands; and
- Supporting and encouraging green building practices.

After years of hard work by all involved, 300 meetings, much dialogue, and revisions to respond to input from the public and direction from the County Council, the finish line is in sight. For this reason, we encourage all involved to review this Comprehensive Review Draft and provide your input to the M-NCPPC project team, local elected officials, and the County Council by late 2017.

The end result will be an updated, modernized, and user-friendly set of development regulations that will make Prince George's County better for everyone.

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DIVISION 24-1 GENERAL PROVISIONS

Sec. 24-1.100 Title

This Subtitle shall be known, and may be cited, as “the Subdivision Regulations of Prince George’s County, Maryland,” and may be referenced as “these Subdivision Regulations,” or “these Regulations.”

Sec. 24-1.200 Authority

24-1.201. General Authority

These Subdivision Regulations establish the County's subdivision regulatory authority as authorized by Title 23, Division II of the Maryland Land Use Code, and are adopted in accordance with:

- A.** The enabling authority contained in Sec. 23-104 of the Maryland Land Use Code; and
- B.** All other relevant laws of the State of Maryland.

24-1.202. References to Maryland or Federal Laws and Statutes

Whenever any provision of these Regulations refers to or cites a section of the Maryland or Federal laws or statutes, and that section is later amended or superseded, these Regulations shall be deemed amended to refer to the amended section or the section that corresponds to the superseded section.

Sec. 24-1.300 Purpose and Intent

The purpose and intent of this Subtitle is to establish procedures and standards relating to the subdivision of land within Prince George’s County for development purposes, as well as to establish

standards for access, circulation, streets, and other infrastructure provided as part of subdivisions or other new development. More specifically, this Subtitle is intended to ensure that subdivisions promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents and landowners of Prince George’s County by:

- 24-1.301.** Protecting and providing for the public health, safety, and general welfare;
- 24-1.302.** Ensuring the orderly, planned, and efficient economic development of the County;
- 24-1.303.** Establishing reasonable standards of design and development for the subdivision of land;
- 24-1.304.** Establishing reasonable procedures for the review of the subdivision of land;
- 24-1.305.** Ensuring that public facilities will be available and will have sufficient capacity to serve the proposed subdivision;
- 24-1.306.** Facilitating public and private actions in order to provide adequate and efficient transportation, water and sewerage, police, parks and recreation, and school facilities, and other public facilities;
- 24-1.307.** Providing the most beneficial relationship between the subdivision of land and the circulation of traffic, having particular regard for the avoidance of congestion on the streets and highways, pedestrian movements that encourage pedestrian safety and comfort, and pedestrian movements appropriate to the various uses of land and buildings, and to provide for the efficient and appropriate locations and widths of streets;

- 24-1.308.** Ensuring proper legal descriptions and monuments are placed on subdivided land;
- 24-1.309.** Helping County officials in securing adequate records of land title;
- 24-1.310.** Providing, where appropriate, for drainage controls, stormwater management, site stabilization, and sediment control;
- 24-1.311.** Encouraging the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the County, and the value of the land;
- 24-1.312.** Providing for open space through the efficient design and layout of land;
- 24-1.313.** Encouraging creative subdivision design that accomplishes these purposes in an efficient, attractive, and environmentally sensitive manner;
- 24-1.314.** Protecting historic resources listed on the Inventory of Historic Resources; and
- 24-1.315.** Protecting archeological sites that are significant to understanding the history of human settlement in the County.

Sec. 24-1.400 Applicability

24-1.401. General

- A.** These Regulations apply to:
1. The subdivision of all lands within Prince George's County, unless subdivision is expressly exempted in Sec. 24-1.403

Exemptions, below, or by a specific Subsection of these Regulations;

2. A conversion of use from residential to nonresidential, or nonresidential to residential, or the conversion of either a residential or nonresidential use to mixed-use; and
 3. An amendment of findings, conditions, and/or certified plans established by the Planning Board in a prior approval of a preliminary plan of subdivision.
- B.** Unless exempted in Sec. 24-1.403 Exemptions, below, or by a specific Subsection of these Regulations, prior to any division, consolidation, or establishment of lots, tracts, or parcels of land as one or more lots or parcels, or other divisions of land:
1. The land shall receive subdivision approval in accordance with the procedures (Division 24-2: Administration) and standards (Division 24-3: Subdivision Standards and Division 24-4: Chesapeake Bay Critical Area Standards) of this Division; and
 2. The approved final plat shall be filed in the Land Records of Prince George's County.
- C.** No actions in accordance with these Subdivision Regulations shall exempt land from compliance with the requirements of Division 27: Zoning Ordinance, Subtitle 5B: Chesapeake Bay Critical Area, or Section 9-206 of the State Environmental Article.

24-1.402. Application to Governments

Except as stated herein, the provisions of these Regulations do not apply to:

- A.** The County and development of land owned by municipalities within the County;

- B. The Maryland-National Capital Parks and Planning Commission (M-NCPPC), the Washington Metropolitan Area Transit Authority (WMATA), and the Washington Suburban Sanitary Commission (WSSC);
- C. Development of land owned by the State of Maryland, unless State law authorizes local regulation by these Regulations;
- D. Development owned by the government of the United States, its agencies, departments or corporate services, to the full extent required by law; and
- E. Residential buildings of three units or less constructed prior to November 29, 1949.

24-1.403. General Exemptions

With the exception of property located in Growth Tier IV, the following shall be exempted from the requirements of filing a preliminary plan of subdivision and final plat.

- A. Partition through action of a court of competent jurisdiction, unless or until development of the land is proposed for any use other than single-family detached dwellings and their accessory uses;
- B. The division of land and distribution, in kind, to the heirs upon the distribution of an estate by a court of competent jurisdiction, unless or until development of the land is proposed for any use other than single-family detached dwellings and their accessory uses;
- C. A conveyance of one-half acre or more to a son or daughter or lineal descendant or antecedent of the grantor from a tract retaining five or more acres, or two or more acres for land zoned AR, provided that any lot created by the conveyance shall be used solely for a single-family detached dwelling and its accessory uses, and:
 - 1. A grantee shall only receive one conveyance from the grantor in a 10-year time frame (the grantor shall submit a certified list of all grants in accordance with this exemption);
 - 2. This exemption shall not be used to divide land that was created pursuant to the provisions for private roads and easements in accordance with Sec. 24-3.204, Private Streets and Easements;
- D. A conveyance of land to a public utility for the purposes of installing transmission lines, sewage pumping stations, electrical substations, and similar facilities;
- E. A conveyance of land to a governmental agency for public use;
- F. A conveyance of land used exclusively for agricultural uses for which the agricultural uses proposed result in a *de minimus* transportation impact as defined by the *Transportation Review Guidelines*;
- G. Any division of land by deed prior to January 1, 1982, provided:
 - 1. The proposed use is for a single-family detached dwelling and its accessory uses; or
 - 2. The proposed use is for an addition to an existing private school facility for which no increase in existing enrollment is proposed.
- H. A re-subdivision to correct a drafting or engineering error for land which is not the subject of a record plat;
- I. The sale or exchange of land between adjoining land owners to adjust common boundary lines, provided that no additional

lots are created for land which is not the subject of a record plat;

- J. A conveyance of land resulting from foreclosure proceedings or trustees' sales pursuant to a deed of trust or mortgage, deeds in-lieu of foreclosure, trustees' deeds, and final decrees of foreclosure. For purposes of these Regulations, the execution and/or recordation of a deed of trust or mortgage shall not constitute a conveyance of land;
- K. In the Chesapeake Bay Critical Area Overlay (CBCA-O) Zone, if the land was divided:
 - 1. In accordance with Secs. 24-1.403.A through 24-1.403.J above, prior to October 30, 1989;
 - 2. In accordance with Sec. 24-1.403.C above, provided the land to be conveyed lies outside the CBCA-O Zone; or
 - 3. In accordance with Sec. 24-1.403.E above, provided that the conveyance restricts use of the land to public uses in perpetuity;
- L. A conveyance from a place of worship of an existing parsonage for use as a single-family detached dwelling, and its accessory uses, provided both uses comply with the minimum lot area requirements in Division 27-4: Zones and Zone Regulations, in Subtitle 27: Zoning Ordinance;
- M. Any land or portion of a parcel of land fully encumbered by a perpetual conservation easement, unless it is within an environmental setting for a historic site, for purposes of:
 - 1. Agricultural preservation; and
 - 2. The conveyance is a minimum of one acre, but not more than two acres in the AG Zone to a son or daughter of the

grantor or an "unrestricted lot" as described in § 2-513(b)(3) of the Maryland Annotated Code.

- N. In the Sustainable Growth Tier IV the filing of a preliminary plan and final plat shall not be required unless otherwise identified below.
 - 1. If the land was subdivided by any method prior to October 1, 2012.
 - 2. On or after October 1, 2012, a final plat of minor subdivision shall be required for a residential or agricultural use, subject to the following:
 - a. The final plat for minor subdivision shall be limited in total to the cumulative number of residential lots allowed to be permitted for a preliminary plan for minor subdivision.
 - b. Agricultural parcel(s) may be counted in addition to the permitted number of residential lots and are restricted to agricultural uses in perpetuity.
 - c. A preliminary plan and final plat of minor subdivision shall be required for agricultural uses which generate a greater than *de minimus* transportation impact as defined by the *Transportation Review Guidelines*.

24-1.404. Review of Exempt Conveyance

- A. If a conveyance of land is exempted from the requirements of these Regulations in accordance with Sec. 24-1.403, General Exemptions, the development shall still comply with the applicable requirements of Subtitle 27: Zoning Ordinance, Subtitle 5B: Chesapeake Bay Critical Area of the County Code, and Section 9-206 of the State Environment article.

- B. The Planning Director shall review all such conveyances of land in accordance with the review procedures in Sec. 24-2.502.C.2, Final Plat of Minor Subdivision, for compliance with the applicable requirements of Subtitle 27: Zoning Ordinance, and Subtitle 5B: Chesapeake Bay Critical Area, of the County Code of Ordinances, and Section 9-206 of the Environment Article of the Code of Maryland. No preliminary plan of subdivision shall be required for such conveyances of land unless otherwise required.

24-1.405. No Development Until Compliance with These Regulations

Unless exempted, no land shall be subdivided, developed, or converted from residential to nonresidential or nonresidential to residential uses without compliance with these Subdivision Regulations and all other applicable County, State, and Federal regulations.

Sec. 24-1.500 Minimum Requirements

These Regulations establish the minimum requirements for the subdivision of land in the County.

Sec. 24-1.600 Relationship to Other Laws

24-1.601. Conflicts with Other County Ordinances or Laws

If a provision of these Regulations is inconsistent with another provision of these Regulations, or with a provision found in other ordinances or laws of the County, the more restrictive provision shall govern. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

24-1.602. Conflicts with State or Federal Law

If a provision of these Regulations is inconsistent with a provision found in the law or regulations of the State or Federal government, the more restrictive provision shall control, to the extent permitted by law.

24-1.603. Existing Vested Rights

Nothing in these Regulations is intended to repeal, supersede, annul, impair, or interfere with any vested rights previously adopted or issued in accordance with all applicable laws, provided such agreements or rights are lawfully established and remain in effect.

Sec. 24-1.700 Transitional Provisions

24-1.701. Effective Date

These Regulations shall become effective on [] *[insert effective date of these Regulations]*, and repeals and replaces the 1981 Subdivision Regulations of Prince George's County, as amended.

24-1.702. Violations Continue

Any violation of the previous Subdivision Regulations shall continue to be a violation under these Regulations, unless the development complies with the express terms of these Regulations, a subsequently adopted ordinance, or other applicable ordinances, laws, or statutes.

24-1.703. Applications Pending Prior to [] *[insert effective date of these Regulations]*

- A. Any subdivision application submitted and accepted as complete before [] *[insert effective date of these Regulations]*

Regulations], but still pending final action as of that date, shall be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the submission and acceptance of the application.

- B.** If the subdivision application is approved, the development approval or permit shall remain valid for the period of time specified in the Subdivision Regulations under which the application was reviewed and approved. Extensions of time available under those old Subdivision Regulations remain available. If the subdivision application is for a Conceptual Site Plan (CSP) or Conceptual Design Plan (CDP) approved under the old Zoning Ordinance, the approved CSP or CDP shall remain valid for 10 years, and any applications for subdivision submitted under the CSP or CDP during this time period shall be reviewed under the Subdivision Regulations in existence at the time of the approval of the CSP or CDP.
- C.** Until and unless the period of time under which the subdivision approval remains valid expires, the project may proceed to the next step in the approval process and continue to be reviewed and decided under the Subdivision Regulations under which it was approved.
- D.** Once constructed, the project shall be “deemed conforming” and shall be subject to the same rules as other conforming uses, structures, and site features under the Zoning Ordinance.
- E.** An applicant may elect at any stage of the development review process to have the proposed development reviewed under these Subdivision Regulations.

24-1.704. Projects Which Received Subdivision Approval Under the Prior Subdivision Regulations

- A.** Subdivision approvals of any type remain valid for the period of time specified in the Subdivision Regulations under which the subdivision was approved. Extensions of time which were available under those Subdivision Regulations shall remain available.
- B.** Until and unless the period of time under which the subdivision approval remains valid expires, the project may proceed to the next step in the approval process and continue to be reviewed and decided under the Subdivision Regulations under which it was approved.
- C.** If the subdivision approval expires or is revoked (i.e., for failure to comply with the terms and conditions of approval), any subsequent subdivision of the land shall be subject to the procedures and standards of these Regulations.
- D.** Once constructed, the project shall be “deemed conforming” and shall be subject to the same rules as other conforming uses, structures, and site features under the Zoning Ordinance.
- E.** An applicant may elect at any stage of the development review process to have the proposed development reviewed under these Subdivision Regulations.

24-1.705. Building Restriction Lines

Any building restriction lines shown on a plat recorded on or before November 29, 1949 are extinguished. Building and structures that may have been affected by such building restriction lines may be altered, enlarged, or extended, if the alteration, enlargement, or extension conforms to the dimensional standards of the zone in

which it is located, and all other relevant requirements of these Regulations and the Zoning Ordinance.

Sec. 24-1.800 Severability

These Subdivision Regulations are to be liberally construed to carry out the purposes of these regulations and to avoid conflict with the laws of the State of Maryland and Federal laws, or any other limitations imposed by law. However, if any provision of these Regulations is determined by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these Regulations.

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Division 2: Administration

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DIVISION 24-2 SUBDIVISION ADMINISTRATION

Sec. 24-2.100 Purpose and Organization

- 24-2.101.** Sec. 24-2.200, Summary Table of Subdivision Review Responsibilities, provides a summary of the actions required of each advising and decision-making body for each type of subdivision application.
- 24-2.102.** Sec. 24-2.300, Advisory and Decision-making Bodies for Subdivision Review, describes the powers and duties of the various bodies and persons that review and make decisions on subdivision applications.
- 24-2.103.** Sec. 24-2.400, Standard Subdivision Review Procedures, describes procedures that generally apply to all subdivision applications.
- 24-2.104.** Sec. 24-2.500, Application-Specific Subdivision Review Procedures and Decision Standards, contains specific information for each type of subdivision application, including applicable additions or modifications to the standard review procedures, and standards for making a decision on the subdivision application.

Sec. 24-2.200 Summary Table of Subdivision Review Responsibilities

Table 24-2.200: Summary of Subdivision Review Responsibilities, identifies the types of subdivision applications authorized by these regulations. For each type of application, the table identifies the action required by the various advising or decision-making bodies or persons.

| Table 24-2.200: Summary of Subdivision Review Responsibilities | | | | |
|---|-----------------------------------|------------------|----------------|-------------------|
| D = Decision R = Recommendation C = Comment A = Appeal < > = Public Hearing Required S/V = Sign/Veto | | | | |
| Procedure | Review and Decision-Making Bodies | | | |
| | County Executive | District Council | Planning Board | Planning Director |
| Text Amendment | S/V | <D> | C | R |
| Minor Subdivision or Resubdivision | | | | |
| Preliminary Plan | | | <A> | D |
| Final Plat | | | | D |
| Final Plat Not Otherwise Subject to Preliminary Plan | | | | D |
| Major Subdivision (Conventional, Conservation, Zero Lot Line, or Resubdivision) | | | | |
| Preliminary Plan | | | <D> | R |
| Final Plat | | | <D> [1] | R |
| Sketch Plan for Conservation Subdivision | | | | D |
| Variation | | | | |
| Minor Variation | | | <A> | D |

Table 24-2.200: Summary of Subdivision Review Responsibilities

D = Decision R = Recommendation C = Comment A = Appeal
 < > = Public Hearing Required S/V = Sign/Veto

| Procedure | Review and Decision-Making Bodies | | | |
|--|-----------------------------------|------------------|----------------|-------------------|
| | County Executive | District Council | Planning Board | Planning Director |
| Major Variation | | | <D> | C |
| Zero Lot Line Development | | | <D> | R |
| Reservations | C | C | <D> [2] | |
| Vacation of Plat | | | | |
| Minor Vacation | | | <A> | D |
| Major Vacation | | | <D> | R |
| Interpretation | | | <A> | D |
| NOTES [1] Public hearing not required if waived by the Planning Board or if the final plat is approved as submitted. [2] Public hearing required if the location of the proposed reservation is not reflected, or differs substantially from that shown, on the General Plan, functional master plan, or the applicable area master plan or sector plan. | | | | |

Sec. 24-2.300 Advisory and Decision-making Bodies for Subdivision Review

24-2.301. Purpose

This Division describes the powers of review bodies for subdivision applications in Prince George's County.

24-2.302. County Executive

A. Generally

The County Executive is the chief executive officer of the County who exercises executive powers in accordance with the State Constitution and the County Charter.

B. Duties of the County Executive

The County Executive shall have the following powers and duties under these Regulations.

1. To sign and exercise veto power on text amendments (Sec. 24-2.501).
2. To review and comment on reservations (Sec. 24-2.505) prior to the Planning Board making a decision.
3. To make appointments or removals to the Planning Board, subject to the approval of the District Council.

24-2.303. District Council

A. Generally

The County Council of Prince George's County is the District Council for that portion of the Maryland-Washington Regional District located in Prince George's County, and shall be called the "District Council" in these Regulations.

B. Duties of the District Council

To exercise its authority in accordance with State law, the District Council shall have the following powers and duties under these Regulations.

1. To review and make decisions on text amendments (Sec. 24-2.501).

2. To review and comment on reservations (Sec. 24-2.505) prior to the Planning Board making a decision.
3. To approve appointments from the Planning Board by the County Executive, in accordance with State law.

24-2.304. Prince George's County Planning Board

A. Generally

The Prince George's County Planning Board (Planning Board) is established in accordance with State law.

B. Duties of the Planning Board

To exercise its authority in accordance with State law, the Planning Board shall have the following powers and duties under these Regulations.

1. To review and provide comments to the District Council on text amendments (Sec. 24-2.501).
2. To review and decide applications for:
 - a. Preliminary plans of major subdivisions (Sec. 24-2.502.D.1), including conventional subdivisions, conservation subdivisions (Sec. 24-3.703), zero lot line developments (Sec. 24-2.504), and resubdivisions of land;
 - b. Final plats of major subdivision (Sec. 24-2.502.D.2), including conventional subdivisions, conservation subdivisions (Sec. 24-3.703), zero lot line developments (Sec. 24-2.504), and resubdivisions of land;
 - c. Major Variations (Sec. 24-2.503.E);
 - d. Reservations (Sec. 24-2.505); and
 - e. Major Vacations of plat (Sec. 24-2.506).
3. To hear and decide appeals on:
 - a. Preliminary plans of minor subdivisions (Sec. 24-2.502.C.1);
 - b. Final plats of minor subdivisions (Sec. 24-2.502.C.2), including conventional subdivisions, conservation subdivisions (Sec. 24-3.703), zero lot line developments (Sec. 24-2.504), and resubdivisions of land;
 - c. Minor variations (Sec. 24-2.503.D);
 - d. Minor vacations (Sec. 24-2.506.C); and
 - e. Interpretations (Sec. 24-2.507).
4. To establish a schedule of fees and a collection procedure for applications reviewed under these Regulations. The schedule of fees shall be placed in the Applications Manual, and may be changed only by the Planning Board.
5. To perform any other functions delegated to it by State law or these Regulations.

24-2.305. Planning Director

A. Generally

The Planning Director of the Prince George's County Planning Board (Planning Director) shall be appointed by and serve at the discretion of the Planning Board. The Planning Director supervises the day to day operations of the Planning Department, processes and reviews applications, and has authority to render decisions where indicated in these Regulations. The Planning Director may delegate any

administrative, decision-making, or review authority under these Regulations to any professional-level subordinate under the Director's supervisory authority.

B. Powers and Duties

In accordance with State law, the Planning Director shall have the following powers and duties under these Regulations.

1. To review and decide applications for:
 - a. Preliminary plans of minor subdivisions, including resubdivisions (Sec. 24-2.502.C.1);
 - b. Final plats of minor subdivisions, including resubdivisions (Sec. 24-2.502.D.2);
 - c. Sketch plans for conservation subdivisions (Sec. 24-3.703.B);
 - d. Minor variations (Sec. 24-2.503.D); and
 - e. Interpretations (Sec. 24-2.507).
2. To review and comment on:
 - a. Text amendments (Sec. 24-2.501), before the application is submitted to the Planning Board;
 - b. Preliminary plans of major subdivisions (Sec. 24-2.502.D.1), including conventional subdivisions, conservation subdivisions (Sec. 24-3.703), and zero lot line developments), before the application is submitted to the Planning Board; and
 - c. Major variations (Sec. 24-2.503.E).
3. To establish subdivision application requirements for development approvals and permits, other than fees.

4. To compile and amend as necessary the Applications Manual containing all requirements for application contents and forms, submission schedules, application fee information, and any other information the Planning Director determines is relevant to the submittal, review, and decision of subdivision applications under these Regulations.
5. To ensure that subdivision applications are processed and reviewed in accordance with these Regulations.
6. To make available at the Planning Director's office, upon reasonable request and during normal business hours, copies of all subdivision applications, staff reports, and materials submitted in support of or in opposition to a subdivision application, at a reasonable cost.

C. Subdivision and Development Review Committee

The Subdivision and Development Review Committee may be established and operate under the direction of the Planning Director. The Subdivision and Development Review Committee may be staffed by M-NCPPC, County, State, and regional agencies, and municipal representatives to review and comment on the following applications under these Regulations:

1. Preliminary plans of major subdivisions (Sec. 24-2.502.D.1), including conventional subdivisions, conservation subdivisions (Sec. 24-3.703), and zero lot line developments (Sec. 24-2.504); and
2. Preliminary plans of minor subdivisions (Sec. 24-2.502.C.1).

Sec. 24-2.400 Standard Subdivision Review Procedures

24-2.401. Purpose

This Section sets forth the standard procedures that generally apply to the review of subdivision applications under these Regulations. Not all procedures in this Section apply to every subdivision application. Each Subsection in Sec. 24-2.500, Application-Specific Subdivision Review Procedures and Decision Standards, identifies, for a specific type of subdivision application, which standard procedures are required, including any additions or modifications that apply.

24-2.402. Pre-application Conference

A. Purpose

A pre-application conference provides an opportunity for:

1. The applicant to determine the submission requirements, procedures and standards applicable to an anticipated development application; and
2. Staff to become familiar with, and offer the applicant preliminary comments about the scope, features, and impacts of the proposed development as it relates to the standards in these Regulations.

B. Applicability

1. A pre-application conference is required before the submittal of a preliminary plan of major subdivision.
2. A pre-application conference is optional for any other type of subdivision application.

C. Procedure

1. Submission of Materials Prior to Conference

Before a pre-application conference is held, the applicant shall submit to the Planning Director a narrative describing the scope of the proposed subdivision, a conceptual plan of the subdivision to be proposed in the application (to include conceptual grading, the proposed lotting pattern, and on-site circulation and access), and any other information reasonably requested by the Planning Director.

2. Scheduling

Within a reasonable period of time after receipt of a request for a pre-application conference, the Planning Director shall schedule the pre-application conference and notify the applicant of the conference time and location.

3. Conference Proceedings

The Planning Director shall review the materials submitted by the applicant prior to the conference. At the conference, the Planning Director shall seek any needed clarification from the applicant regarding the proposed application, and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

D. Effect of Conference

1. The pre-application conference is intended to facilitate the application review process. Discussions at the pre-application conference are not binding on the County, and consequently no final or binding decision is made at a pre-application conference.
2. A pre-application conference request does not constitute the filing of an application. Processing times for

application review do not begin until an application is submitted and determined to be complete in accordance with Sec. 24-2.405, Determination of Completeness.

24-2.403. Pre-application Neighborhood Meeting

A. Purpose

The purpose of the pre-application neighborhood meeting is to inform owners and occupants of nearby lands about a proposed development application to be reviewed under these Regulations, and to provide the applicant an opportunity to hear comments and concerns about the development proposal to resolve conflicts and outstanding issues, where possible. Pre-application neighborhood meetings are opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents affected by subdivision applications.

B. Applicability

1. A pre-application neighborhood meeting is required before submission of an application for a preliminary plan of major subdivision.
2. A pre-application neighborhood meeting is optional for all other applications.
3. The informational mailings and meetings required by this Subsection are in addition to all postings and notices required by these Regulations and State law.
4. If a development application is not submitted for review in accordance with the requirements of Sec. 24-2.404, Application Submittal, within one year of the date the pre-application neighborhood meeting is conducted, the applicant shall conduct a second pre-application

neighborhood meeting in accordance with this Section. Upon written request of the applicant submitted within one year of the date the pre-application neighborhood meeting is conducted, the Planning Director may extend this time frame for up to six months, for good cause.

C. Procedure

If a pre-application neighborhood meeting is conducted, it shall comply with the following requirements:

1. Meeting Location and Time

The meeting shall be held after 6:30 P.M. on a weekday, or between 10 AM and 4 PM on a weekend, at a location that is convenient and generally accessible to neighbors residing in proximity to the land subject to the proposed application.

2. Notification

a. Informational Mailing

- i. The applicant shall mail notice of the meeting with the information required by the Applications Manual at least 30 days before the meeting.
- ii. Notice shall be mailed to:
 - (A) The Planning Director;
 - (B) All persons to whom mailed notice of a public hearing on the application is required by Sec. 24-2.408.B, Public Notice;
 - (C) Any municipality in which the land subject to the application is located, and every municipality located within one mile of the land subject to the application;

- (D) All civic associations and residents registered in accordance with Sec. 24-2.403.D, Civic Association Registration;
 - (E) All adjoining land owners (including owners whose land lies directly across a street, alley, or stream from the land subject to the application being reviewed).
- iii. A civic association entitled to an informational mailing may waive the requirement, and an applicant's filing of a signed waiver constitutes its compliance with the mailing requirement, for the entity signing.

b. Posted Notification

The applicant shall also post notification of the pre-application neighborhood meeting on the land subject to the application at least 30 days before the date fixed for the meeting, in a form established by the Applications Manual.

c. Notification Contents

The mailed and posted notifications shall state the time and place of the meeting, the purpose of the meeting, the general nature of the proposed subdivision, and the type of approval sought.

3. Conduct of Meeting and Summary

a. Generally

The pre-application neighborhood meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review

process, respond to any questions or concerns neighbors raise about the proposed application, and discuss ways to resolve any conflicts or concerns.

b. Written Summary of Meeting

The applicant shall prepare a written summary of the pre-application neighborhood meeting that includes a list of meeting attendees, a summary of issues related to the proposal that were discussed, a compilation of attendee comments and responses, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and made available to the public for inspection in accordance with Sec. 24-2.415, Examination and Copying of Application/Other Documents.

c. Response to Written Summary

Any person attending the pre-application neighborhood meeting may submit to the Planning Director a written response to the applicant's meeting summary after the application is determined complete. The response may state the person's understanding of attendee comments, discuss issues related to the development proposal, and include any other information deemed appropriate. All written responses to the applicant's summary of the neighborhood meeting shall be included with the application materials and made available to the public for inspection in accordance with Sec. 24-2.415, Examination and Copying of Application/Other Documents.

D. Civic Association Registration

1. Any civic association that maintains a registration with the Planning Director in accordance with this Subsection is entitled to informational mailings and e-mails, for all pre-application neighborhood meetings within the association's defined geographical area.
2. To register to obtain notice of pre-application neighborhood meetings, a civic association shall provide to the Planning Director the information required in the Applications Manual, to ensure notification can be made. To continue to receive notice, an association shall re-register every two years.
3. Associations may represent overlapping geographical areas. However, for the purpose of obtaining informational mailings, an association may not represent an area extending beyond two adjoining Council Districts.
4. The Planning Director may decline registration of any association which purports to represent an area of unreasonable description or otherwise does not meet the requirements of this Subsection.
5. For a watershed protection group that is registered as a Sec. 501l(3) environmental organization, the group may designate an area consisting of the watershed whose protection is the purpose of the organization if the officers of the organization maintain their primary residence within the watershed.
6. An association may correct or update registration information at any time. In addition, the Planning Director will send notice to registered associations no later than January 31 of each year to solicit updated information and

confirm that the associations wants to continue receiving informational mailings.

24-2.404. Application Submittal

Applications shall be submitted in accordance with the requirements of this Subsection.

A. Authority to File Applications

1. Generally

Applications submitted under these Regulations shall be submitted by:

- a. The land owner; or
- b. Any other person or entity having a recognized land interest in the land upon which the application is proposed, or their authorized agent.

2. Applicant is Not the Owner

If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to submission of the application is required.

3. Applicant is Not the Sole Owner

If the applicant is not the sole owner of the land, a letter signed by the other owners or an association representing all owners consenting to or joining in the application shall be submitted.

B. Application Contents and Form

The application contents and form shall comply with requirements established by the Planning Director in the Applications Manual.

C. Fees

The Planning Board shall establish the fees required for each type of development application submitted under these Regulations, as appropriate. The fees shall be included in the Applications Manual. No application is complete until all required fees are paid in full.

D. Submission Schedule

The Planning Director shall establish the schedule for application submission and review, by application type and by time frames for review. The schedule shall be included in the Applications Manual.

E. Application Submittal

Subdivision applications shall be submitted to the Planning Director along with the fees required for the application.

24-2.405. Determination of Completeness

A. Generally

Upon receipt of an application, the Planning Director shall determine if the application is complete within ten business days. A complete application is one that:

1. Contains all content as required for the particular type of application in the Applications Manual;

2. Is in the form required for the particular type of application in the Applications Manual;
3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive standards of these Regulations; and
4. Is accompanied by the fee established for the particular type of application.

B. Application Incomplete

1. If it is determined the application is incomplete, the Planning Director shall send written notice to the applicant of the deficiencies and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the application for completeness determination.
2. Notwithstanding the other provisions of this Subsection, after an application is determined incomplete, an applicant may:
 - a. Request, and the Planning Director undertake, processing and review of the application even though it is not considered a complete application;
 - b. Resubmit the application; or
 - c. For final plats, withdraw the application, in which case the application is considered as not submitted. If the applicant does not indicate whether the application should be reviewed or withdrawn, it will be forwarded to the Planning Board for review. If the application is denied, the applicant shall submit a new application for review.

C. Application Complete

1. If the application is determined to be complete it shall be reviewed in accordance with the procedures and standards of these Regulations.
2. Any established time frame for review of the application starts on the date the application is determined complete in accordance with this Section.

24-2.406. Application Withdrawal

A. Withdrawal by Applicant

After an application has been accepted as complete for review, or is being considered in accordance with Sec. 24-2.405.B.2 above, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Planning Director, or by verbally withdrawing the application at a public hearing for which review of the application is scheduled.

B. Application Fees Not Refunded

Application fees are not refunded for withdrawn applications.

24-2.407. Staff Review and Action

A. Staff Review and Opportunity to Revise Application

When the subdivision application is determined complete, or is processed in accordance with Sec. 24-2.405.B.2 above, the Planning Director shall distribute it to all appropriate staff and other review agencies for review and comment. The Planning Director shall then review the application, along with the relevant support material, and any comments or recommendations from staff or other review agencies to which the application was referred. If deficiencies in complying with

applicable standards are identified, the Planning Director shall notify the applicant of those deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application and amend or revise the plan, plat, or other subdivision application type, as appropriate, to address them.

B. Application Subject to Staff Recommendation

1. Staff Report

If an application is subject to review by the Planning Board in accordance with Sec. 24-2.200, Summary Table of Subdivision Review Responsibilities, the Planning Director shall, following completion of staff review and receipt of responses in accordance with Sec. 24-2.407.A, Staff Review and Opportunity to Revise Application, prepare a staff report that:

- a. Analyzes whether the application complies with applicable review standards; and
- b. Recommends action on the application, including any recommended conditions of approval.

2. Distribution and Availability of Application and Staff Report

After completion of the staff report, the Planning Director shall transmit the application and report to all advisory or decision-making bodies that review or make a decision on the application in accordance with Sec. 24-2.200, Summary Table of Subdivision Review Responsibilities. The Planning Director shall also provide a copy of the staff report to the applicant and any municipality within one mile of the land subject to the application, and make a copy of the report available for examination by the public

in accordance with Sec. 24-2.415, Examination and Copying of Application/Other Documents.

C. Application Subject to Decision by Planning Director

1. Decision

If an application is subject to a final decision by the Planning Director in accordance with Sec. 24-2.200, Summary Table of Subdivision Review Responsibilities, the Planning Director shall consider the application and either approve the application; approve the application subject to conditions of approval in accordance with Sec. 24-2.411, Conditions of Approval; or disapprove the application. The decision shall be based on the review standards set forth in Sec. 24-2.500, Application-Specific Subdivision Review Procedures and Decision Standards, for the specific type of application.

24-2.408. Scheduling Public Hearing and Public Notice

A. Public Hearing Scheduling

1. If an application is subject to a public hearing in accordance with Table 24-2.200, Summary of Subdivision Review Responsibilities, the Planning Director shall ensure

that the hearing on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing or a meeting specially called for that purpose by that body.

2. The hearing on the application shall be scheduled so there is sufficient time for any required staff report to be prepared and distributed in accordance with Sec.24-2.407.B, Application Subject to Staff Recommendation, and for public notification in accordance with Sec. 24-2.408.B, Public Notice, below.

B. Public Notice

1. Generally

Notification shall be provided for all required public hearings on applications in accordance with Table 24-2.408.B: Required Public Notice, all other provisions of this Subsection, and, the Maryland Land Use Code. Computation of the required time periods shall comply with Sec. 24-6.104, Computation of Time, unless specifically stated to the contrary in other locations in these Regulations. The Applications Manual may establish more specific public notice standards, if appropriate.

| Table 24-2.408.B: Required Public Notice | | | | |
|--|----------------------|---|------------------------------|---|
| Application Type | | Required Timing and Specific Recipients [1] | | |
| | | Mail | Publication | Posting Notice |
| Text Amendments | | N/A | 30 days prior to the hearing | No requirement |
| Minor Subdivision | Preliminary plan [2] | Appeal only: 30 days prior to the hearing to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and | No requirement | 10 days prior to the date of the Planning Director's decision |

| Table 24-2.408.B: Required Public Notice | | | | |
|--|--|--|---------------------------------|------------------------------|
| Application Type | | Required Timing and Specific Recipients [1] | | |
| | | Mail | Publication | Posting Notice |
| | | <ul style="list-style-type: none"> Every municipality located within one mile of the land subject to the application. | | |
| | Final plat | No requirement | No requirement | No requirement |
| | Final plat not otherwise subject to a preliminary plan | No requirement | No requirement | No requirement |
| Major Subdivision | Preliminary plan [2] | 30 days prior to the hearing, to: <ul style="list-style-type: none"> The address included on the application; Parties of record; Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and Every municipality located within one mile of the land subject to the application | No requirement | 30 days prior to the hearing |
| | Final plat | 10 days prior to the hearing, to the address included on the application | Notice of a granted reservation | No requirement |
| Reservation | | No requirement, except if the location of the proposed reservation is not well-reflected or included on a plan, a public hearing is required with 15 days prior notice to: <ul style="list-style-type: none"> The address included on the application; Parties of record; Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and Every municipality located within one mile of the land subject to the application | No requirement | No requirement |
| Vacation | Minor | Appeal only: 7 days prior to the appeal hearing to: <ul style="list-style-type: none"> Parties of record; Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and Every municipality located within one mile of the land subject to the application | No requirement | No requirement |
| | Major | 7 days prior to the hearing to: <ul style="list-style-type: none"> Parties of record; Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and Every municipality located within one mile of the land subject to the application | No requirement | 30 days prior to the hearing |
| Interpretation | | Appeal only: 7 days prior to the appeal hearing to: <ul style="list-style-type: none"> Parties of record; Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and Every municipality located within one mile of the land subject to the application | No requirement | No requirement |

| Table 24-2.408.B: Required Public Notice | | | |
|---|---|-------------|----------------|
| Application Type | Required Timing and Specific Recipients [1] | | |
| | Mail | Publication | Posting Notice |
| NOTES: [1] Time periods are minimum time periods unless otherwise stated. [2] Notice shall include a description of any requested variation being reviewed in conjunction with the preliminary plan of subdivision. | | | |

2. Contents

All notices and posted signage required by this Subsection shall include:

- a. The date, time, and place of the public hearing on the application;
- b. The application number, and the type of application being considered;
- c. The description of the land subject to the application;
- d. The description of the purpose of the application, including the application number;
- e. A phone number, prominently displayed, to call for additional information, along with the website address of the Planning Department;
- f. The word "Hearing" shall be prominently displayed; and
- g. A statement, clearly displayed, that any member of the public is welcome to attend the public hearing and speak either in support or opposition to the application.

3. Registration to Receive Notice by Mail

- a. Any person, neighborhood organization, or other organization in the County may register with the Planning Director to receive notice of public hearings under this Subsection.
- b. The notice may be transmitted by mail (see Sec. 24-2.408.B.4, Mailed Notice, below) or in electronic form such as email or social media.
- c. To be eligible for registration, the interested person, neighborhood organization, or other organization shall provide the Planning Director information in the form required by the Applications Manual to ensure notification can be made to the organization, along with a fee to defray the costs of notification. To continue to receive that notice, a person or organization shall re-register every two years.

4. Mailed Notice

- a. Mailed notice required by Table 24-2.408.B: Required Public Notice, shall be sent by the Planning Director, by U.S. mail (unless otherwise specified in Sec. 24-2.500, Application-Specific Subdivision Review Procedures and Decision Standards) and electronic mail (if appropriate) to:

- i. The person whose name and address were submitted with the application, in accordance with the application requirements, to receive mailed notice;
 - ii. Land owners adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and
 - iii. Persons of record, other registered persons and neighborhood or other organizations, and municipalities within one mile of the land subject to the application.
- b. The applicant shall provide the Planning Director mailing labels and stamps, with the names and mailing addresses for land owners required to be mailed notice as shown on the assessment rolls of the County, unless evidence to the contrary exists that the names and mailing addresses on the assessment roles are not correct.

5. Notice Published in a Newspaper

Where required by Table 24-2.408.B Required Public Notice, unless otherwise provided in Table 24-2.408.B, the Planning Director shall ensure notice is published at least once in a newspaper of general circulation in the County, or as otherwise required by State law.

6. Posted Notice

Where required by Table 24-2-408.B: Required Public Notice, the applicant shall ensure notice is posted on the site subject to the application, in accordance with the requirements in the Applications Manual.

C. Deferral of Application

1. Request for Deferral

An applicant may request that a review body's consideration of an application at a public hearing be deferred at any time prior to the public hearing by submitting a written request for deferral to the Planning Director.

2. Decision on Request Submitted Prior to Public Notification

- a. If public notice in accordance with Sec. 24-2.408.B, Public Notice, has not been provided, the Planning Director may grant the request.
- b. If a deferral is granted, the date of the public hearing at which the application will be heard shall be set at the time the deferral is granted.

3. Decision on Request Submitted After Public Notification

- a. If public notification in accordance with Sec. 24-2.408.B, Public Notice, has been provided, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the review body.
- b. Review bodies may approve requests for deferral.
- c. If a deferral is granted, the date of the public hearing at which the application will be heard shall be set at the time the deferral is granted, and the applicant may be subject to additional application fees to defray the additional costs of processing the application.

24-2.409. Review and Recommendation by Advisory Board

Upon receipt of a copy of a proposed text amendment (subdivision bill) from the Clerk of the District Council, along with a notice of the date, time, and place of the public hearing on the bill before the District Council, the Planning Board shall hold a meeting on the proposed amendment in accordance with the Planning Board's Rules of Procedure. At the meeting, the Board shall consider the proposed text amendment, and decide whether to provide the Council any comments on the amendment. If the Board decides to provide the Council comments, they shall be submitted to the Council prior to or at the Council's public hearing on the amendment.

24-2.410. Review and Decision by Decision-Making Body

If a subdivision application is subject to a final decision by the Planning Board (except text amendments, where the final decision is made by the District Council) in accordance with Sec. 24-2.200, Summary Table of Subdivision Review Responsibilities, the Planning Board shall review and make a final decision on the application in accordance with the requirements in this Subsection.

A. General

The Planning Board shall hold any required public hearing on the application in accordance with its Rules of Procedure. At the hearing, the Planning Board shall consider the application, relevant support materials, the staff report, any comments by the Planning Director, and any public comments. The Planning Board shall then make one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Sec. 24-2.500,

Application-Specific Subdivision Review Procedures and Decision Standards.

B. Timing

The decision-making body shall take action within any time period specified in these Regulations or its Rules of Procedure for the type of application. Otherwise, it shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the County.

C. Conditions of Approval

If permitted for the particular type of application in accordance with Sec. 24-2.500, Application-Specific Subdivision Review Procedures and Decision Standards, the decision-making body may impose conditions of approval in accordance with Sec. 24-2.411, Conditions of Approval.

D. Remand

Before making its decision, the decision-making body may remand the application to an advisory board or official, as applicable, for further consideration of any issue.

24-2.411. Conditions of Approval

A. Generally

If permitted for the particular type of application in accordance with Sec. 24-2.500, Application-Specific Subdivision Review Procedures and Decision Standards, approval of an application may be subject to conditions of approval.

B. Limitations on Conditions

Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of these Regulations, and shall relate in both type and scope to the anticipated impacts of the proposed development.

C. Requirements

1. Conditions and findings become a permanent part of the approval and are binding as long as the approval remains valid.
2. All conditions imposed are mandatory. Failure to comply with any condition of approval constitutes a violation of these Regulations, and is grounds to:
 - a. Annul the approval;
 - b. Institute appropriate civil or criminal proceedings in accordance with Division 24-5, Enforcement; or
 - c. Institute any other action necessary to obtain compliance.

24-2.412. Notification to Applicant

Within 14 calendar days after a final decision on an application, the Planning Director shall notify the applicant of the decision, in writing, and shall make a copy of the decision available to the public on the Planning Department's website and in the Planning Department offices during normal business hours.

24-2.413. Appeal

Any appeal of a decision on an application shall be in accordance with State law and Sec. 24-2.500, Application-Specific Subdivision Review Procedures and Decision Standards.

24-2.414. Post-Decision Actions

A. Amendment of Approved Subdivision

Unless specified in the procedure for the particular type of development application in Sec. 24-2.500, Application-Specific Subdivision Review Procedures and Decision Standards, an amendment of an approved subdivision application may only be reviewed in accordance with the procedures and standards established for its original approval.

24-2.415. Examination and Copying of Application/Other Documents

- A. Each application (including all materials filed with the application) accepted as complete and processed in accordance with Sec 24-2.405.A.2, Determination of Completeness, and any staff report prepared in accordance with this Subsection shall be published on the Planning Board website.
- B. At any time, upon reasonable request and during normal business hours, any person may examine an application, a staff report, and materials submitted in support of or in opposition to an application in the Planning Director's office. Copies of such materials shall be made available at a reasonable cost.

Sec. 24-2.500 Application-Specific Subdivision Review Procedures and Decision Standards

24-2.501. Text Amendment

A. Purpose

This purpose of this Subsection is to establish a uniform mechanism to amend the text of these Regulations.

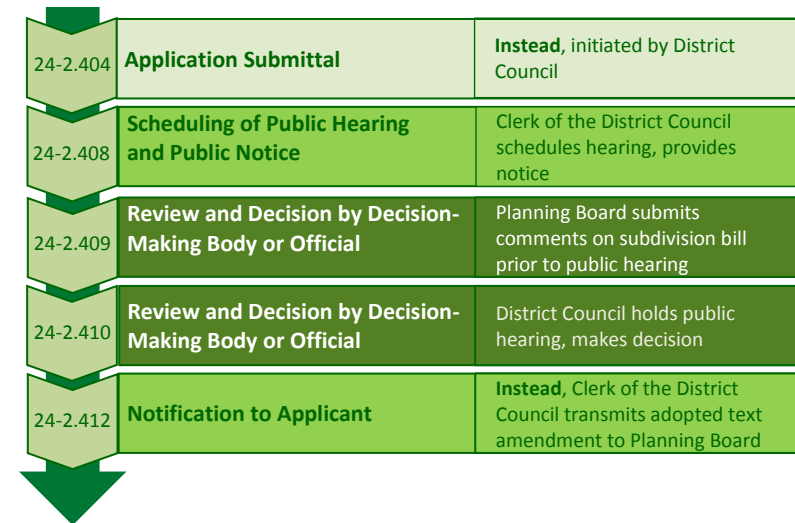
B. Applicability

A text amendment shall be initiated to change the text of these Regulations. All text amendments shall be introduced as subdivision bills, and identified as such in the heading of the bill. The enacting clause shall identify the District Council as the "County Council of Prince George's County, Maryland, sitting as the District Council."

C. Text Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 24-2.400 Standard Subdivision Review Procedures, that apply to a text amendment. Figure 24-2.501.C: Text Amendment Procedure, identifies key steps in the text amendment procedure.

Figure 24-2.501.C: Text Amendment Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

This standard review procedure is not applicable to this application type. Instead, a subdivision bill may be introduced by any member of the Council on any legislative session-day of the Council.

4. Determination of Completeness

This standard review procedure is not applicable to this application type.

5. Staff Review and Action

This standard review procedure is not applicable to this application type.

6. Scheduling Public Hearing and Public Notice

Required (See Sec. 24-2.408, Scheduling Public Hearing and Public Notice).

7. Review and Recommendation by Advisory Board

Required (See Sec. 24-2.409, Review and Recommendation by Advisory Board). When a subdivision bill is introduced, a copy of the bill shall be transmitted to the Planning Board by the Clerk of the District Council, along with a notice of the date, time, and place of the public hearing. The Board shall submit its comments on the bill prior to or at the public hearing. Failure to file its comments shall constitute a Planning Board recommendation of approval. At the request of the Planning Board, the District Council may keep the record open for Board comments.

8. Review and Decision by Decision-Making Body

Required (See Sec. 24-2.410, Review and Decision by Decision-Making Body).

- a. At the public hearing, the District Council shall, following the Rules of Procedure for the Prince George's County Council, and by majority vote of the full Council, make a decision on the proposed text amendment. The text amendment shall not be governed by provisions of the Rules of Procedure establishing effective dates for other bills. The decision shall be one of the following:

- i. Adopt by ordinance the proposed text amendment;
- ii. Adopt by ordinance the proposed text amendment with revisions; or
- iii. Disapprove the proposed text amendment.

- b. Within 10 days of the enactment of a subdivision bill by the Council, it shall be presented to the County Executive for approval or disapproval. Within 10 calendar days after such presentation, the County Executive shall return the bill to the Council with approval endorsed thereon or with a statement, in writing, of the reasons for not approving the bill. If the County Executive fails to return the bill within 10 calendar days after the date of its presentation, the Clerk of the Council shall record the fact of such failure in the journal of the Council, and the bill becomes law.

- i. Upon approval by the County Executive, the bill shall become law.
- ii. Upon veto by the County Executive, the veto message shall be entered into the journal of the Council, and not later than at its next legislative session-day, the Council may reconsider the bill. If, upon reconsideration, two-thirds of the members of the full Council vote in the affirmative, the bill shall become law.
- iii. After a bill becomes law, a copy of the adopted bill shall be transmitted to the Planning Board by the Clerk of the Council.

- c. The effective date of a text amendment may be the date of the enactment or a later date established in the legislation.

9. Conditions of Approval

This standard review procedure is not applicable to this application type.

10. Notification to Applicant

This standard review procedure is not applicable to this application type. Instead, the Clerk of the District Council shall transmit a copy of the adopted text amendment to the Planning Board.

11. Post-Decision Actions

a. Effect of Approval

The effect of the adoption of a text amendment shall be as stated in the adopting ordinance.

b. Lapse of Approval

This standard review procedure is not applicable to this application type.

c. Reconsideration

After the effective date, the District Council shall only reconsider a text amendment by introducing a new subdivision bill.

24-2.502. Minor and Major Subdivision, or Resubdivision

A. Purpose

The purpose of this Section is to establish a uniform procedure for the review of minor and major subdivisions and resubdivision.

B. Minor and Major Subdivisions or Resubdivision Applicability

There are two basic types of subdivision review under these Regulations: minor subdivisions and major subdivisions. Both types of subdivision include separate review procedures and decision standards as set forth in this Section and in the Applications Manual. Resubdivision of land that has been legally subdivided, with the intent to change the relationships between a lot and the street shown on the record plat, or between one lot and another, is permitted in accordance with Sec. 24-2.502.B.1.c.

1. Minor Subdivision or Resubdivision Applicability

- a. Unless exempted in accordance with Sec. 24-1.403, General Exemptions, minor subdivisions shall include the following, unless the Planning Director determines the subdivision will have similar impacts to surrounding lands, infrastructure, or the environment as a major subdivision, in which case the subdivision shall be reviewed as a major preliminary plan of subdivision:
 - i. Any subdivision that results in 25 or fewer dwelling units;

- ii. Any subdivision that results in 25,000 square feet or less if gross floor area of nonresidential development; and
 - iii. Any subdivision that consists of mixed use development that results in a total of 25, either dwelling units or 1,000 square feet of gross floor area.
- b. A final plat for subdivision approved prior to October 27, 1970, shall require the approval of a preliminary plan of minor subdivision prior to the issuance of a building permit, unless:
 - i. The proposed use is for a single-family detached dwelling and its accessory uses; or
 - ii. The total cumulative development proposed for the lot (one or more record lots) on the approved final plat does not exceed 5,000 square feet of gross floor area.
- c. Lot line adjustments shall be considered and reviewed, as follows:
 - i. A minor lot line adjustment shall be reviewed as a final plat of minor subdivision for which no preliminary plan is required. It typically occurs when property owners propose a minor adjustment of lot lines (often to accommodate existing development). The minor lot line adjustment shall not materially change the character of the lot and block including frontage, access, and orientation. It shall not have an adverse effect on the surrounding development. The lot(s) shall retain the rights

and restrictions applicable to the lot being resubdivided.

- ii. A major lot line adjustment shall be reviewed as a preliminary plan and may be treated as a minor subdivision, subject to the determination of the Planning Director. A major lot line adjustment consists of a proposal to change the relationship between a lot and the street, and one lot and another lot (that does not constitute a minor lot line adjustment). It shall be subject to all the requirements of a new preliminary plan for minor subdivision. The resubdivision shall comply with the standards in 24-2.502.D.2.c, Resubdivision Decision Standards.
- iii. The Planning Director may determine that a minor or major lot line adjustment rises to the level of review as a major subdivision, in which case it shall be reviewed as a major preliminary plan of subdivision.
- d. Subdivision applications identified in Sec. 24-2.502.B.3, Exemptions from Filing Preliminary Plans, must comply with these Regulations but are only required to receive approval for a final plat for minor subdivision.

2. Major Subdivision Applicability

A Major Subdivision includes any subdivision that is not classified as a minor subdivision in Sec. 24-2.502.B.2 above, or is exempted in accordance with Sec. 24-1.403, General Exemptions, except acceptance of an application

for approval of a major residential subdivision is not permitted in Sustainable Growth Tier IV.

3. Exemptions from Filing Preliminary Plans

The following do not require approval of a preliminary plan but may instead be submitted to the Planning Director and reviewed as a final plat for minor subdivision for which no preliminary plan is required.

- a. Resubdivision of land which is the subject of a record plat in order to correct a drafting or engineering error (this does not abrogate the rights and restrictions of a previously recorded plat).
- b. The incorporation of an outlot on a record plat into an adjoining lot (this does not abrogate the rights and restrictions of a previously recorded plat).
- c. The sale or exchange of land between adjoining land owners for a minor lot line adjustment or consolidation of a lot to adjust common boundary lines, incorporate vacated area, or consolidate lots, if no additional lots are created and all lands are the subject of a record plat (this does not abrogate the rights and restrictions of a previously recorded plat).
- d. Lot consolidation in the Chesapeake Bay Critical Area Overlay (CBCA-O) zones, provided a conservation plan is approved in accordance with Subtitle 5B-110, Chesapeake Bay Critical Area Applicability and Administration, of the County Code of Ordinances. The final plat shall reference the conservation plan and the liber/folio of the conservation agreement and the conservation easement, when required.
- e. Establishment of "ownership lots" within a commercial, industrial, institutional or multifamily residential "parent lot" to reflect a change in ownership, deed, mortgage or lease line, which complies with the following standards.
 - i. The "ownership lots" are subject to all approvals, conditions of approval, regulations and restrictions of the "parent lot."
 - ii. The total maximum number of trips generated on all "ownership lots" created will not exceed the number of trips approved for the "parent lot."
 - iii. All land in the "parent lot" is included in the final plat.
 - iv. Any necessary cross access easements, covenants, or other deed restrictions necessary to implement all the conditions of approval on the "parent lot" are executed before recording the ownership plat.
 - v. "Ownership lots" may not be used to create the outside boundaries of a private right-of-way or other easement.
 - vi. If the "parent lot" was recorded prior to October 27, 1970 on the previous plat, it is subject to Sec. 24-2.502.C.2.c, Resubdivision Decision Standards.
- f. In the ROS, AG, and AR zones, any division of land for a residential or agricultural use pursuant to Sec. 24-1.403, General Exemptions, created on or after October 1, 2012, provided the minor final plat

contains appropriate plat notes which limit the further division of land and use of land in accordance with Sec. 9-206 of the Environment Article of the Code of Maryland and these Regulations.

- g. A final plat for minor subdivision may be filed for any exemption listed in Sec. 24-1.403.
- h. The conversion of condominium townhouse dwelling units in general, and two-family dwelling units in the RR Zone only, to individual record lots provided the condominium townhouse dwelling units are shown on an approved preliminary plan of subdivision, the number of lots does not exceed the preliminary plan of subdivision approved number of townhouse dwelling units, the individual townhouse dwelling units and lots are reflected on an approved specific design plan, detailed site plan, or special exception and conforms to Subtitles 24: Subdivision Regulations and 27: Zoning Ordinance.

C. Minor Subdivision

1. Preliminary Plan of Minor Subdivision

a. Procedure

Figure 24-2-502.C.1: Preliminary Plan of Minor Subdivision Procedure, identifies key steps in the preliminary plan of minor subdivision procedure.

Figure 24-2.502.C.1: Preliminary Plan of Minor Subdivision Procedure



i. Pre-application Conference

Optional (See Sec. 24-2.402, Pre-application Conference).

ii. Pre-Application Neighborhood Meeting

Optional (See Sec. 24-2.403, Pre-application Neighborhood Meeting).

iii. Application Submittal

Required (See Sec. 24-2.404, Application Submittal).

iv. Determination of Completeness

Required (See Sec. 24-2.405, Determination of Completeness).

v. Staff Review and Action

Required (See Sec. 24-2.407, Staff Review and Action). After staff review and evaluation of the application, the Planning Director shall review and make a decision on the application in accordance with Sec. 24-2.502.C.1.b, Preliminary Plan of Minor Subdivision Decision Standards and in accordance with the time frame in Division II of the State Land Use Article 23-205(b) and (d). The decision shall be one of the following:

(A) Approve the application;

(B) Approve the application subject to conditions; or

(C) Deny the application. If the application is denied, a written statement shall be included with the application stating the reasons why the application does not comply with the decision standards.

vi. Scheduling Public Hearing and Public Notice

N/A. Instead, the applicant shall ensure notice is posted on the site subject to the application at least ten days prior to the Planning Director's

decision in accordance with the requirements of Sec. 24-2.408.B.6, Posted Notice. The notice shall include a description of any requested variation being reviewed in conjunction with the preliminary plan of subdivision.

vii. Review and Recommendation by Advisory Board

This standard review procedure is not applicable to this application type.

viii. Review and Decision by Decision-Making Body

This standard review procedure is not applicable to this application type.

ix. Conditions of Approval

Allowed (See Sec. 24-2.411, Conditions of Approval).

x. Notification to Applicant

Required (See Sec. 24-2.412, Notification to Applicant).

xi. Appeal

Optional (See Sec. 24-2.413, Appeal). An applicant may appeal the decision of the Planning Director on a preliminary plan of minor subdivision to the Planning Board within 20 days of the Planning Director's decision.

xii. Post-Decision Actions

An approved preliminary plan of minor subdivision is valid for three years from the date

of its approval, unless the time of validity is extended at the time of approval, at the discretion of the Planning Director, for an appropriate amount of additional time that does not exceed a six year total validity period. One extension of the validity period of an approved preliminary plan of minor subdivision may be granted by the Planning Director for up to three years if:

- (A) The request is filed prior to the expiration of the preliminary plan approval;
- (B) The preliminary plan remains in conformance with all the requirements of these Regulations applicable to the land subject to the preliminary plan;
- (C) The time of validity originally approved in the preliminary plan of minor subdivision is not sufficient time to prepare the final plat(s); and
- (D) The applicant is proceeding in good faith in preparing and filing the final plat(s).

xiii. Amendment

An amendment of an approved preliminary plan of minor detailed subdivision may only be reviewed in accordance with the procedures and standards established for its original approval.

b. Preliminary Plan of Minor Subdivision Decision Standards

A preliminary plan of minor subdivision may only be approved upon finding that it:

- i. Complies with all applicable standards of these Regulations;
- ii. Establishes in its layout a good and strong relationship between lots, the street(s), and open space set-asides that is consistent with the purposes of these Regulations and Subtitle 27:Zoning Ordinance, of the County Code;
- iii. Complies with all applicable requirements in Subtitle 27: Zoning Ordinance;
- iv. Conforms with all applicable area master plans, sector plans, and functional master plans, and
- v. Complies with all applicable requirements of the County Code.

2. Final Plat of Minor Subdivision

a. Procedure

Figure 24-2-502.C.2: Final Plat of Minor Subdivision Procedure, identifies key steps in the final plat of minor subdivision procedure.

Figure 24-2.502.C.2: Final Plat of Minor Subdivision Procedure



i. Pre-application Conference

Optional (See Sec. 24-2.402, Pre-application Conference).

ii. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

iii. Application Submittal

Required (See Sec. 24-2.404, Application Submittal).

- (A)** The subdivider may proceed to prepare the final plat(s) upon approval of the minor subdivision preliminary plan in accordance with Sec. 24-2.502.C.1, Preliminary Plan of Minor Subdivision; and

- (B)** The final plat(s) shall be prepared in accordance with the approved preliminary plan.

iv. Determination of Completeness

Required (See Sec. 24-2.405, Determination of Completeness).

v. Staff Review and Action

Required (See Sec. 24-2.407, Staff Review and Action).

- (A)** The Planning Director may refer the application to the Planning Board who may comment at their discretion, consider the application and make a decision on the application in accordance with Sec. 24-2.502.C.2.b, Decision Standards for Final Plat of Minor Subdivision. The decision shall be one of the following:

- (1)** Approve the application;
- (2)** Approve the application subject to conditions; or
- (3)** Deny the application.

- (B)** The Planning Director shall make the decision within 20 calendar days of receiving a complete application. This time period may be extended for up to 30 additional days with written consent of the applicant.

- (C)** If a site plan is required in accordance with Sec. 27-3.508, Detailed Site Plan (Minor

and Major), in Subtitle 27: Zoning Ordinance, the site plan must be approved before approval of the final plat.

vi. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type.

vii. Review and Recommendation by Advisory Board

This standard review procedure is not applicable to this application type.

viii. Review and Decision by Decision-Making Body

This standard review procedure is not applicable to this application type.

ix. Conditions of Approval

This standard review procedure is not applicable to this application type.

x. Notification to Applicant

Required (See Sec. 24-2.412, Notification to Applicant).

xi. Post-Decision Actions

An approved final plat of minor subdivision not recorded within 180 days in accordance with Sec. 24-2.502.C.3, Minor Subdivision Record Plat, is automatically invalidated, and shall become null and void.

xii. Sectionalized Plats

The Planning Director may approve a final plat for part of an approved preliminary plan when it is determined it is impractical to require the final plat for the entire subdivision at one time. Approval of a portion in no way precludes final platting of the entire subdivision in accordance with the approved preliminary plan, as long as each final plat is submitted in a logical and orderly sequence that ensures coordination of infrastructure, protection of natural features, and provision of open space for the subdivision.

b. Decision Standards for Final Plat of Minor Subdivision

A final plat of minor subdivision shall be approved upon finding that it:

- i. Is in substantial conformity with the approved preliminary plan of minor subdivision, unless a preliminary plat is not required in accordance with Sec. 24-2.502.B.3, Exemptions from Filing Preliminary Plans;
- ii. Complies with all applicable standards of these Regulations;
- iii. Complies with all applicable requirements in Subtitle 27: Zoning Ordinance;
- iv. Conforms with the applicable area master plan or sector plan, and current functional master plans; and
- v. Complies with all applicable requirements of the County Code.

c. Resubdivision Decision Standards

A resubdivision shall be approved only if it complies with the following standards:

- i. The resubdivided lots comply with all the standards and requirements of these Regulations and Subtitle 27: Zoning Ordinance;
- ii. The proposed resubdivision is better than the recorded subdivision in terms of design amenities, environmental conservation, or energy conservation; and
- iii. The subdivision is not located within Sustainable Growth Tier IV.

d. Signing of Plats

The Chairman of the Planning Board and the Secretary-Treasurer of the Commission or the Secretary-Treasurer's official designee, shall signify approval by signing the final plat after all conditions pertaining to the final plat are satisfied.

3. Minor Subdivision Record Plat

- a. The final plat of minor subdivision shall be signed and sealed by a Licensed Professional Land Surveyor or a Licensed Professional Line Surveyor and recorded among the Land Records of Prince George's County, Maryland, within 180 days of:
 - i. The Planning Director's notice of approval; or
 - ii. Dismissal or withdrawal of an appeal from the Planning Director's approval.

- b. If the plat is signed by a property line surveyor, the horizontal location of all right-of-way lines, as shown on the plat, shall be certified by either a professional land surveyor or a professional engineer.

D. Major Subdivision

1. Preliminary Plan of Major Subdivision

a. Procedure

Figure 24-2-502.D.1: Preliminary Plan of Major Subdivision Procedure, identifies key steps in the preliminary plan of major subdivision procedure.

Figure 24-2.502.D.1: Preliminary Plan of Major Subdivision Procedure



i. Pre-application Conference

Required (See Sec. 24-2.402, Pre-application Conference).

- (A)** Subdivision applicants are encouraged to submit informal sketch plans as part of the pre-application conference, in order to seek advice from the Planning Director on

the concept of the proposed subdivision. In addition, the Planning Director may require an applicant to prepare a sketch plan if the Director determines that the proposed subdivision is of a size and complexity that a sketch plan would result in more efficient review of the application.

- (B)** Submittal of a sketch plan in accordance with Sec. 24-3.703.B, Sketch Plan, at or prior to the pre-application conference is required for a conservation subdivision. The sketch plan for the conservation subdivision shall be reviewed and decided by the Planning Director in accordance with Sec. 24-3.703.C, Sketch Plan Review and Decision.

ii. Pre-Application Neighborhood Meeting

Required (See Sec. 24-2.403, Pre-application Neighborhood Meeting).

iii. Application Submittal

Required (See Sec. 24-2.404, Application Submittal). The application shall include the name and address of a person that may be sent notice of a hearing.

iv. Determination of Completeness

Required (See Sec. 24-2.405, Determination of Completeness).

v. Staff Review and Action

Required (See Sec. 24-2.407, Staff Review and Action). After staff review and evaluation of the application, the Planning Director shall prepare a staff report on the application with a recommendation to the Planning Board.

vi. Scheduling Public Hearing and Public Notice

Required (See Sec. 24-2.408, Scheduling Public Hearing and Public Notice).

vii. Review and Recommendation by Advisory Board

This standard review procedure is not applicable to this application type.

viii. Review and Decision by Decision-Making Body

Required (See Sec. 24-2.410, Review and Decision by Decision-Making Body). At the public hearing, the Planning Board, shall consider the application, relevant support materials, applicant comments, and any public comments. After the conclusion of the public hearing the Planning Board shall make a decision on the application in accordance with Sec. 24-2.502.D.1.d, Preliminary Plan of Major Subdivision Decision Standards, and the time frame established in Division II of the State Land Use Article 23-205(b) and (d). The decision shall be one of the following:

(A) Approve the application;

(B) Approve the application subject to conditions; or

(C) Deny the application.

ix. Conditions of Approval

Allowed (See Sec. 24-2.411, Conditions of Approval).

x. Notification to Applicant

Required (See Sec. 24-2.412, Notification to Applicant).

xi. Post-Decision Actions

An approved preliminary plan of subdivision is valid for six years from the date of its approval, unless the time of validity is extended at the time of approval, at the discretion of the Planning Board, for an appropriate amount of additional time that does not exceed a 12 year total validity period. Two extensions of the validity period for up to three years each may be granted by the Planning Board in accordance with Sec. 24-2.502.D.1.a.xii, Extensions, prior to the end of a validity period.

xii. Extensions

(A) Generally

Extensions of the validity of an approved preliminary plan of major subdivision may be granted by the Planning Board if:

- (1) The request is filed prior to the expiration of the preliminary plan approval;
- (2) The preliminary plan remains in conformance with all the requirements of these Regulations applicable to the land subject to the preliminary plan;
- (3) The time of validity originally approved is not sufficient time to prepare the final plat(s); and
- (4) The applicant is proceeding in good faith in preparing and filing the final plat(s).

b. Minor Amendments to Approved Major Preliminary Plans of Subdivision

The Planning Director may approve minor amendments to approved major preliminary plans of subdivision in accordance with this Subsection.

- i. Minor amendments to approved major preliminary plans of subdivision shall only consist of modifications to the approved preliminary plan that results in no greater than a 20 percent increase in the number of lots to the approved subdivision; and
- ii. Minor amendments to approved major preliminary plans of subdivision shall comply with all other applicable standards in Subtitle 24: Subdivision Regulations, and Subtitle 27: Zoning Ordinance.

c. Other Amendments to Approved Major Preliminary Plans of Subdivision

Other amendments of an approved preliminary plan of major detailed subdivision may only be reviewed in accordance with the procedures and standards established for its original approval.

d. Preliminary Plan of Major Subdivision Decision Standards

A preliminary plan of major subdivision may only be approved upon finding that it:

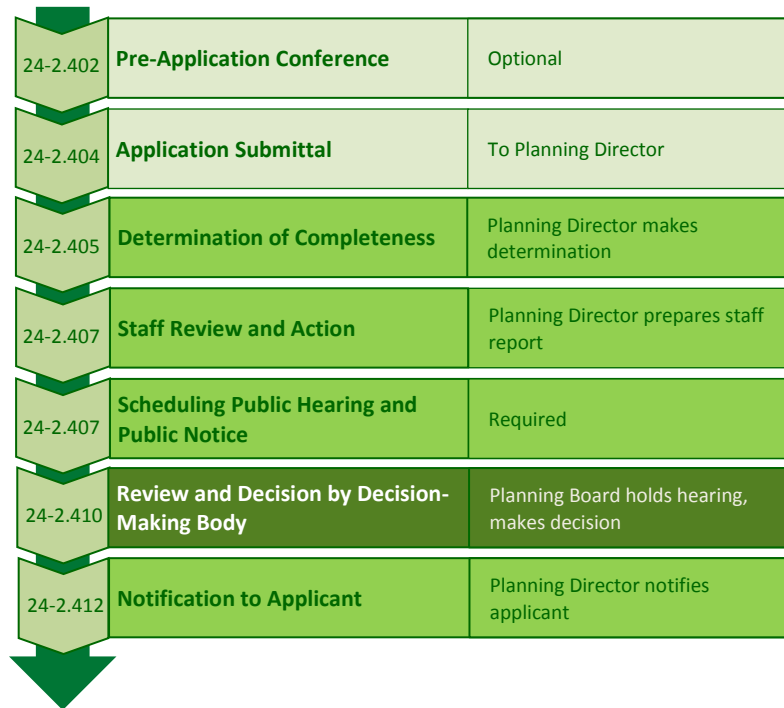
- i. Complies with all applicable standards of these Regulations;
- ii. Establishes in its layout a good and strong relationship between lots, the street(s), and open space set-asides that is consistent with the purposes of these Regulations and Subtitle 27: Zoning Ordinance, of the County Code;
- iii. Complies with all other applicable requirements in Subtitle 27: Zoning Ordinance;
- iv. Conforms with the applicable area master plan or sector plan, and current functional master plans; and
- v. Complies with all applicable requirements of the County Code of Ordinances.

2. Final Plat of Major Subdivision

a. Procedure

Figure 24-2-502.D.2: Final Plat of Major Subdivision Procedure, identifies key steps in the final plat of major subdivision procedure.

Figure 24-2-502.D.2: Final Plat of Major Subdivision Procedure



i. Pre-application Conference

Optional (See Sec. 24-2.402, Pre-application Conference).

ii. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

iii. Application Submittal

Required (See Sec. 24-2.404, Application Submittal).

(A) The application shall include the name and address of a person that may be sent notice of a hearing.

(B) The subdivider may proceed to prepare the final plat(s) upon approval of the major subdivision preliminary plan in accordance with Sec. 24-2.502.D.1, Preliminary Plan of Major Subdivision.

(C) The final plat(s) shall be prepared in accordance with the approved preliminary plan.

iv. Determination of Completeness

Required (See Sec. 24-2.405, Determination of Completeness).

v. Staff Review and Action

Required (See Sec. 24-2.407, Staff Review and Action). After staff review and evaluation of the application, the Planning Director shall prepare a staff report on the application with a recommendation to the Planning Board.

vi. Scheduling Public Hearing and Public Notice

Required (See Sec. 24-2.408, Scheduling Public Hearing and Public Notice).

vii. Review and Recommendation by Advisory Board

This standard review procedure is not applicable to this application type.

viii. Review and Decision by Decision-Making Body

Required (See Sec. 24-2.410, Review and Decision by Decision-Making Body).

(A) The Planning Board shall conduct a public hearing in accordance with its Rules of Procedure, unless the Planning Board approves the application exactly as submitted by the applicant or the applicant waives the hearing requirement in the application.

(B) At the public hearing, the Planning Board, shall consider the application, relevant support materials, applicant comments, and any public comments. After the conclusion of the public hearing, or otherwise if no public hearing is required, the Planning Board shall make a decision on the application in accordance with Sec. 24-2.502.D.2.b, Final Plat of Major Subdivision Decision Standards. The decision shall be one of the following:

(1) Approve the application; or

(2) Deny the application.

(C) The Planning Board shall make the decision within 30 calendar days of the submittal of a complete application. This time period may be extended for up to 30 additional days with written consent of the applicant. If final action is not taken by the Planning Board within the specified time periods in this Subsection, the final plat(s) shall be deemed to have been approved.

ix. Conditions of Approval

This standard review procedure is not applicable to this application type.

x. Notification to Applicant

Required (See Sec. 24-2.412, Notification to Applicant).

xi. Post-Decision Actions

An approved final plat of major subdivision not recorded within 180 days in accordance with Sec. 24-2.502.D.3, Major Subdivision Record Plat, is invalidated, and shall become null and void.

xii. Sectionalized Plats

The Planning Board may approve a final plat for part of an approved preliminary plan when it is determined it is impractical to require the final plat for the entire subdivision at one time. Approval of a portion in no way precludes final platting of the entire subdivision in accordance

with the approved preliminary plan, as long as each final plat is submitted in logical and orderly sequence that ensures coordination of infrastructure, protection of natural features, and provision of open space for the subdivision.

b. Final Plat of Major Subdivision Decision Standards

A final plat of major subdivision may only be approved upon finding that it:

- i. Conforms with the approved preliminary plan of major subdivision;
- ii. Complies with all applicable standards of these Regulations;
- iii. Complies with all applicable requirements in Subtitle 27: Zoning Ordinance; and
- iv. Complies with all applicable requirements of the County Code of Ordinances.

c. Resubdivision Decision Standards

A resubdivision shall be approved only if it complies with the following standards:

- i. The resubdivided lots comply with all the standards and requirements of these Regulations and Subtitle 27: Zoning Ordinance;
- ii. A petition to vacate the previously recorded plat has been filed;
- iii. The proposed resubdivision is better than the recorded subdivision in terms of design amenities, environmental conservation, or energy conservation; and

- iv. The subdivision is not located within Sustainable Growth Tier IV.

d. Signing of Plats

The Chairman of the Planning Board and the Secretary-Treasurer of the Commission or the Secretary-Treasurer's official designee, shall signify approval by signing the final plat after all conditions pertaining to the final plat are satisfied.

3. Major Subdivision Record Plat

- a. The final plat shall be signed and sealed by a Licensed Professional Land Surveyor or a Licensed Professional Line Surveyor and recorded in the Land Records of Prince George's County within 180 days of:
 - i. The Planning Board's notice of approval; or
 - ii. Dismissal or withdrawal of an appeal from the Planning Board's approval.
- b. If the plat is signed by a property line surveyor, the horizontal location of all right-of-way lines, as shown on the plat, shall be certified by either a professional land surveyor or a professional engineer.

24-2.503. Variation

A. Purpose

Where extraordinary hardship or practical difficulties may result from strict compliance with these Regulations, or the purposes of these Regulations may be served to a greater extent by an alternative proposal, variations from these

Regulations may be approved in accordance with the procedures and standards of this Section. The purpose of this Section is to insure that substantial justice may be done and the public interest secured, provided the variation does not have the effect of nullifying the intent and purpose of these Regulations and the Maryland Environment article.

B. Applicability

1. A variation may be requested in accordance with the procedures and standards of this Section for:
 - a. Variations to the standards in Sec. 24-3.102.C, Minimum Lot Depth;
 - b. Variations to the standards in Sec. 24-3.106, Cemeteries;
 - c. Variations to Sec. 24-3.204.B, Exemptions (Private Streets and easements); or
 - d. Variations to the standards for public utility easements.
2. An application for a variation must be approved prior to approval of a minor or major preliminary plan for subdivision that proposes a variation from these Regulations. The variation application shall be reviewed concurrently with the minor or major preliminary plan application.

C. Minor and Major Variation Distinguished

There are two types of variations: a minor variation and a major variation. A minor variation is reviewed and decided by the Planning Director. The Planning Director's decision may be appealed to the Planning Board. A major variation is decided by the Planning Board.

1. Minor Variation

A minor variation shall only be considered in conjunction with a preliminary plan for minor subdivision.

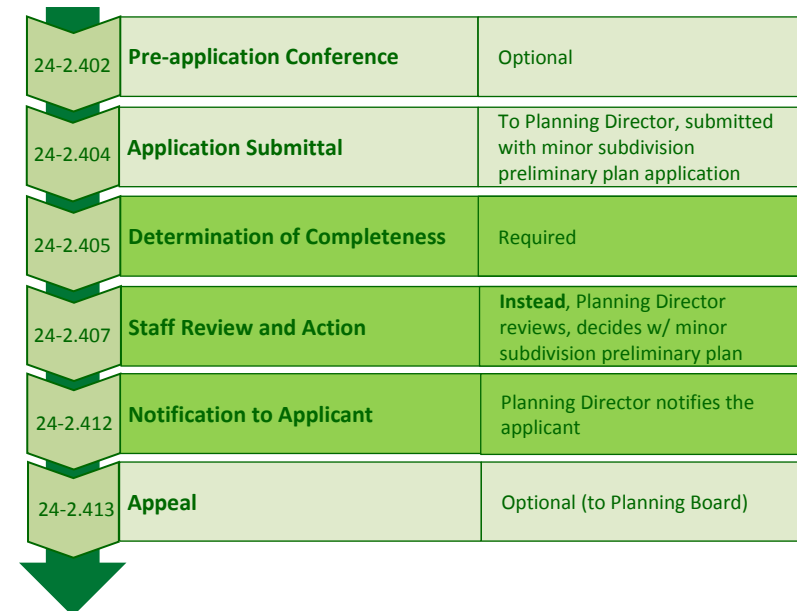
2. Major Variation

A major variation shall only be considered in conjunction with a preliminary plan for major subdivision.

D. Minor Variation Procedure

Figure 24-2-503.E: Minor Variation Procedure, identifies key steps in the variation procedure.

Figure 24-2.503.D: Minor Variation Procedure



1. Pre-Application Conference

Optional (See Sec. 24-2.402, Pre-application Conference).

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

Required (See Sec. 24-2.404, Application Submittal). The application shall be submitted in conjunction with an application for a preliminary plan for minor subdivision.

4. Determination of Completeness

Required (See Sec. 24-2.405, Determination of Completeness).

5. Staff Review and Action

N/A. Instead the Planning Director shall consider the application in conjunction with an application for a preliminary plan for minor subdivision and make a decision on the application in accordance with Sec. 24-2.503.F, Variation Decision Standards. The decision shall be made prior to making a decision on the preliminary plan for minor subdivision application.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type.

7. Review and Recommendation by Advisory Board

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

Allowed (See Sec. 24-2.411, Conditions of Approval).

10. Notification to Applicant

Required (See Sec. 24-2.412, Notification to Applicant).

11. Appeal

Optional (See Sec. 24-2.413, Appeal). An appeal may be initiated within 20 days of the date of the decision, to the Planning Board, by filing an application for appeal with the Planning Director.

12. Post-Decision Actions

No requirement.

E. Major Variation Procedure

Figure 24-2-503.E: Major Variation Procedure, identifies key steps in the variation procedure.

Figure 24-2.503.E: Major Variation Procedure



1. Pre-Application Conference

Optional (See Sec. 24-2.402, Pre-application Conference).

2. Pre-Application Neighborhood Meeting

Optional (See Sec. 24-2.403, Pre-application Neighborhood Meeting).

3. Application Submittal

Required (See Sec. 24-2.404, Application Submittal). The application shall be submitted only in conjunction with an application for a preliminary plan for major subdivision

4. Determination of Completeness

Required (See Sec. 24-2.405, Determination of Completeness).

5. Staff Review and Action

N/A. Instead, the Planning Director shall consider the application in conjunction with the application for a preliminary plan for subdivision, and make a recommendation in accordance with Sec. 24-2.503.F, Variation Decision Standards.

6. Scheduling Public Hearing and Public Notice

Required (See Sec. 24-2.408, Scheduling Public Hearing and Public Notice).

7. Review and Recommendation by Advisory Board

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body

Required (See Sec. 24-2.410, Review and Decision by Decision-Making Body).

- a. At the public hearing, the Planning Board shall consider the application in conjunction with an application for preliminary plan for major subdivision. At the hearing, the Planning Board shall consider relevant support materials, applicant comments, and any public comments. After the conclusion of the

public hearing the Planning Board shall make a decision on the application in accordance with Sec. 24-2.503.F, Variation Decision Standards. The decision shall be one of the following:

- i. Approve the proposed variation;
- ii. Approve the proposed variation subject to conditions; or
- iii. Deny the proposed variation.

- b. The decision shall be made prior to making a decision on the preliminary plan for major subdivision application.

9. Conditions of Approval

Allowed (See Sec. 24-2.411, Conditions of Approval).

10. Notification to Applicant

Required (See Sec. 24-2.412, Notification to Applicant).

11. Post-Decision Actions

This standard review procedure is not applicable to this application type.

F. Variation Decision Standards

A variation shall be approved only when the following findings are made based on the evidence provided at the hearing:

1. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other lands in the vicinity of the land subject to the variation;
2. The conditions on which the variation is based are unique to the land for which the variation is sought, and are not applicable generally to other lands;

3. The variation does not constitute a violation of any other applicable provisions of the County Code of Ordinances, State law or Federal law; and
4. Because of the particular physical surroundings, shape, or topographical conditions of the specific parcel involved, a particular hardship to the landowner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out.

24-2.504. Zero Lot Line Development

A. Purpose

The purpose of this Section is to provide maximum flexibility in subdivision design to take advantage of natural features, and to create energy efficiency and environmentally-sensitive, attractively designed communities. This Section allows minimum setbacks, yards, and street frontages for zero lot line development, if the Planning Board finds that those alternatives will function safely and efficiently and will yield a better design than conventional approaches.

B. Applicability

1. This Section applies to any proposed application for zero lot line development.
2. Any waiver or adjustment of any standards from Subtitle 27: Zoning Ordinance, and any other applicable part of the County Code of Ordinances shall be approved prior to submitting an application for a zero lot line development. The applicant shall provide proof of receipt of the waiver or adjustment in a form acceptable to the Planning Director.

C. Zero Lot Line Development Procedure

1. The procedure for zero lot line development is the same as the procedure for preliminary plans for major subdivision as set forth in Sec. 24-2.502.D, Major Subdivision, except:

a. The following shall be submitted with the preliminary plan application:

i. A proposed site plan which includes a statement that explains and provides the reasons for any waivers that the applicant is seeking, along with any calculations needed to support these reasons. The statement may include, but is not limited to, the following:

(A) Reasons for minimizing grading (such as tree preservation);

(B) Reasons for not providing sidewalks (such as providing a separate pedestrian trail), or scaling down the paving widths (due to the limited number of units proposed);

(C) Rough calculations to show that retention of natural drainage systems will suffice to handle stormwater safely; or

(D) Proposals for open space retention and recreational facilities that equal or exceed what would have been achieved through mandatory dedication;

ii. The proposed site plan shall show all building envelopes and maintenance easements; and

iii. Proposed covenants, or other appropriate documents, providing for privacy walls, sound proofing of common walls, and restrictions on the use of walls on a lot line, where appropriate.

b. The final plat shall indicate the following:

i. That the plat is approved as a zero lot line development;

ii. That any waivers required have been agreed to by applicable departments and agencies;

iii. That all conditions of approval for the preliminary plan have been satisfied; and

iv. That the subdivision is subject to covenants or other restrictions, as appropriate.

c. Decisions on applications shall be in accordance with Sec. 24-2.504.C.2, Zero Lot Line Development Decision Standards.

2. Zero Lot Line Development Decision Standards

Zero lot line development shall only be approved upon finding that:

a. The design is clearly superior to what would have been achieved under conventional subdivision techniques by orienting units to the street, accommodating appropriate densities as established in Subtitle 27: Zoning Ordinance, the General Plan, or the applicable area master plan or sector plan;

b. The transportation system will function safely and efficiently;

- c. There will be no adverse impact on natural features, drainage, and stormwater; and
- d. Easements and covenants adequately provide for the maintenance needs and privacy of individual lot owners.

24-2.505. Reservations

A. Purpose

The purpose of reservations is to set-aside land identified for public use in the General Plan, functional master plans, area master plans, or sector plans.

B. Applicability

Reservations may be required for:

1. Highway, transit, or street rights-of-way;
2. Public building sites;
3. Parks (except park lands to be acquired under the provisions of the Act of Congress of the United States known as Public Law 284 of the 71st Congress, approved May 29, 1930, 46 Stat. 482, popularly known as the "Capper-Crampton Act," as amended by Public Law 699, 79th Congress, approved August 8, 1946);
4. Playgrounds or other recreational areas;
5. Land for utilities; or
6. Land reserved for other public purposes.

C. Procedure for Reservations

1. General

- a. Reservations shall be reviewed and decided concurrent with:
 - i. Major subdivisions (Sec. 24-2.502.D); and
 - ii. Minor subdivisions (Sec. 24-2.502.C).
- b. An applicant may propose for the Planning Board's consideration, a length of time for which the reservation should be provided.

2. Referral to Applicable Agencies

- a. If, during the review of an application identified in Sec. 24-2.505.C.1 above, reservation appears desirable, the proposed application shall be referred to agencies in accordance with this Section.
- b. The Planning Board shall refer the plat to (1) the public agency concerned with acquisition, (2) any municipality within which the land subject to the reservation is located, and (3) any municipality with authority for street rights-of-way or which is outside the Metropolitan District and has independent authority over parks and recreation facilities, as appropriate, for its consideration and report. In addition, the Planning Board shall also refer the plat to the County Executive and District Council for their comments. The Planning Board may propose alternate areas for the Reservation and shall allow 30 days for a response from the agency or municipality. The recommendation of the public agency or municipality concerned with acquisition, if affirmative, shall include a map showing the

boundaries and area of the parcel to be reserved, and an estimate of the time required to complete the acquisition.

- c. Upon receipt of an affirmative report from a public agency or municipality concerned with acquisition, the Planning Board shall notify the land owner, the County Executive, and the District Council, and, shall establish the reservation by resolution, with or without modifications, concurrent with the approval of the plat if the reservation supports the plans for a highway, streets, transit routes, public building site, parks, or other public purposes in accordance with Sec. 24-2.505.C.4, Declaration of Reservation by Resolution.

3. Required Public Hearing if Reservation not Provided

- a. If the location of the proposed reservation is not reflected, or differs substantially from that shown, on the General Plan, functional master plan, area master plan, or sector plan, the Planning Board shall hold a public hearing before making a decision on the reservation.
- b. Notice of public hearing shall be given to the land owners, County Executive, and District Council, and shall be advertised in the County newspaper of record at least 15 days prior to the hearing date.

4. Declaration of Reservation by Resolution

A Declaration of Public Reservation shall be made by resolution of the Planning Board. Notice of the reservation shall be carried once in each of the County newspapers of record. Certified copies of the resolution shall be sent to the land owner(s), the County Executive, the District

Council, and any municipality within which the land is located, and to the agency concerned with acquisition.

5. Final Plat Showing Reservation

- a. Final plats for the land subject to the reservation shall be in strict conformity with the approved preliminary plan as to public reservation.
- b. The applicant shall prepare a plat of any land reserved for public use under the provisions of this Section, showing the survey location of the land, names and addresses of the owners, and any other information required for its proper indexing and for filing among the Land Records of Prince George's County. The plat shall comply with all requirements for recording of plats among the Land Records of Prince George's County, and shall be duly recorded.

D. Reservation Duration, Tax Exemptions, Restrictions on Use of Reservation Area, and Violations

1. Duration of Reservation

No reservation shall continue for longer than three years without the written approval of all persons holding or otherwise owning any legal or equitable interest in the land.

2. Exemption from Local Taxes

Public reservations are exempt from all State, County, and local taxes during the reservation period. Certified copies of the resolution shall be sent to the affected taxing and assessing entities.

3. Restrictions on Development Activity and Maintenance of Reservation Area

- a.** During the reservation review period, no building or structure shall be erected on the land reserved, except as provided in Sec. 24-2.505.D.3.b below. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water on the reserved land, except as provided in Sec. 24-2.505.D.3.b below.
- b.** Land reserved may be used for agricultural purposes and other uses permitted by Subtitle 27: Zoning Ordinance, upon written approval of the Planning Board. The Planning Board may allow any permitted use which it finds will not impair the efficient and economic use for which the land was reserved.
- c.** All land reserved shall be maintained by the land owner as required by the reservation and all applicable provisions of the County Code. The Planning Board shall be notified immediately upon the sale of any land reserved in accordance with this Section, and shall be provided with documents from the public land records attesting to the sale.

4. Violations

Any violation of this Section is subject to the enforcement provisions of Division 24-5, Enforcement.

E. Termination and Renewal of Reservation

1. Termination

- a.** The expiration of a preliminary plan shall not affect a Reservation if, before the expiration date, a Reservation plat has been recorded by the Planning Board. If this has not occurred, the reservation shall be cancelled.
- b.** At the end of the Reservation period, if the Reservation has not been renewed in accordance with Sec. 24-2.505.E.2, Renewal, or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire and the appropriate taxing and assessing entities shall be notified.
- c.** If, prior to the expiration of the Reservation review period, the Planning Board determines that the Reservation no longer appears necessary, the Planning Board, by resolution, may cancel the reservation with the written consent of the land owner. Certified copies of the resolution cancelling the reservation shall be sent to the land owner, the agency originally concerned with the acquisition, the affected taxing and assessing entities, the County Executive, the District Council, and the Clerk of the Court for filing in the Land Records of Prince George's County.

2. Renewal

Prior to the expiration of the Reservation review period, with the written consent of all land owners, the Planning Board may renew the Reservation for additional periods of

time; provided the time period of the renewal shall be mutually agreed upon by the land owners and the Planning Board. The following shall govern the renewal of the Reservation of land for public use.

- a. Prior to the expiration date, the Planning Board shall determine whether the reservation should be renewed, and shall provide an opportunity for the County Executive, the District Council, and any municipality within which the reservation is located to comment on the renewal.
- b. If the Planning Board determines that the Reservation should be renewed, the land owner shall be notified of the determination, and, if the land owner agrees to renew the reservation, the required authorization for consent to the renewal shall be completed.
- c. Renewal of reservations shall be by resolution of the Planning Board, in accordance with Sec. 24-2.505.C, Procedure for Reservations.

24-2.506. Vacation (Minor and Major)

A. Purpose

The purpose of this Section is to establish a uniform mechanism for vacating recorded plats.

B. Applicability

1. This Section applies to the vacation of any recorded plat of subdivision, or part thereof. The plat, or part of the plat, may be vacated in the manner provided in this Section upon petition of the owner(s) of the lot(s) to be vacated.

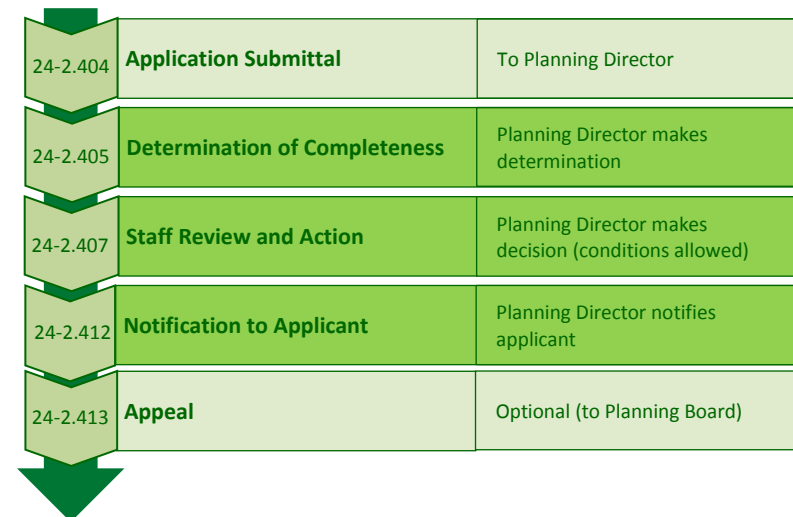
2. There are two types of vacation procedures: a minor vacation and a major vacation.

- a. A minor vacation consists of the vacation of an unimproved street or alley if the vacation is unopposed by adjoining landowners. A minor vacation is decided by the Planning Director.
- b. All other vacations are major vacations, which are decided by the Planning Board.

C. Minor Vacation Procedure

Figure 24-2.506.C: Minor Vacation Procedure, identifies key steps in the minor vacation procedure.

Figure 24-2.506.C: Minor Vacation Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

Required (See Sec. 24-2.404, Application Submittal).

4. Determination of Completeness

Required (See Sec. 24-2.405, Determination of Completeness).

5. Staff Review and Action

Required (See Sec. 24-2.407, Staff Review and Action).

- a. The Planning Director shall consider the application and make a decision on the application in accordance with Sec. 24-2.506.E, Vacation Decision Standards.
- b. When approved, the vacation petition shall be executed and a final plat for minor subdivision shall be recorded which incorporates the area being vacated as reflected on the plan of computation; being duly recorded or filed, the final plat shall operate to destroy the force and effect of the recording of the plat so vacated, and divests all public rights in the street(s) or alley.
- c. When the vacation petition is a condition of an approved preliminary plan of subdivision, the final plat for the subdivision shall incorporate the area vacated as reflected on the approved preliminary plan and the plat of computation.

6. Scheduling Public Hearing and Public Notice

N/A. Instead, the applicant shall ensure notice is posted on the site subject to the application a minimum of ten days prior to the date of the Planning Director's decision.

7. Review and Recommendation by Advisory Board

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

Allowed (See Sec. 24-2.411, Conditions of Approval).

10. Notification to Applicant

Required (See Sec. 24-2.412, Notification to Applicant).

11. Appeal

Optional (See Sec. 24-2.413, Appeal). An applicant may appeal the decision of the Planning Director on a minor vacation to the Planning Board within 20 days of the Planning Director's decision.

- a. An applicant may appeal the decision of the Planning Director on a minor vacation to the Planning Board within 20 days of the Planning Director's decision.
- b. The Planning Board shall hold a public hearing prior to making a decision on the appeal. Scheduling of the public hearing and public notice shall be in accordance with Sec. 24-2.408, Scheduling Public Hearing and Public Notice.

- c. After the conclusion of the public hearing the Planning Board shall make a decision on the application in accordance with Sec. 24-2.506.E, Vacation Decision Standards.
- d. When approved, the vacation petition shall be executed and a final plat for minor subdivision shall be recorded which incorporates the area being vacated as reflected on the plat of computation; and, being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the street(s) or alley.

12. Post-Decision Actions

This standard review procedure is not applicable to this application type.

D. Major Vacation Procedure

Figure 24-2.506.D: Major Vacation Procedure, identifies key steps in the major vacation procedure.

Figure 24-2.506.D: Major Vacation Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

Required (See Sec. 24-2.404, Application Submittal).

4. Determination of Completeness

Required (See Sec. 24-2.405, Determination of Completeness).

5. Staff Review and Action

Required (See Sec. 24-2.407, Staff Review and Action). After staff review and evaluation of the application, the Planning Director shall prepare a staff report on the application.

6. Scheduling Public Hearing and Public Notice

Required (See Sec. 24-2.408, Scheduling Public Hearing and Public Notice).

7. Review and Recommendation by Advisory Board

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body

Required (See Sec. 24-2.410, Review and Decision by Decision-Making Body).

- a. At the public hearing, the Planning Board, following its Rules of Procedure, shall consider the application, relevant support materials, applicant comments, and any public comments. After the conclusion of the public hearing the Planning Board shall make a decision on the application in accordance with Sec. 24-2.506.E, Vacation Decision Standards.
- b. When approved, the vacation shall be executed, acknowledged or approved, and recorded or filed, in like manner as record plats; and, being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in the plat.

9. Conditions of Approval

Allowed (See Sec. 24-2.411, Conditions of Approval).

10. Notification to Applicant

Required (See Sec. 24-2.412, Notification to Applicant).

11. Post-Decision Actions

This standard review procedure is not applicable to this application type.

E. Vacation Decision Standards

A subdivision shall not be vacated which has dedicated rights-of-way to public use or dedicated rights-of-way or easements for any public utility, storm drainage course, floodplain, public access roadway, or dedicated public facility, until:

1. Consents have been provided by the Washington Suburban Sanitary Commission, the County Department of Public Works and Transportation, and the elected officials of any incorporated municipality within which the subdivision is located;
2. Each public utility, which is franchised to provide services within the area of the subdivision, is notified in writing of the proposed vacation, and has 30 calendar days to comment;
3. Conditions of consent from any public agencies or utilities having rights in any area proposed to be vacated shall have the conditions incorporated into the vacation;
4. In the case of a right-of-way which is in use by the general public at the time of the request or within the preceding year, the proposed vacation complies with Subtitle 23, Division 5, Road Closings; and

5. If any agency or utility having rights in any area proposed to be vacated objects, a finding is made that a specific public benefit will not be annulled if the vacation is granted.

24-2.507. Interpretation

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism for rendering formal written interpretations of any provision of these Regulations.

B. Applicability

The Planning Director is responsible for making interpretations of all provisions of these Regulations, including but not limited to interpretations of the text, interpretations of the design and development standards, and interpretations of compliance with a condition of approval.

C. Interpretation Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. Sec. 24-2.400, Standard Subdivision Review Procedures, that apply to applications for an interpretation. Figure 24-2.507.C identifies key steps in the interpretation procedure.

Figure 24-2.507.C: Interpretation Procedure



1. Pre-Application Conference

Optional (see Sec. 24-2.402, Pre-application Conference).

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

Required (see Sec. 24-2.404, Application Submittal). In addition, an application for a formal written interpretation may be initiated by the District Council, the Planning Board, or any person having a contractual interest in land in the County.

4. Determination of Completeness

Required (see Sec. 24-2.405, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 24-2.407, Staff Review and Action).

- a. The Planning Director shall review the request, consult with the M-NCPPC Attorney and other M-NCPPC and County staff, and render a formal written interpretation in accordance with Sec. 24-2.507.D, Interpretation Decision Standards. The interpretation shall be in a form approved by the M-NCPPC Attorney and shall constitute the formal written interpretation.
- b. A formal written interpretation shall be binding on subsequent decisions by the Planning Director and M-NCPPC and County staff in applying the same provision(s) of these Regulations.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

This standard review procedure is not applicable to this application type.

10. Notification

Required (see Sec. 24-2.412, Notification to Applicant).

11. Appeal

The applicant may appeal the Planning Director's decision on an interpretation to the Planning Board.

12. Effect of Approval

A written interpretation is binding on subsequent decisions by the Planning Director or other M-NCPPC or County administrative officials in applying the same provision of these Regulations in the same circumstance, unless the interpretation is modified in accordance with this Subsection, or the text of these Regulations is amended.

13. Tracking Interpretations

The Planning Director shall maintain a copy of all written interpretations in one document, which shall be available in the offices of the Planning Director for public inspection, during normal business hours, and place the written interpretation on the M-NCPPC's website.

14. Amendment of Formal Written Interpretations

The Planning Director may amend or repeal a formal written interpretation on the Director's own initiative, or upon a request for interpretation submitted in accordance with this Subsection, based upon new evidence or discovery of a mistake in the original interpretation, a

change in State or Federal law, an amendment to these Regulations, or any other provision of the County Code that relates to the original formal written interpretation.

D. Interpretation Decision Standards

Interpretation of a provision, and its application shall be based on Sec. Sec. 24-1.600, Relationship to Other Laws, and considerations including, but not limited to, the following:

1. The plain meaning of the provision's wording, considering any terms specifically defined in Sec. Sec. 24-6.300, Definitions, and the common and accepted usage of terms; and
2. The purpose of the provision, as indicated by:
 - a. Any purpose statement in the section(s) where the text is located;
 - b. The provision's context and consistency with surrounding and related provisions;
 - c. Any legislative history related to the provision's adoption; and
 - d. The general purposes served by these Regulations, as set forth in Sec. Sec. 24-1.300, Purpose and Intent.

Division 3: Subdivision Standards

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DIVISION 24-3 SUBDIVISION STANDARDS

Sec. 24-3.100 Planning and Design

Preliminary plans of subdivision and final plats shall comply with the standards in this Section.

24-3.101. General

A. Zoning Ordinance Standards

All preliminary plans of subdivision and final plats shall comply with all applicable standards in Subtitle 27: Zoning Ordinance, Division 6: Development Standards, of the Zoning Ordinance. All information and support materials needed to demonstrate compliance with this Section shall be provided by the subdivider.

B. Conform to Area Master Plan or Sector Plan

Preliminary plans of subdivision and final plats shall conform to all applicable area master plans or sector plans.

C. Unsafe Land

1. The Planning Director or Planning Board, as appropriate, shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes, or man-made conditions on the land, including but not limited to unstable fills or slopes.
2. All subdivisions shall conform to the following:

- a. When the County Soils and Geological Map or past permit activity, or geotechnical engineering indicate that a portion of the land may be unsafe, a detailed geotechnical engineering evaluation of the land shall be prepared by a registered professional geotechnical engineer and submitted for review during the subdivision process. The limits of unsafe land shall be delineated by the registered professional geotechnical engineer, and reviewed by M-NCPPC and DPIE. If the land is determined unsafe, this indicates that a portion of the land is unsafe, and the land may be platted as part of a lot or parcel in which there is sufficient land to erect a building within the building lines established by the zone in which the land is located, plus an additional 25 foot setback between the structure and the unsafe area, which shall be identified on the final plat with a building restriction line.
- b. If the unsafe land has, by subsequent change, become safe for building construction, upon appropriate findings, the building restriction line may be removed by the recording of a new final plat approved by the Planning Board.
- c. When the applicant proposes remedial actions to correct or alleviate unsafe soil conditions, the proposal shall be referred to DPIE for a determination of whether such measures are sufficient to protect the health and safety of future residents. The proposal may be approved along with the platting of such land, upon recommendation of a registered professional geotechnical engineer and DPIE, provided that covenants are attached to incorporate the remedial actions and ensure safe soil conditions.

- d. The owner of any land on which unsafe conditions have been found to exist may be required to notify any potential purchaser of such conditions.

D. Land in Reservation

When indicated by an applicable area master plan, sector plan, functional master plan, or the General Plan, or when requested by a public agency, land may be placed in reservation, in accordance with Sec. 24-2.505, Reservations.

24-3.102. Lot Standards

A. Conformance with Zoning Ordinance

All lots in a subdivision shall be in conformance with all of the lot standards and requirements of Subtitle 27: Zoning Ordinance, applicable to the land subject to the subdivision. (See Division 27-4: Zones and Zone Regulations, of Subtitle 27: Zoning Ordinance).

B. Minimum Lot Area Standards for Individual Systems

If a proposed subdivision is situated in a portion of the County not planned to be served by public water and/or sewer facilities, lots shall be designed to comply with the minimum lot area standards for individual systems in Subtitle 22: On-Site Sewage Disposal Systems, of the County Code and the *Ten Year Water and Sewerage Plan*.

C. Minimum Lot Depth

1. Lots in a residential subdivision adjacent to existing or planned streets classified as arterials shall be platted with a minimum depth of 150 feet.

2. Lots in a residential subdivision adjacent to existing or planned streets classified as expressways or freeways shall be platted with a minimum depth of 300 feet.
3. Adequate protection and screening from traffic nuisances shall be provided in accordance with the requirements of the Landscape Manual.

D. Lot Design Standards

1. Buildings and driveways shall be sited to maintain the existing grade as much as possible.
2. A variety of lot sizes and lot widths are encouraged within groupings of dwellings in order to prevent visual monotony.

E. Condominium and Development

Condominium townhouses shall be designed to conform to the lot standards of these Regulations and Subtitle 27: Zoning Ordinance, for possible future conversion to fee simple lots.

F. Outlots

Provision shall be made for the eventual ownership of outlots by incorporating them into platted lots or into adjacent parcels, or by other appropriate means.

G. Located Wholly Within County

All lots shall be designed to be located wholly within the County.

24-3.103. Layout Design Standards

- A. Internal streets shall be sited to maintain the existing grade, to the maximum extent practicable.

- B.** Lots and the siting of buildings shall be arranged and sufficiently set back to preserve views of the site characteristics from streets and abutting lands.
- C.** Buildings should not be located in the center of a ridgeline, unless topographic, environmental, or other conditions merit they be located there.
- D.** Access to lots should be from interior streets and easements, where practical.
- E.** Proposed street and driveway crossings through wetlands, floodplains, steep slopes, and streams shall be minimized to the maximum extent practical, unless the crossing will provide more efficient lot and street layout that provides less net disturbance of these features than an alternative layout.
- F.** Trees on ridgelines shall be preserved, to the maximum extent practicable.
- G.** Buildings shall be located a minimum of 40 feet from any environmentally regulated area, to the maximum extent practicable.
- H.** Lighting techniques shall comply with Sec 27-6.600, Exterior Lighting, of Subtitle 27: Zoning Ordinance. In addition, lighting should be utilized to decrease adverse impacts on the adjoining and abutting lands.

24-3.104. Grading

The submission of general grading plans and a Tree Conservation Plan Type 1 (TCP-I) for major subdivisions is required and may be required for a minor subdivision in order to efficiently plan the subdivision layout, which includes but is not limited to stormwater management, street grades, tree preservation, water and sewerage, and parkland. The submission of a general grading plan, at two foot

contours, shall be required with an application for a major preliminary plan of subdivision and may be required for a minor preliminary plan of subdivision, unless waived by the Planning Director.

24-3.105. Historic Resources

A. Purpose

The purpose of this Subsection is to preserve historic resources and sites to:

1. Protect the County's cultural heritage;
2. Increase public awareness of the County's history; and
3. Provide for the continued use of still-valuable historic resources and sites.

B. General Standards

1. Significant archeological sites identified in accordance with the *Planning Board Guidelines for Archeological Review* shall be preserved in place, to the extent practicable.
2. The flexibility inherent in these Regulations shall be used to protect historic resources and sites, including optional methods of development where appropriate, to design subdivisions that minimize the impact of a subdivision on historic resources and sites and promote the restoration and continued use of such resources.
3. The lotting pattern of a proposed subdivision containing historic resources and sites shall be laid out to promote the long-term maintenance and access to the historic resources.

4. A proposed subdivision containing or adjacent to a historic resource or site shall comply with the following standards:
 - a. Lots shall be designed to minimize adverse impacts of new construction on the historic resource;
 - b. Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and
 - c. Protective techniques (such as limits of disturbance, building restriction lines, and buffers) shall be used.
5. A plan for development may be required to be submitted with an application for a subdivision for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting to protect the integrity of the historic resource.

C. Subdivision Along Designated Scenic or Historic Road

A subdivision along a designated scenic or historic road shall conform to the following standards:

1. There should be no views of the rears of buildings from the road.
2. Engineered berms for screening purposes are prohibited unless they are constructed to mimic natural contours.
3. Fencing along the road shall be rural in character.
4. Views from scenic and historic roads shall be preserved or may be created through the installation of landscaping that mimics natural conditions.

5. Trees and vegetation shall not be removed within the required setback unless it is in accordance with an approved tree conservation plan.
6. Existing slopes and tree tunnels along the street frontage should be retained, unless required to be removed by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA) for frontage improvements.
7. Buildings that are located within 200 feet of the road should be sited such that the principal entrance is oriented toward the road.
8. A scenic easement shall be provided along the frontage of a designated scenic or historic road, that abuts the 10-foot public utility easement. The scenic easement shall be a minimum of 40 feet. It should be increased, where appropriate, to retain unique characteristics of the scenic and historic character of the road, if appropriate.
9. In general, access (public and private) to a scenic or historic road should be limited, to the extent possible, except for safety reasons or for some other benefit such as environmental preservation, or to implement the stated purposes of this Division.
10. Septic recovery areas shall not be permitted within the scenic easement, to the maximum extent practicable.

24-3.106. Cemeteries

- A. A proposed preliminary plan for subdivision which includes a cemetery within the site, when there are no plans to relocate the human remains to an existing cemetery, shall comply with the following standards:

1. The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.
2. The layout shall promote the long-term maintenance and access to the cemetery.
3. Fence or walls constructed of stone, brick, metal, or wood shall delineate the cemetery boundaries.
4. If the cemetery is not conveyed and accepted into public ownership, it shall be protected by agreements sufficient to assure its future maintenance and protection. This shall include but not be limited to a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants or other agreements shall include a determination of the following:
 - a. Current and proposed land ownership;
 - b. Responsibility for maintenance;
 - c. A maintenance plan and schedule;
 - d. Adequate access; and
 - e. Any other specifications deemed necessary to assure its future maintenance by the Planning Director.
5. Appropriate measures shall be provided to protect the cemetery during the development process.
6. The Planning Director shall maintain a registry of cemeteries identified during the subdivision review process.

- B. Any cemetery approved in accordance with this Subsection that does not comply with the use regulations in Division 27-5: Use Regulations, of the Zoning Ordinance shall be a nonconforming use.

Sec. 24-3.200 Transportation, Pedestrian, Bikeway, Circulation Standards

24-3.201. General Street Design Standards

Preliminary plans of subdivision and final plats shall comply with the following standards:

- A. A subdivision may be served by public and private streets, and in rural areas, access easements.
- B. The rights-of-way of all highways, streets, trails, and transit facilities shown on the General Plan, functional master plans, and applicable area master plans and sector plans shall be shown on the preliminary plan of subdivision and, when reserved or dedicated, shown on the final plat.
- C. All streets proposed for dedication to public use shall comply with the standards in:
 1. Sec. 27-6.100, Roadway Access, Mobility, and Circulation, and all other applicable standards in Division 27: Zoning Ordinance;
 2. Subtitle 23: Roads and Sidewalk, of the County Code;
 3. These Regulations;
 4. The Specifications and Standards for Roadways and Bridges;

- 5. The standards of the State Highway Administration for state facilities; and
 - 6. Applicable regulations of municipalities having jurisdiction.
- D.** All proposed streets shall comply with the standards in Sec. 27-6.108: Vehicular Access and Circulation, of the Zoning Ordinance, and be continuous and in alignment with existing or platted streets in adjoining subdivisions so as to create a street network that is functional and easily understandable. Generally, streets should cross other streets at right angles.
- E.** The topography and drainage of land shall be considered in the design of streets. If necessary to demonstrate such consideration, rough street grading plans may be required.
- F.** All internal subdivision streets shall be wholly within the County and shall not be designed to directly connect to an adjacent county unless the applicant has obtained the prior written approval of the District Council and the appropriate land use authority of the adjacent county.
- 1. An applicant shall file a written request for such approval with the Clerk of the District Council. The District Council shall either approve or disapprove the request within 45 days from the date of filing. Failure of the District Council to act within the 45-day period shall constitute an approval of the request. For purposes of this provision, an internal subdivision street shall be deemed to be a public street having a right-of-way width of 80 feet or less.
 - 2. The District Council shall not allow the proposed street connection to an adjacent county unless it finds that delivery of public safety services, utility services, and tax collection will be timely and adequate for the lots in Prince George's County.

- G.** All private streets shall be of sufficient width to accommodate the requirements of the Landscape Manual.

24-3.202. Vehicular Access and Circulation

- A.** A preliminary plan shall comply with the street connectivity, access, traffic calming, block design, and all other applicable standards in Sec. 27-6.108, Vehicular Access and Circulation, of Subtitle 27: Zoning Ordinance.
- B.** As used in this Section, a planned street or transit right-of-way shall mean a street or right-of-way shown in a currently approved State Highway Plan, the General Plan, the County's Master Plan of Transportation, or the applicable area master plan or sector plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least 200 feet away from the intersection of any street or collector or higher classification.

24-3.203. Pedestrian Access and Circulation

- A.** Preliminary plans for subdivision and final plats shall comply with the applicable pedestrian access and circulation standards in Sec. 27-6.110, Pedestrian Access and Circulation, of Subtitle 27: Zoning Ordinance.
- B.** Sidewalks and crosswalks shall comply with the Prince George's County Specifications and Standards for Roadways and Bridges.

24-3.204. Private Streets and Easements

A. General

Unless exempted in accordance with Sec. 24-3.208 B. below, no subdivision shall be approved with a private street, right-of-way, or easement as the means of vehicular access to any lot,

unless the private street, right-of-way, or easement is built to County street standards.

B. Exemptions

1. A preliminary plan of subdivision containing private streets, rights-of-way, alleys, and/or easements may be approved under the following conditions:

a. In the AG, AR, RE, and RR zones, a private right-of-way easement may connect up to seven lots and a remainder agricultural parcel to a public road in Sustainable Growth Tier IV, , provided:

- i. The lots are not served by public water and sewerage;
- ii. The right-of-way width shall be at least 20 feet;
- iii. The easement shall be adequate to serve the proposed uses in accordance with Sec. 24-3.500, Public Facility Adequacy.
- iv. Each lot served by the easement shall have a net lot area of at least two acres; and
- v. The use of lots served by the easement shall be restricted to detached single-family dwellings or agricultural uses.

b. In the AG, AR, and RE zones and in the RPD Zone, a subdivision with private rights-of-way may be approved, provided:

- i. Private streets shall be constructed in accordance with the Department of Public Works and Transportation specifications and standards;

ii. Private streets shall have a minimum pavement width equal to the standard street width for secondary residential streets or primary residential streets, as appropriate;

iii. Covenants are recorded in the Land Records of Prince George's County stating that a homeowners' association is responsible for maintenance of the private streets and for accessibility of the private streets to emergency equipment; and

iv. The Fire Chief determines the private streets provide adequate accessibility to emergency equipment.

c. In the RSF-A, RMF-12, and RMF-20 zones in developments of three-family, two-family, and townhouse dwellings, private streets may be approved, provided:

i. The land proposed to be subdivided shall have frontage on, and direct vehicular access to, a public street having a right-of-way width of at least 60 feet;

ii. Points of access to public streets shall be approved by the Planning Board, or the Planning Director for a minor subdivision, and by the DPIE Director, the State Highway Administration, the Department of Public Works and Transportation, the Public Works Department of the municipality in which the property is located, or other appropriate roadway authority, as applicable;

- iii. Private streets which are interior to the subdivision (and are not dedicated to public use) shall be improved to not less than the current standards set forth in Subtitle 23: Road and Sidewalks, of the County Code, except that streetside trees are not required (within the street right-of-way); and
 - iv. Private streets shall be conveyed to a property owners' or homeowners' association that shall hold the land in common ownership, shall be responsible for maintaining the streets, and shall be created under recorded land agreements (covenants).
- d. In the Transit-Oriented/Activity Center base and planned development zones, private alleys may be, provided if:
- i. They comply with the County's Specifications and Standards for Roadways and Bridges;
 - ii. They connect at each end to a street;
 - iii. The pavement width of an alley provides safe, efficient, vehicular access to individual lots; and
 - iv. The alleys provide vehicular access only to lots with frontage on a public street.
- e. Within any nonresidential development, as defined in Subtitle 27: Zoning Ordinance, a subdivision with a private right-of-way or easement may be approved, provided:
- i. The right-of-way or easement shall have a minimum right-of-way width of 22 feet connecting the lots to a public street;
- ii. The right-of-way or easement shall be:
- (A) Adequate to serve the extent of the development proposed;
 - (B) Consistent with the requirements in Sec. 27-6.108, Vehicular Access and Circulation, of Subtitle 27: Zoning Ordinance; and
 - (C) Not result in any adverse impact on the access and use of other lots or parcels within the integrated shopping center.
- iii. The development shall comply with all other applicable requirements of these Regulations; and
- iv. Approval of a right-of-way or easement in accordance with this Subsection shall be deemed the creation of a driveway, in accordance with Sec. 27-6.108.B, Vehicular Accessway Classifications, in Subtitle 27: Zoning Ordinance.
- f. Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Sec. 27-6.108.D of Subtitle 27: Zoning Ordinance, in order to provide vehicular access, when deemed appropriate by the Planning Board.
2. Upon petition of the owner of an existing lot having its sole frontage on, or its only direct vehicular access to, a private right-of-way or easement that cannot be approved in accordance with Sec. 24-3.204.B.1 above, and upon the

recommendation of the County Executive, the County Council, by resolution, may approve the issuance of a building permit for any building or other structure on such lot on finding that the private right-of-way or easement is adequate to serve the lot and its proposed development, provided:

- a. Any single-family detached dwelling and its accessory structures shall comply with all other applicable requirements of these Regulations, Subtitle 27: Zoning Ordinance, and all other applicable requirements of the County Code of Ordinances;
- b. For any other building or structure, the owner shall submit:
 - i. Documentary evidence demonstrating the inability to obtain access for use of the parcel by any other means, including dedication to public use of the right-of-way;
 - ii. Detailed construction plans demonstrating that the private street shall be constructed in accordance with the provisions governing the standard paving sections and Fire Department access in Subtitle 11: Fire Safety, and Subtitle 23: Roads and Sidewalks, of the County Code.
- c. Detailed construction plans submitted in accordance with Sec. 24-3.204.B.2.b above shall be reviewed by DPIE for adequacy, and a performance bond shall be posted by the land owner in an amount determined by DPIE. If appropriate, DPIE shall inspect all work for conformance with the approved plans.
- d. No private right-of-way or easement across land in a Residential zone shall be deemed adequate access to

serve any development other than a single-family detached dwelling and its accessory structures, including a detached garage, or a nonprofit group residential facility where the private right-of-way or easement is owned by a governmental entity.

- e. If the District Council approves the issuance of a building permit in accordance with this Subsection, the Planning Director may approve any applicable final plat or plan of development for such lot.
- f. Where the private right-of-way or easement that is the subject of a petition in accordance with this subsection lies within a municipality or connects to a street under the jurisdiction of a municipality, the municipality shall be given notice of the petition. The municipality shall have 30 calendar days from the date the notice is mailed to review and submit comments on the petition. If a municipality recommends denial of the petition, the petition may be granted only upon the affirmative vote of two-thirds of the full District Council.

24-3.205. Public Utility Easements

All roads (public or private) shall have a public utility easement at least ten feet in width. The public utility easement shall be located outside the sidewalk, where a sidewalk is constructed or these Regulations or Subtitle 27: Zoning Ordinance, require a sidewalk. In all other instances the public utility easement shall be contiguous to the right-of-way.

Sec. 24-3.300 Environmental Standards

24-3.301. General

Significant natural features which are impossible or difficult to reproduce, such as waterways, streams, hills, wooded lands, and specimen trees, shall be preserved to the maximum extent practicable.

24-3.302. 100 Year Floodplain

- A.** To ensure land is platted in a manner that protects the public against loss of life or property due to the 100-year flood, while minimizing the public and private costs of flood control measures, all subdivisions shall comply with the following standards:
1. Except as provided in Secs. 24-3.302.A.2 and 24-3.302.A.3 below, lots shall comply with the minimum net lot area required in Division 27-4: Zones and Zone Regulations, of Subtitle 27: Zoning Ordinance, exclusive of any land area within the 100-year floodplain.
 2. Where any lot contains a 100 year floodplain area in the AR and AG zones, there shall be a minimum of 40,000 contiguous square feet of area within the lot exclusive of any land within the 100-year floodplain.
 3. In the RE and RR zones, any area of a lot in excess of 20,000 contiguous square feet may be in the 100-year floodplain for the purposes of compliance with Sec. 24-3.204, Private Streets and Easements, provided that the lot is to be served by a public water and sewer system, and is in a water and sewer service area Category one, two, or three at the time of its approval.

4. In the event that the proposed subdivision is located partially or fully within an area covered by an officially adopted comprehensive watershed management plan, the proposed subdivision shall conform to such plan.
- B.** In the case of a proposed subdivision which includes a 100-year floodplain area along a stream, unless such area is to become a public park or recreation area maintained by a public entity, the area shall be denoted upon the final plat as a floodplain easement. Such easement shall include provisions for ingress and egress, where practicable. The floodplain easement area may be used, if necessary, for utility lines and/or storm drainage facilities, open-type fencing, or passive recreation, provided that no structures are built that would interfere with the flood conveyance capacity of such easement area.
- C.** The 100 year floodplain associated with a watercourse having less than 50 acres of watershed upstream may be excluded from the floodplain area computation, subject to approval in accordance with the requirements of Subtitle 4: Building, of the County Code.

24-3.303. Stream, Wetland, and Water Quality Protection and Stormwater Management

- A.** Subdivisions shall be designed to minimize the effects of development on land, streams and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys.
- B.** A preliminary plan of subdivision shall not be approved until evidence is submitted that a stormwater management concept plan has been approved by DPIE or the municipality having

approval authority. Submittal materials shall include evidence that the applicable stormwater management concept plan has been approved.

- C.** Regulated stream buffers in Environmental Strategy Areas shall consist of preserved and/or restored vegetation and shall comply with the requirements in Table 24-303.C: Regulated Stream Buffers in Environmental Strategy Areas.

| Table 24-303.C: Regulated Stream Buffers in Environmental Strategy Areas | |
|--|-----------------------------------|
| Environmental Strategy Area | Required Minimum Buffer Width [1] |
| 1 | 60 feet [2] |
| 2 | 75 feet |
| 3 | 100 feet |

NOTES:
 [1] Buffer width shall be measured from the top of the bank on each side of the regulated stream.
 [2] A reduction to 50 feet may be approved during the development approval process to support transit-oriented development or other revitalization projects on constrained sites.

- D.** To ensure the purpose and intent of this Section is advanced, a proposed subdivision shall comply with the following:
1. The preliminary plan of subdivision shall demonstrate adequate control of increased run-off due to the ten year storm and all other stormwater run-off standards required by State law and the County.
 2. Stormwater control shall be provided on-site unless, upon recommendation from the County, it is demonstrated equally effective stormwater controls can be provided off-site.
 3. Environmental site design (ESD) techniques are encouraged, where appropriate. For purposes of this section, "environmental site design (ESD) techniques" refer to stormwater management designs that:

accommodate stormwater through the use of existing hydrological site features, and by reducing impervious surfaces (roadways), curbs, and gutters; decreasing the use of storm drain piping, inlet structures; and eliminating or decreasing the size of stormwater ponds. Such integrated management practices may include bioretention, dry wells, filter buffer, infiltration trenches and similar techniques.

4. Where land is partially or totally within an area subject to an adopted Watershed Plan, the subdivision conforms to such plan.
5. Where land is located outside the Chesapeake Bay Critical Area Overlay (CBCA-O) zones, the preliminary plan of subdivision and all plans associated with the application demonstrate the preservation and/or restoration of regulated environmental features in a natural state, to the maximum extent practicable, consistent with the guidance provided by the Environmental Technical Manual established in accordance with Subtitle 25: Trees and Vegetation, of the County Code. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required in accordance with Subtitle 27: Zoning Ordinance, of the County Code, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and identified on the final plat.
6. The approval of a sediment control concept study by the Soil Conservation District, may be required prior to final plat, if it is determined sediment control needs to be addressed.

24-3.304. Woodland and Wildlife Habitat Conservation, Tree Preservation, Clearing, and Replacement

- A.** Except for land located in the Chesapeake Bay Critical Area Overlay (CBCA-O) zones, development shall comply with the provisions for woodland and wildlife habitat conservation and tree preservation established in Division 2 of Subtitle 25: Woodland and Wildlife Habitat Conservation Ordinance, of the County Code, and the tree canopy requirements of Division 3 of Subtitle 25: Tree Canopy Coverage Ordinance, of the County Code.
- B.** For land located in the CBCA-O zones, all provisions regarding vegetation shall comply with the requirements of Subtitles 5B: Chesapeake Bay Critical Area, and Subtitle 27: Zoning Ordinance, of the County Code.

Sec. 24-3.400 Public Facility Standards

- 24-3.401.** Preliminary plans of subdivision and final plats of subdivision must be designed to show all utility easements necessary to serve anticipated development on the land being subdivided, consistent with the recommendations and standards relevant to public utility companies. When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

- 24-3.402.** Land for public facilities shown on the General Plan, a functional master plan, or the applicable area master plan or sector plan, or a watershed plan shall be reserved, dedicated, or otherwise provided for.

- 24-3.403.** Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.

- 24-3.404.** Water and Sewerage. In accordance with the Sustainable Growth and Agricultural Preservation Act (Map 3 of Plan 2035 Prince George’s County Sustainable Growth and Agricultural Preservation Act of 2012 (SB236) Map, Adopted November 20th, 2012, as may be amended from time to time), the water and sewer standard for residential subdivisions is:

- A.** A subdivision in the Sustainable Growth Tier I in the General Plan or applicable functional master plan shall be served by public sewer.
- B.** A subdivision in the Sustainable Growth Tier II in the General Plan or applicable functional master plan shall be served by public sewer, except for a minor subdivision which may be served by on-site sewerage disposal systems.
- C.** A subdivision in the Sustainable Growth Tier III in the General Plan or applicable functional master plan shall be served by on-site sewerage disposal systems.
- D.** A subdivision in the Sustainable Growth Tier IV in the General Plan or applicable functional master plan shall be served by on-site sewerage disposal systems.

24-3.405. For purposes of determining whether water and sewerage complies with the standards of this Section, the location of the property in Sustainable Growth Tiers I and II is deemed sufficient evidence of the immediate or planned availability of public sewerage and water, and compliance with the standards for the provision of public sewer and water. In Growth Tiers III and IV, location of the development within the appropriate service area is deemed sufficient evidence of compliance with the standards for the provision of sewer and water.

24-3.406. If a water storage tank is proposed to be located on the site of a proposed development, the subdivision shall include an access easement so that emergency vehicles can adequately use the water storage tank in times of emergency.

Sec. 24-3.500 Public Facility Adequacy¹

24-3.501. Purpose

The purpose of this Section is to:

¹ The existing adequate public facility (APF) standards for school, police, and fire and rescue facilities have been added back into the Comprehensive Review Draft. These were deleted and language enabling the District Council to establish LOS standards, thresholds, APF tests, and mitigation requirements for these facilities at a future date had been included to replace these provisions. The reasons for this was that Clarion and M-NCPPC staff felt the current provisions need to be refined and modernized – something that requires significant work and ongoing collaboration with the Board of Education, Department of Parks and Recreation, County Police Department, County Fire/EMS Department, and other pertinent County agencies, which was beyond the scope of this project.

- A.** Ensure that infrastructure necessary to support proposed development is built at the same time as, or prior to, that proposed development;
- B.** Establish level of service (LOS) standards for public facilities including transportation, parks and recreation, police, fire and rescue, and schools that provide clear guidance to the County and applicants about when facilities are considered adequate, and create guidance for future infrastructure investments needed to accommodate existing residents and anticipated growth;
- C.** Establish LOS standards that reflect policy guidance of the General Plan, applicable area master plans or sector plans, and the applicable functional master plan for each facility;
- D.** Establish LOS standards that encourage development in the transit-oriented/activity center zones; and
- E.** Re-evaluate approved development that has received adequate public facilities approvals prior to [insert effective date of these Subdivision Regulations] for projects that have not been built in a timely manner.

24-3.502. Applicability

A. Applications / Approvals Subject to this Section

This Section applies to:

- 1.** An application for a preliminary plan of subdivision;
- 2.** An application for a final plat for subdivision when specifically required in this Section; and
- 3.** An application for a zoning map amendment/Planned Development Basic Plan, when specifically required in this Section.

B. Applicability of Public Facility Adequacy Standards

1. This Section establishes public facility adequacy standards. They are summarized in Table 24-3.502: Summary of Public Facility Adequacy Standards. The standards are established in Secs. 24-3.504, Public Facility Adequacy-Generally, through Sec. 24-3.509, Schools Adequacy, below.

| Table 24-3.502: Summary of Public Facility Adequacy Standards | | | |
|---|---|--|---|
| Facility | Area of Applicability | Level of Service | Impact Area |
| Transportation | Transportation Service Area 1 (Plan Prince George's 2035 Approved General Plan (Plan 2035, Map 14)) | RTO and LTO zones – exempt, if provide either a TDM program in accordance with Sec. 27-6.209. B, or trip reduction program in accordance with Sec. 24-3.505 E, that results in demonstrated trip reductions for the proposed development. The TDM program shall be managed by the applicant(s) or funded through fees paid by the applicant(s). All other areas - LOS "E" | See <i>Transportation Review Guidelines</i> |
| | Transportation Service Area 2 (Plan 2035, Map 14) | LOS "D" | See <i>Transportation Review Guidelines</i> |
| | Transportation Service Area 3 (Plan 2035, Map 14) | LOS "C" | See <i>Transportation Review Guidelines</i> |
| Parks and Recreation | Transit-Oriented/Activity Center zones | 2.5 acres per 1,000 residents | Service Areas as identified in Formula 2040: Functional Master Plan for Parks, Recreation and |
| | All other zones | 15 acres per 1,000 residents | |

| Table 24-3.502: Summary of Public Facility Adequacy Standards | | | |
|---|-----------------------|---|-------------------------------------|
| Facility | Area of Applicability | Level of Service | Impact Area |
| Police | All locations | Response times for service are within 25 minutes total for non-emergency calls, and 10 minutes total for emergency calls in each police district. | Open Space |
| | | | See <i>Public Safety Guidelines</i> |
| Fire and Rescue | All locations | Seven minutes response time | See <i>Public Safety Guidelines</i> |
| Schools | All locations | Students will not exceed 105 percent of state rated capacity of cluster. | School clusters |

2. An application listed in Sec. 24-3.502.A above shall not be approved until a certificate of adequacy or conditional certificate of adequacy is approved in accordance with the procedures and standards of this Section. No certificate of adequacy or conditional certificate of adequacy shall be approved unless and until it is reviewed and approved in conjunction with one of the development applications or subdivision reviews identified in Sec. 24-3.502.A above and Sec. 24-3.503.A.1.

24-3.503. Certificate of Adequacy

A. Applicability

1. All development approvals for which a determination of adequate public facilities was made prior to [redacted] [insert the effective date of these Subdivision Regulations] shall automatically receive a certificate of adequacy or conditional certificate of adequacy in accordance with this Section, effective [redacted] [insert the effective date of these

Subdivision Regulations], for a period of 12 years. Development that has received a certificate in accordance with this Subsection shall be subject to the requirements of this Section.

2. Development proposed after ____ [*insert the effective date of these Subdivision Regulations*] shall receive approval of a certificate of adequacy or conditional certificate of adequacy for each public facility subject to this Section prior to approval of:
 - a. A preliminary plan of subdivision; or
 - b. An application for any zoning map amendment/Planned Development approval.

B. Review Procedure for Certificate of Adequacy or Conditional Certificate of Adequacy

1. An application for a certificate of adequacy or a conditional certificate of adequacy shall be initiated by submitting an application to the Planning Director in a form established by the Planning Director in the Applications Manual, along with any draft documentation relating to the mitigation of inadequate public facilities, if applicable.
2. After determining the application is complete (see Sec. 24-2.405, Determination of Completeness), the Planning Director shall forward the application to the appropriate departments for review and comment, and after receipt of their comments prepare a written report that:
 - a. Identifies existing and planned capital improvements and any available capacity of the public facilities that serve the proposed development in accordance with the terms of this Section;

- b. Identifies capital improvements funded and assumed to be in place to serve the proposed development;
 - c. Identifies any previously dedicated, constructed, or funded public facility that would mitigate the impacts of the proposed development;
 - d. Sets forth findings and conclusions related to the impact of the proposed development on available capacity; and
 - e. Determines whether there is available capacity for each public facility sufficient to accommodate the proposed development in accordance with the standards of this Section.

3. Based on the evaluation and determination in Sec. 24-3.503.B.2 above, the Planning Director shall either:
 - a. Issue a certificate of adequacy if all public facilities are adequate;
 - b. Issue a conditional certificate of adequacy if:
 - i. All or some of the public facilities are inadequate at the time of application; and
 - ii. The applicant has agreed to provide mitigation, reduce project impact, or phase development so that the applicable public facilities will meet the adopted LOS standard for the appropriate public facility when the impacts of the development occur; or
 - c. Deny the certificate of adequacy if the public facilities are inadequate, and the applicant has not agreed to conditions that would mitigate or reduce their impacts.

4. A conditional certificate of adequacy shall incorporate conditions consistent with Sec. 24-3.503.B.3.b.ii above, along with the applicant's consent to those conditions.
5. If the Planning Director denies a certificate, issues a conditional certificate, or requires mitigation, the applicant may:
 - a. Withdraw the application and seek a new certificate; or
 - b. Appeal the Planning Director's decision to the Planning Board.
6. The period of validity for the certificate shall not be for greater than 12 years from the date of its approval.

C. Expiration of Certificate of Adequacy or Conditional Certificate of Adequacy

1. An approved certificate automatically expires if:
 - a. The applicant fails to comply with the conditions of approval in the certificate; or
 - b. The period of validity for the certificate expires and:
 - i. The certificate holder does not record a final plat or commence construction in accordance with all the requirements of Table 24-3.503 C: Development Requirements Prior to Expiration of Period of Validity for Approved Certificate, below ; or

| Table 24-3.503 C: Development Requirements Prior to Expiration of Period of Validity for Approved Certificate | |
|---|--|
| The following has occurred with the preliminary plan for subdivision | Minimum Amount (Percent) of Development Activity Required |
| A final plat is recorded for at least the following percent of the lots, and | 90% |
| Construction is completed for single-family, two-family, three-family, and townhouse dwelling units on at least the following percent of the lots on the approved preliminary plan for subdivision, and | 60% |
| Construction is completed on the following percent of gross floor area for all lots with nonresidential or multi- family uses. | 75% |

- ii. The Planning Director determines the permittee has acquired vested or contractual rights that preclude a new adequacy determination in accordance with this Section and State law.
2. If a certificate expires in accordance with this Subsection, the development for which the certificate was approved shall no longer be determined to have adequate public facilities for the purposes of these Regulations, and shall be required to gain re-approval for a certificate in accordance with the procedures and standards of this Section (Sec. 24-3.503) before proceeding with development.
3. **Extension of Expiration by Planning Board**

One extension of the period of validity for a certificate may be granted by the Planning Board, for a period of up to six-years, upon the certificate holder's submission of a written request for extension to the Planning Board

before the expiration date (end of the period of validity), and demonstration that:

- a. The certificate holder has reasonably pursued completion of the development;
- b. The extension serves the public interest; and
- c. There is otherwise good cause for granting the extension.

D. Amendment

1. Change of Use or Increase in Dwelling Units or Nonresidential Development

- a. A change in use, an increase in dwelling units or nonresidential gross floor area, or a substantial change to the access and circulation design of a project that has received a certificate in accordance with this Section, requires an amendment to the certificate and an adequacy re-determination if the change of use or increase in development increases the public facility capacity needed to accommodate the changed project based on the LOS standard established for the public facility, by more than five percent.
- b. In re-evaluating the project in accordance with this Subsection, the project shall be credited with the capacity reserved under its original approval, unless the certificate has expired.

2. General

An amendment of a certificate may only be reviewed in accordance with the procedures and standards established for its original approval.

24-3.504. Public Facility Adequacy-Generally

A. Measuring LOS Standard

1. Development subject to this Section shall comply with the LOS standard for each type of public facility that applies to the development.
2. The LOS standards for each public facility are summarized in Sec. 24-3.502.B, and established in Secs. 24-3.504 through 24-3.509 for each individual type of public facility.
3. The LOS standard for each proposed development subject to this Section shall be measured within the Impact Area for each type of public facility. The Impact Area may vary based on where the proposed development or the public facilities are located.
4. If the public facilities needed to meet the LOS standard are not in place and operational at the time of the proposed development, the Planning Director may include planned capacity in making the determination of adequacy (for each individual type of public facility).

B. Determining Whether Public Facilities are Adequate

Each type of public facility within the Impact Area is adequate if the demand generated by the development proposed in the application is less than the available capacity. Available capacity is calculated as follows:

1. Add capacity within the Impact Area based on the LOS standard for the individual type of public facility; and
2. Where allowed by Secs. 24-3.504 through 24-3.509 below, as appropriate, and the applicable Guidelines, add planned capacity that will alleviate any inadequacy for the individual public facility; and

3. Subtract used capacity and reserved capacity.

C. Limitations on Building Permits Issued in Areas Where Public Facilities Do Not Meet the Adopted Level of Service Standards

1. In areas of the County where public facilities are inadequate, are approaching inadequacy, or a need to finance public facilities exists, the District Council may, by Resolution, establish a building permit limit prescribing the number of building permits to be issued in that area over a period of time.
2. In those areas, the Resolution shall:
 - a. Determine the total number of building permits that may be issued each year and the number of building permits that may be allocated to each subdivision or development;
 - b. Establish a time period, not to exceed six years, during which the building permit limitations will remain in place; and
 - c. Initiate a planning process that identifies financing, efficiencies, or similar mechanisms to remedy or avoid the public facility inadequacy in the area.

24-3.505. Transportation Adequacy

A. Applicability

1. A certificate for transportation shall be reviewed and approved, approved with conditions, or denied in accordance with Sec. 24-3.503, Certificate of Adequacy.
2. To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with

the LOS standards of Sec. 24-3.505.B below, provides mitigation (if applicable), and complies with the other relevant requirements of this Subsection.

B. Adopted LOS Standard

Adequate transportation facilities shall be available to accommodate or offset (through alternative trip capture) the vehicular trips within the Impact Area surrounding the development subject to the requirements of this Section, as defined by the *Transportation Review Guidelines*. This standard is met if:

1. Major intersections and major roadways within the Impact Area have sufficient capacity to accommodate the vehicular trips generated by the proposed development at or below the minimum peak-hour LOS standard identified in Sec. 24-3.502.B and this Subsection;
2. The applicant reduces project impacts to a level so that the adopted LOS standard is maintained by any combination of the following:
 - a. Reducing the number of dwelling units or floor area;
 - b. Incorporating alternative trip capture; or
 - c. Incorporating a mix of uses that reduces trips through internal capture, as defined in the *Transportation Review Guidelines*;
3. Transportation improvements or trip reduction programs that are adequately funded by the applicant or an existing revenue source to alleviate any inadequacy in the adopted LOS standard within the Impact Area; or
4. Any combination of the requirements listed above will ensure that the adopted LOS standard is met.

C. Availability

Any transportation improvements within the Impact Area that are counted as available capacity shall be:

1. Operational at the time the application for a certificate is submitted; or
2. Included on an adopted and approved functional master plan and construction scheduled with 100 percent of the construction funds allocated in the adopted County Capital Improvement Program (County CIP) or in the current State Consolidated Transportation Program (State CTP); or
3. Incorporated in a specific County or State Public Facilities Financing and Implementation Program, including the County CIP or State CTP with construction scheduled with 100 percent of the construction funds allocated; or
4. Fully funded by the applicant, the County and/or the State government (this includes transportation facilities that are part of the Surplus Capacity Reimbursement Procedure, as defined in the *Transportation Review Guidelines*); or
5. A proposal for a transportation facility on a plan being considered by the U.S. Department of Transportation and/or Federal Highway Administration or Federal Transit Administration, which is funded for construction within the next 10 years. (The Planning Director may condition the approval of the proposed development on a construction schedule that minimizes any inadequacy.)
6. For property located wholly within the Brandywine Road Club, if the applicant has entered into a Developer Participation Agreement with the County to share the

costs of the improvements before construction of the improvements funded by the Brandywine Road Club.

D. Mitigation

Mitigation shall be based on projected traffic service at the following levels:

| Table 24-3.505.D Mitigation Standards | |
|---|---|
| Projected Traffic Above the Adopted LOS [1] | Mitigation |
| ≥ 25 percent | <p>Shall require that any physical improvement or trip reduction programs participated in, or funded by the applicant shall fully abate the impact of all traffic generated by the proposed development in the Impact Area.</p> <p>Following the development authorized by the approved application and implementation of the approved mitigation action, the total traffic service will be reduced to no higher than 25 percent above the acceptable peak-hour service level threshold as defined in the <i>Transportation Guidelines</i>.</p> |
| < 25 percent | <p>Shall require that any physical improvements or trip reduction programs fully funded by the applicant shall fully abate the impact of 150 percent of all vehicular trips generated by the proposed development in the Impact Area.</p> <p>Following the development of the proposed development and implementation of the mitigation action, the total traffic service within the Impact Area will be reduced to no lower than the acceptable peak-hour service level threshold defined in the <i>Transportation Guidelines</i>.</p> |
| 0-10 percent above the LOS + and proposed development generates less than 25 A.M. or P.M. peak-hour trips | Shall require the applicant to provide the pro rata cost of the physical improvements necessary to alleviate the inadequacy. |
| NOTES [1] The adopted LOS is the acceptable peak-hour service level threshold as defined in the <i>Transportation Guidelines</i> . | |

E. Offsets for Transit, Bike, and Pedestrian Facilities

1. Generally

The applicant may reduce the number of vehicular trips generated by a proposed development in a traffic impact study by including alternative trip capture. Such features include integrated sidewalk, trail, and bikeway networks to divert as many trips as possible from automobile travel and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services, and other destinations for all users. These concepts are further articulated in the "complete streets" principles and policies set forth in the *Approved Countywide Master Plan of Transportation*.

2. Transit, Bike, and Pedestrian Infrastructure

The *Transportation Guidelines* shall incorporate availability and capacity standards for transit, pedestrian, and bikeway facilities that an applicant may consider as mitigation toward APF impacts. These facilities shall include:

- a. Fixed rail transit stations, bus shelters, and other transportation facilities;
- b. Sidewalks and pedestrian crossings at intersections; and
- c. Multi-use trails, bike paths, and/or pedestrian pathways and crossings.

3. Planned Improvements-Alternative Trip Capture

If the proposed development incorporates transit, bicycle, or pedestrian facilities in its traffic impact study, the applicant shall demonstrate prior to the issuance of a

building permit for development that all required adequate pedestrian and bikeway facilities are:

- a. In place and fully operational; or
- b. Have full financial assurances, have been permitted for construction through the applicable operating agency's access permit process, and have an agreed-upon timetable for construction and completion with the appropriate operating agency.

24-3.506. Parks and Recreation Adequacy

A. Applicability

1. A certificate for parks and recreation adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Sec. 24-3.503, Certificate of Adequacy.
2. To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with the LOS standards of Sec. 24-3.506.B below, provides adequate mitigation (if appropriate), and complies with all other relevant requirements of this Subsection.

B. Adopted LOS Standard for Public Parks and Recreation

1. The adopted LOS standard for Parks and Recreation is: –
 - a. Within the Transit Oriented/Activity Center zones, and in the Employment Area as identified in the General Plan: 2.5 acres of improved public parks per 1,000 residents. These lands shall consist of at least:
 - i. 0.5 acres per 1,000 residents for small urban parks, including pocket parks, plazas, commons/greens, squares, and neighborhood parks; and

- ii. One acre per 1,000 residents for larger urban parks, including parks at schools, community parks, resource parks, and waterfront parks; and
 - iii. One acre per 1,000 residents for greenways, linear parks, and special facilities.
 - b. Fifteen acres of improved public parks per 1,000 residents in all other areas.
2. The Department of Parks and Recreation, in consultation with the Planning Department, shall develop *Park and Recreation Facilities Guidelines* that establish:
- a. A methodology for computing the number of residents or equivalent dwelling units for applications subject to this Subsection;
 - b. A methodology for computing the Impact Areas of park facilities based upon anticipated walking distances and drive times; and
 - c. Park facility typologies, including natural areas, community centers, and urban civic spaces consistent with *Formula 2040*. The typologies may assign credits to public parks and recreation facilities based upon their community value, anticipated development expenses, and proximity to new development.

C. Availability and Mitigation

If existing public parks and recreation facilities are not sufficient to meet the adopted LOS standard, the Planning Director may find that adequate mitigation is being provided if:

- 1. Adequate improved public park lands are available and programed to serve the residents of the proposed

development with 100 percent of the expenditures for the construction of the facility within the adopted County CIP as determined under the *Park and Recreation Facility Guidelines*; or

- 2. That improvements participated in or funded by the applicant (either on or off-site), including pro rata participation in a specific Public Facilities Financing and Implementation Program, will alleviate any inadequacy as determined under the *Park and Recreation Facility Guidelines*.
- 3. The applicant provides payment of an in-lieu fee for the purpose of providing monies for the provision of park and recreation facilities (either on or off-site) necessary to ensure the proposed development will served by adequate park and recreation facilities.

24-3.507. Police Facility Adequacy

A. Applicability

- 1. A Certificate for Police Facilities shall be reviewed and approved, approved with conditions, or denied in accordance with Sec. 24-3.503, Certificate of Adequacy.
- 2. To gain approval of a Certificate for Police Facilities, the applicant shall demonstrate the proposed subdivision complies with the adopted LOS standards of Sec. 24-3.507.B below, provides adequate mitigation (if appropriate), and complies with all other requirements of this Section.

B. Adopted LOS Standard-Police

- 1. The population and/or employees generated by the proposed subdivision, at each stage, shall not exceed the

service capacity of existing police stations, in accordance with the *Public Safety Guidelines*.

2. To demonstrate compliance with this LOS standard, the Chief of Police shall submit the following information, on an annual basis, to the Planning Director:
 - a. A statement reflecting adequate equipment pursuant to studies and regulations used by the County, or the *Public Safety Master Plan* for police stations in the vicinity of the area of the proposed subdivision; and
 - b. A statement by the Police Chief that the rolling 12-month average, adjusted monthly, for response times in the vicinity of the proposed subdivision is a maximum of 25 minutes total for non-emergency calls and a maximum of 10 minutes total for emergency calls for service. For the purposes of this Subsection, response time means the length of time from the call for service until the arrival of Police personnel on-scene or other police response, as appropriate.
 - c. Sec. 24-3.507.B.2 above, does not apply to commercial or industrial applications for preliminary plans.
 - d. Availability and Mitigation

If facilities and personnel at existing police stations are not adequate to meet the adopted LOS standard for Police Facilities, the Planning Director shall find that:

3. Adequate police facilities available to serve the population and/or employees generated by the proposed subdivision are programmed with 100 percent of the expenditures for

the construction of the facility in the adopted County CIP in accordance with the *Public Safety Guidelines*; or

4. That adequate police facilities and improvements are participated in or funded by the applicant on a pro-rata basis, including participation in a specific Public Facilities Financing and Implementation Program (as defined in Subtitle 27) that will alleviate any inadequacy in accordance with the *Public Safety Guidelines*.

24-3.508. Fire and Rescue Adequacy

A. Applicability

A Certificate for fire and rescue facilities shall be approved in accordance with Sec. 24-3.503, Certificate of Adequacy. To gain approval of the Certificate, the applicant shall demonstrate the proposed subdivision complies with the LOS standards of subsection B.

B. Adopted LOS Standard for Fire and Rescue

1. The population and/or employees generated by the proposed subdivision, at each stage of the proposed subdivision, will be within the adequate coverage area of the nearest fire and rescue station(s) in accordance with the *Public Safety Guidelines*.
2. The Fire Chief shall submit to the County Office of Audits and Investigations, County Office of Management and Budget, and the Planning Director:
 - a. A statement reflecting adequate equipment in accordance with studies and regulations used by the County, or the *Public Safety Master Plan* for fire stations in the vicinity of the area where the subdivision is proposed to be located; and

- b. A statement by the Fire Chief that the response time for the first due fires and rescue station in the vicinity of the proposed subdivision is a maximum of seven minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.
- 3. Subsection 2, above, does not apply to commercial or industrial applications.

C. Availability

- 1. If existing fire and rescue stations are not sufficient to meet the adopted LOS standard, the Planning Director shall find that:
 - a. A fire and rescue station(s) that can adequately serve the population and/or employees at the proposed subdivision is programmed with 100 percent of the expenditures for the construction of the facility in the adopted County CIP in accordance with the *Public Safety Guidelines*. However, if construction of the improvements does not commence within 9 years after the first year the fire and rescue station(s) project is fully funded in an adopted County CIP, the preliminary plan for subdivision may not be considered and approved until the facilities are actually constructed; or
 - b. That improvements participated in or funded by the applicant, including participation in a specific public facilities financing and implementation program, will alleviate any inadequacy in accordance with the *Public Safety Guidelines*.

- 2. Before any preliminary plan for subdivision may be approved, if the location of the property proposed for subdivision is outside the appropriate service area of the Ten Year Water and Sewerage Plan or is in an Rural and Agricultural zone, the Planning Director shall require the applicant to provide water storage tanks, make water tanker trucks available, or ensure there will be other appropriate sources of water for fire extinguishing purposes.
- 3. The District Council may waive any public safety surcharge imposed within the TOD/Activity Center zones.

D. Mitigation

If any of the required statements in this subsection are not provided that meet the criteria specified in subsection B.2 on the date the application is accepted by the Planning Director or within the following 3 monthly cycles of response time reports, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.

24-3.509. Schools Adequacy

A. Applicability

- 1. Unless exempted in accordance with Sec. 24-3.509.A.3 below, a Certificate for Schools Adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Sec. 24-3.503, Certificate of Adequacy.
- 2. To gain approval of the Certificate for Schools Adequacy, the applicant shall demonstrate the proposed development complies with the LOS standards of

Subsection B, provides adequate mitigation (if appropriate), and complies with all other relevant requirements of this Section.

3. The following are exempt from the requirements of this Section:
 - a. A preliminary plan for subdivision which is a redevelopment project that replaces existing dwelling units;
 - b. A preliminary plan for subdivision for elderly housing operated in accordance with the State and Federal Fair Housing laws;
 - c. A preliminary plan for subdivision that consists of no more than three lots on less than five gross acres of land, whose lots, except for one to be retained by grantor, are to be conveyed to a son or daughter or lineal descendant of the grantor; and
 - d. A preliminary plan for subdivision located in the transit-oriented/activity center zones.

B. Adopted LOS Standard for Schools

1. The adopted LOS standard for schools is based on school clusters, which are groupings of elementary, middle, and high schools that are impacted by the preliminary plan for subdivision.
2. The adopted LOS standard is that the number of students generated by the proposed subdivision at each stage of development will not exceed 105 percent of the state rated capacity, as adjusted by the School Regulations, of the affected elementary, middle, and high school clusters.

3. The number of elementary, middle, and high school students generated by the proposed subdivision shall be determined in accordance with the pupil yield factors for each dwelling unit type as determined by the Planning Director from historical information provided by the Superintendent of the Prince George's County Public Schools.
4. The Planning Director shall determine:
 - a. The school cluster or clusters impacted by the proposed preliminary plan for subdivision.
 - b. The actual enrollment, which is the number of elementary, middle, and high school students, as reported by the Superintendent of the Prince George's County Public Schools as of September 30 of the prior year, and as calculated by the Planning Director that is effective in January of each year for use in that calendar year.
 - c. The completion enrollment, which is the total number of elementary, middle, and high school students to be generated by the estimated number of residential completions, for each school cluster.
 - i. Residential completions are estimated from the total of all substantially completed dwelling units added to the County's assessable tax base in the two previous calendar years.
 - ii. In determining completion enrollment, the estimated number of residential completions in a given school cluster will not exceed the number of dwelling units shown on:

- (A) An approved preliminary plan of subdivision with no waiting period, or with a waiting period less than 24 months as of September 30 of each calendar year; and
 - (B) All recorded plats not subject to an adequate public facilities test for schools at time of building permit issuance.
- d. The subdivision enrollment, which is the anticipated number of elementary, middle, and high school students to be generated by all dwelling units shown on the proposed preliminary plan of subdivision, multiplied by the pupil yield factor.
- e. The cumulative enrollment, which is the total of all subdivision enrollments resulting from approved preliminary plans of subdivision in each school cluster for the calendar year in which an adequate public facilities test is being applied.
- f. The Planning Director shall determine the subdivision's cluster enrollment by adding: the actual number of students in the cluster as of September 30; the number of students anticipated from residential completions in the cluster; the number anticipated from the subdivision; and the number of students anticipated from subdivisions already approved in the cluster within the calendar year. The Planning Director shall then determine the percent capacity by dividing the cluster enrollment by the state rated capacity (adjusted by the School Regulations) of schools in the cluster.

C. Mitigation

Whenever an adequate school facility fee is charged in conjunction with a building permit, it shall be reduced by the full amount of the school facilities surcharge imposed on that same permit.

Sec. 24-3.600 Parklands and Recreation Facilities

24-3.601. Mandatory Dedication of Parkland

A. Purpose

The purpose of this Section is to establish standards for new residential subdivisions to provide adequate land to meet the park and recreation needs of the residents of the subdivision.

B. Applicability

1. General

Unless exempted in accordance with Sec. 24-3.601.B.2 below, all residential subdivisions shall plat and convey to the M-NCPPC or to a municipality located within the County (but which is not within the Maryland-Washington Metropolitan District) upon the request of such municipality, adequate land to meet the park and recreation needs of the residents of the subdivision, or pay a fee in-lieu, or provide park and recreation facilities as otherwise provided in this Section.

2. Exemptions

The following are exempted from the standards of this Section:

- a. Any lot that was legally created by deed prior to April 24, 1970;
- b. Any lot being created by the subdivision of land upon which a dwelling legally exists at the time of subdivision; and
- c. Any re-subdivision of land for which land was previously dedicated for park and recreation needs, or a fee in-lieu paid, to the extent that land dedication or fees in-lieu are sufficient to accommodate the residents of the subdivision (if lots are added as part of the resubdivision, land shall be dedicated or an in-lieu fee paid in accordance with this Section to meet the park and recreation needs of the residents of the new lots).;

3. Amount of Park and Recreation Land Required

The amount of land to be dedicated shall be:

- a. Five percent of land on which a density of one to four dwelling units per net acre is the maximum density allowed in Subtitle 27: Zoning Ordinance;
- b. Seven and one-half percent of land on which a density of four to seven and one-half dwelling units per net acre is permissible;
- c. Ten percent of land on which a density of seven and one-half to 12 dwelling units per net acre is permissible; and
- d. 15 percent of land on which a density exceeding 12 dwelling units per net acre is permissible.

4. Compliance Alternatives

As an alternative to the dedication of land in accordance with Sec. 24-3.601.B.3, Amount of Park and Recreation Land Required, above, any of the following, either singly or in combination, shall satisfy the requirements of this Section.

a. Active and/or Passive Recreation Land

- i. The dedication of land identified for preservation as part of a stream valley park on a functional master plan, area master plan, or sector plan, with a finding there is reasonable active recreation in the general area, and that any trails shown on the plans are provided and dedicated.
- ii. The location of on-site detention and/or retention ponds may be credited toward lands required for dedication, regardless of ownership, if it is determined that such area will provide active or passive recreation because of specific access provisions, recreational facilities, or visual amenities, and appropriate maintenance agreements have been, or will be, made to ensure compliance with this requirement.

b. Fees in-Lieu

- i. If it is determined that the dedication of park and recreation land is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar circumstances, the subdivider shall provide a fee in-lieu of

dedication in the amount of five percent of the total new market value of the subject property as stated on the final assessment notice issued by the State Department of Assessments and Taxation.

- ii. The in-lieu fee shall be used for the sole purpose of purchasing or improving land to meet the park and recreation needs of, and benefit the residents of the subdivision.

c. Recreational Facilities

Recreational facilities may be provided instead of land or in-lieu fees in any Residential zone, provided that a plan for such recreational facilities is approved by the Planning Board after determining that:

- i. Such facilities will be equivalent or superior in value, to the land, improvements, or facilities that would have been provided under this Section; and
- ii. The facilities will be properly developed and maintained to the benefit of future residents of the subdivision through covenants, a recreational facilities agreement, or other appropriate means, and that such instrument is legally binding upon the subdivider and the subdivider's heirs, successors, and assigns, and that such instrument is enforceable; and
- iii. No permit for construction or occupancy of dwellings shall be issued unless the Planning Board is satisfied that the facilities have been, or will be, provided at the appropriate state of development.

Sec. 24-3.700 Conservation Subdivision Standards

24-3.701. Purpose

The purpose of this Section is to establish procedures and standards for conservation subdivision that:

- A. Protect the character of land in rural areas of the County to implement the General Plan and Countywide Green Infrastructure Plan.
- B. Provide additional development flexibility to build on smaller lots in exchange for the establishment of conservation areas designed to protect the agricultural activities or natural and historic features on the site.
- C. Support the conservation of important site features such as open space networks, tracts of productive farmland, unique characteristics of a site, and contiguous woodland habitats;
- D. Prioritize site characteristics for conservation; and
- E. Maintain or improve connections between scenic, historic, agricultural, and environmental characteristics on the site and adjacent land.

24-3.702. Applicability

A. General

- 1. Unless exempted in accordance with Sec. 24-3.702.B below, lands in the following zones shall be developed as a conservation subdivision:
 - a. The AG and AR zones; and

- b.** The RE and RR zones located within the Rural and Agricultural Areas.
- 2.** Land developed in the RE and RR zones located outside the Rural and Agricultural Areas may be developed as a conservation subdivision.

B. Exemptions

Applications for the following do not require conservation subdivision in accordance with this Section:

- 1.** A subdivision resulting in four or fewer lots in Sustainable Growth Tier III, provided no additional subdivision for additional lots is permitted for the entirety of the original application and the original property has not been the result of a conveyance in accordance with Sec. 24-1.403.C of these Regulations; or
- 2.** A subdivision resulting in seven or fewer lots in Sustainable Growth Tier IV, provided no additional subdivision for additional lots is permitted for the entirety of the original application and the original property has not been the result of a previous conveyance in accordance with Sec. 24-1.403.C of these Regulations.

24-3.703. Conservation Subdivision Procedure

A. General

Conservation subdivisions shall be reviewed and decided in accordance with the procedures and standards in Sec. 24-2.502.D, Major Subdivision, except as modified in this Subsection.

B. Sketch Plan

Prior to review of an application for a preliminary plan for major subdivision, the applicant shall submit a sketch plan to the Planning Director. The sketch plan shall include a Conservation and Development Plan in accordance with Sec. 24-3.703.B.1 below, and a woodland and wildlife habitat conservation concept plan showing compliance with the requirements of Division 2 of Subtitle 25: Trees and Vegetation, of the County Code. The woodland and wildlife habitat and conservation concept plan shall illustrate areas proposed for conservation.

1. Conservation and Development Plan Requirements

Prior to the review of and decision on a Conservation and Development Plan, the four steps below shall be completed in the order listed.

a. Step 1: Site Analysis Map

As part of the Conservation and Development Plan, the applicant shall prepare a site analysis map that provides information about existing site conditions and context, and comprehensively analyze existing conditions both on the land proposed for the development site and on abutting lands to evaluate any opportunities for connectivity between areas and features. The map shall incorporate information from an approved natural resources inventory (NRI) that covers the entire site and shall show:

- i.** Existing grades at two-foot contours and a non-disturbance line; and

- ii. Areas and features identified in Sec. 24-3.704.C.1, Areas and Features to be Preserved, that are present on the site.

b. Step 2: Site Inspection

After receipt of the site analysis map, the Planning Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a Planning staff member. The purpose of this site visit is to:

- i. Familiarize the County staff with the existing site conditions and natural and historic features of the site;
- ii. Identify potential site development issues; and
- iii. Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the Planning staff member conducting the site analysis shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

c. Step 3: Conservation and Development Areas Map

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed conservation areas, and

development areas, in accordance with Sec 24-3.704.C.2, Conservation Area Delineation.

d. Step 4: Conservation and Development Plan

Based on the site analysis map, the information obtained during the site inspection, and the conservation and development areas map, the applicant shall prepare and submit to the Planning Director a conservation and development plan, which shall consist of the following:

- i. A site analysis map;
- ii. A conservation and development areas map; and
- iii. A preliminary site improvements plan, showing proposed site development, including:
 - (A) Conceptual locations for proposed dwellings within development areas;
 - (B) Conceptual locations for proposed roads, trails, lot lines, and setbacks;
 - (C) Areas of the site that have appropriate soils for septic recovery fields (community, shared and/or individual systems) if proposed;
 - (D) Areas for stormwater management facilities, if any, and the type of facility proposed; and
 - (E) Areas proposed for conservation.

C. Sketch Plan Review and Decision

1. Upon receipt of a sketch plan (including a Conservation and Development Plan), the Planning Director shall review and make a decision on the sketch plan in accordance with Sec. 24-2.407, Staff Review and Action. The Planning Director shall approve the sketch plan (including the Conservation and Development Plan) on finding that it complies with the conservation and development plan requirements in Sec. 24-3.703.B.1, Conservation and Development Plan Requirements, and is in accordance with Sec. 24-3.704, Conservation Subdivision Standards, and all other requirements for sketch plan approval.
2. Approval of a sketch plan (including a conservation and development plan) shall remain valid for two years from the date of approval.
3. The Planning Director may extend the period of approval for a sketch plan (including a conservation and development plan) two times upon receipt of a written request received prior to the expiration date, if the applicant has not unduly delayed the filing of a preliminary plan of subdivision.

D. Preliminary Plan of Subdivision

Following review and approval, or approval subject to conditions, of a sketch plan, the application for a preliminary plan of subdivision shall be submitted in accordance with Sec. 24-2.502.D.1, Preliminary Plan of Major Subdivision.

1. As part of the preliminary plan application, the applicant shall submit a draft conservation easement document that complies with Sec. 24-3.704.C.4, Easement.

2. The Planning Board may only approve a preliminary plan for a conservation subdivision if makes the requisite findings in accordance with Sec. 24-2.502.D.1.b, Preliminary Plan of Major Subdivision Decision Standards, and, in addition, if it finds that the proposed conservation subdivision:
 - a. Is in substantial conformity with the approved sketch plan (including the conservation and development plan); and
 - b. Complies with Sec. 24-3.704, Conservation Subdivision Standards.
3. The Planning Board may include conditions of approval in accordance with Sec. 24-2.411, Conditions of Approval.
4. The proposed preliminary plan for subdivision for a conservation subdivision shall be denied if it fails to comply with the standards of Sec. 24-3.703.D.2 above.

24-3.704. Conservation Subdivision Standards

A. Minimum Conservation Area Required

A conservation subdivision shall set-aside as conservation area the following minimum amount of the gross tract area of the development:

1. In the AG zone: 70 percent;
2. In the AR zone: 60 percent;
3. In the RE and RR zones: 50 percent.

B. Bulk Regulations for Conservation Subdivisions

1. General

Except as modified in this Subsection, the location, size and other aspects of buildings, structures, accessory structures, and uses within a conservation subdivision shall be governed by Subtitle 27: Zoning Ordinance, of the County Code, and the Landscape Manual. The standards in Sec. 24-3.704.B.2 below, supersede any conflicting standards in Subtitle 27: Zoning Ordinance.

2. Density, Net Lot Area, Lot Width, Required Yards, and Maximum Net Lot Coverage

The density, net lot area, net lot width, required yards, and maximum net lot coverage in a conservation subdivision shall comply with the standards in Table 24-3.704.B.2: Conservation Subdivision Density, Net Lot Area, Lot Width, and Required Yards.

| Table 24-3.704.B.2: Conservation Subdivision Density, Net Lot Area, Lot Width, and Required Yards | | | | |
|---|--------|--------|--------|--------|
| | Zone | | | |
| | AG | AR | RE | RR |
| Density (maximum) (du/ac of net tract area) | 0.2 | 0.5 | 1.08 | 2.17 |
| Net lot area (minimum) [1] (sq ft) | 40,000 | 30,000 | 20,000 | 10,000 |
| Lot width (minimum) at front building line and front street line (ft) | 80 | 80 | 60 | 60 |
| Lot width (minimum) at building line and street line adjacent to a scenic or historic road (ft) | 200 | 200 | 200 | 200 |
| Lot width (minimum) at front street line on: A cul-de-sac (ft) | 50 | 50 | 45 | 45 |
| Front yard (ft) | 25 | 25 | 25 | 20 |
| Side yard (ft) | 15 | 15 | 10 | 5 |
| Rear yard (ft) | 20 | 25 | 25 | 20 |
| Side and/or rear yard of corner lot (from street or driveway) (ft) | 25 | 25 | 25 | 25 |

Table 24-3.704.B.2: Conservation Subdivision Density, Net Lot Area, Lot Width, and Required Yards

| | Zone | | | |
|--|----------------|----------------|----------------|-----|
| | AG | AR | RE | RR |
| Yard abutting perimeter street, below collector (minimum)(ft) | 25 | 25 | 25 | 25 |
| Yard abutting existing or planned roadway of collector classification or higher (ft) | 50 | 50 | 50 | 50 |
| Yard abutting scenic or historic Road (ft) | 150 | 150 | 150 | 150 |
| Yard abutting agriculturally used land on a conservation parcel or lot (ft) | 150 | 150 | 150 | 150 |
| Maximum net lot coverage (as a percentage of lot area) | | | | |
| Lot area of 10,000 to 19,999 sq ft | No requirement | No requirement | No requirement | 30 |
| Lot area of 20,000 to 29,999 sq ft | No requirement | No requirement | 25 | 25 |
| Lot area of 30,000 to 39,999 sq ft | No requirement | 25 | 25 | 25 |
| Lot area of 40,000 sq ft to 2 ac | 20 | 20 | 20 | 25 |
| Lot area of more than 2 ac and less than 5 ac | 10 | 10 | 20 | 25 |
| Lot area of 5 ac or more | 5 | 10 | 20 | 25 |

NOTES:

- [1] The contiguous net lot area counted toward the minimum lot area must be located outside of the 100-year floodplain and environmentally regulated areas, including primary management areas as defined by Section 24-101 and expanded buffers, as defined by Section 24-130. Lot area greater than the minimum net lot area may include these features. One dwelling unit is permitted on each parcel containing conservation area and shall be included in the calculation of allowable density of the net tract area. Minimum lot area is measured in square feet, not in acres, which is the unit of measurement for minimum lot area used in Subtitle 27: Zoning Ordinance, of the County Code.
- [2] Additional setbacks may be established for conservation lots or conservation parcels by the preliminary plan in all zones, and reflected on the record plat as building restriction lines.
- [3] Existing agricultural buildings are exempt from setback and height requirements
- [4] For townhouses, individual yards are not required. Instead, at least 800 square feet per lot shall be allocated for front, side, or rear yard purposes; however, the actual yard area may be reduced to not less than 500 square feet for the purpose of providing steps, terraces, and open porches (decks) which project into the otherwise required yard area. Not more than three continuous, attached dwellings may have the same setback. Variations in setbacks shall be at least two feet.

C. Conservation Area Standards

1. Areas and Features to be Preserved

The areas and features identified below shall be credited toward compliance with the conservation area standards in this Section. To the maximum extent practicable, conservation areas shall be located and organized to include, protect, and enhance as many of the following areas and features as possible, in the following general order of priority:

- a. Lands with active agricultural uses and activities;
- b. Priority woodland conservation areas and features, as identified and prioritized in the Woodland and Wildlife Habitat Conservation requirements of Subtitle 25: Trees and Vegetation, of the County Code;
- c. Primary management areas, which include regulated streams and associated minimum stream buffers; the 100-year floodplain, all wetlands, and associated wetland buffers that are adjacent to the regulated stream, stream buffer, or the 100-year floodplain; and all areas having slopes of 15 percent or greater that are adjacent to a regulated stream or stream buffer, the 100-year floodplain, or adjacent wetlands or wetland buffers;
- d. Scenic resources;
- e. Historic resources;
- f. Other unique characteristics on the site; and
- g. Any areas or features not listed in Secs. 24-3.704.C.1.a through 24-3.704.C.1.f above, that are

identified in Sec. 27-6.300, Open Space Set-Asides, of Subtitle 27: Zoning Ordinance, of the County Code as counting toward open space set-aside requirements.

2. Conservation Area Delineation

- a. The area of the site required for a conservation area shall be determined based on the priorities established in the review of the conservation and development plan and may include areas of the site not otherwise more specifically regulated by these Regulations. It should be contiguous and not divided among parcels, to the extent possible.
- b. Conservation areas shall connect with existing and potential conservation areas on abutting sites, to the extent possible, to encourage corridors of compatible site characteristics, unless it is found to be impractical due to topography, spacing, existing natural barriers, or the prioritization of the lands indicated in the conservation area.
- c. Naturally contiguous conservation areas shall not be divided for the sole purposes of obtaining allowable density.
- d. Fragmentation of the conservation area into small, irregularly shaped pieces shall be avoided.
- e. Farm structures and rural vistas shall be retained, whenever possible.
- f. The layout and location of lots shall be designed to minimize potential adverse impacts on existing farm operations.

- g.** Woodland and wildlife habitat conservation required for the conservation area may be provided at an off-site location, only if it is necessary to preserve the rural and agricultural landscape.
- h.** A single dwelling unit may be located on the same parcel as a conservation area.
- i.** Septic recovery areas and stormwater management facilities may be located on the same parcel as a conservation area that shall be maintained by a homeowners' association if there is no adverse impact to the character of that area of land, and it is demonstrated that the development area cannot support these facilities. Stormwater management facilities on the same parcel as conservation areas should not include typical dry ponds with associated steep slopes, dams, mowed areas, fencing, or unsightly overflow structures. Farm ponds, bioretention ponds, naturally contoured ponds, and wet ponds with wetland edges and no visible structures are permitted on the parcel which is to be maintained by the homeowners' association. A septic recovery area on the same parcel as a conservation area, that is to be maintained by the homeowners' association should be designed to appear to be part of the existing landscape.

3. Allowable Uses

Uses allowed in conservation areas shall be limited to:

- a.** Agriculture/Forestry uses, equestrian centers, farm wineries, and riding stables;
- b.** Unpaved trails, walkways, and boardwalks;

- c.** Docks and other water-dependent features, as allowed in these Regulations and Subtitle 27: Zoning Ordinance;
- d.** Above-ground and below-ground public utilities and associated easements, provided no feasible alternative exists; and
- e.** Street or driveway crossings, provided such crossings do not violate these Regulations, Subtitle 27: Zoning Ordinance, other applicable provisions of the County Code of Ordinances, and applicable State or Federal laws.

4. Easement

An easement agreement shall be recorded in the Land Records of Prince George's County for each conservation area to maintain and preserve it consistent with the requirements of this Section, prior to the approval of the final plat. The easement shall be approved by the Planning Board prior to recordation. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:

- a.** The location and size of the conservation area(s);
- b.** Existing improvements on the conservation area(s);
- c.** Provisions that prohibit future development of the conservation area(s);
- d.** The purpose of the conservation area(s);
- e.** Provisions for a prohibition on future subdivision of the conservation area(s);

- f. Provisions for maintenance and ownership of the conservation area(s);
- g. Responsibility for enforcement of the easement;
- h. Provisions for succession in the event that one of the parties to the easement should be dissolved; and
- i. Regardless of who the owner of a conservation area(s) is or will be, at least one of the following shall be a party to the easement in addition to the land owner:
 - i. A homeowners association that serves as the homeowners association for the conservation subdivision;
 - ii. A land conservation organization that is:
 - (A) A not-for-profit, tax-exempt organization within the meaning of Section (501)(c)(3) of the Internal Revenue Service Code;
 - (B) Established to promote the preservation and protection of natural, historic, and agricultural resources; and
 - (C) A 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
 - iii. A local governmental agency or the M-NCPPC (should the M-NCPPC choose to be a party to the easement), upon the demonstration by the landowner that they have exhausted all reasonable efforts to obtain an agreement with

a private non-profit organization that meets the requirements of this Subsection. 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.

5. Ownership and Maintenance of Conservation Areas

Conservation areas shall be owned and controlled by an individual, homeowners' association, public or private organization, land trust, or corporation. The owner shall assume all responsibility for maintenance and continued protection of the conservation area. An ownership and maintenance agreement as part of the conservation easement deed shall be approved by the Planning Board, recorded among the Land Records of Prince George's County, and referenced on the record plat of subdivision.

D. Development Area Standards

1. General

All individual residential lots, recreational facilities, streets, utilities, and community or individual septic recovery areas, stormwater management facilities, easements, and streets serving these lots shall be located in the development areas.

2. Layout Design Standards

- a. Internal streets shall be sited to maintain the existing grade, to the maximum extent practicable.

- b. Lots and the siting of dwellings shall be arranged and sufficiently set back to preserve views of the site characteristics from streets and abutting lands.
- c. Dwellings should not be located in the center of open fields or on a ridgeline, unless topographic, environmental, or other conditions merit they be located there.
- d. Existing farm roads and driveways shall be incorporated into the internal street or trail design, where possible.
- e. Access to all lots shall be from interior streets and easements.
- f. Dwellings and streets shall be located at the edges of woodlands or situated in a manner that will maximize the amount of contiguous wooded area left intact.
- g. Proposed street and driveway crossings through wetlands, floodplains, steep slopes, and streams are prohibited, unless the crossing will provide more efficient lot and street layout that provides less net disturbance of these features than an alternative layout.
- h. Trees on ridgelines shall be preserved, to the maximum extent practicable.
- i. Dwellings shall be located a minimum of 40 feet from any environmentally regulated area, including woodland conservation areas.

3. Lot Design Standards

- a. Buildings and driveways shall be sited to maintain the existing grade as much as possible.

- b. A variety of lot sizes and lot widths should be provided within groupings of dwellings in order to prevent visual monotony.
- c. Dwellings should be sited to avoid the rear of the dwelling being oriented toward the front of other dwellings and external streets. A landscape plan may be required to provide for the buffer of views of the rear and sides of dwellings from all streets and easements, and the fronts of other dwellings.
- d. Direct driveway access for individual lots onto perimeter streets shall be avoided unless necessary for safety reasons or for some other benefit such as environmental preservation.
- e. Large expanses of driveways and parking areas shall not be visible from the external streets and abutting lands.

4. Streets

- a. A conservation subdivision may be served by public and private streets, and access easements.
- b. Access authorized pursuant to Sec. 24-3.204.B.1.a or Sec. 24-3.204.B.1.b may be deemed adequate to serve lots of any net lot area. Access easements designed in accordance with Sec. 24-3.204.B.1.a may be deemed adequate to serve a maximum of eight lots. The access easement shall provide a passing area when determined appropriate.

5. Stormwater Management

Low impact development (LID) techniques should be used, unless otherwise authorized by the DPIE. For purposes of

Sec. 24-3.704, Conservation Subdivision Standards , "low impact development (LID) techniques" refer to stormwater management designs that accommodate stormwater through; the use of existing hydrological site features, and by reducing impervious surfaces (roadways), curbs, and gutters; decreasing the use of storm drain piping, inlet structures; and eliminating or decreasing the size of stormwater ponds. Such integrated management practices may include bioretention, dry wells, filter buffer, infiltration trenches and similar techniques.

6. Lighting

Lighting techniques shall comply with Sec 27-6.600, Exterior Lighting, of Subtitle 27: Zoning Ordinance. In addition, lighting should be utilized to decrease adverse impacts on the adjoining and abutting lands.

E. Standards for Conservation Subdivision Along Designated Scenic and Historic Roads

In addition to the standards in Sec. 24-3.704, Conservation Subdivision Standards, a conservation subdivision along a designated scenic or historic road shall also conform to the following standards:

1. There should be no views of the rears of dwellings from the road.
2. Engineered berms for screening purposes are prohibited unless they are constructed to mimic natural contours.
3. Fencing along the road shall be rural in character.
4. Views from scenic and historic roads shall be preserved or may be created through the installation of landscaping that mimics natural conditions.
5. Trees and vegetation shall not be removed within the required setback unless it is in accordance with an approved tree conservation plan.
6. Existing slopes and tree tunnels along the street frontage should be retained, unless required to be removed by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA) for frontage improvements.
7. Buildings that are located within 200 feet of the street should be sited such that the principal entrance is oriented toward the street.
8. A scenic easement shall be provided along the frontage of a designated scenic or historic road, that abuts the 10-foot public utility easement. The scenic easement shall be a minimum of 40 feet. It should be increased, where appropriate, to retain unique characteristics of the scenic and historic character of the road, if appropriate.
9. In general, access (public and private) to a scenic or historic road should be limited, to the extent possible, except for safety reasons or for some other benefit such as environmental preservation, or to implement the stated purposes of this Division.
10. Septic recovery areas shall not be permitted within the scenic easement, to the maximum extent practicable.

Division 4: Chesapeake Bay Critical Area Standards

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DIVISION 24-4 CHESAPEAKE BAY CRITICAL AREA STANDARDS

Sec. 24-4.100 Findings

- 24-4.101.** The General Assembly of Maryland enacted legislation establishing a Chesapeake Bay Critical Area Protection Program codified in the Maryland Annotated Code, Natural Resources Article, Sections 8-1801, et seq., 1983 Edition, as amended.
- 24-4.102.** The General Assembly of Maryland has adopted certain standards for development and growth to protect habitat and water quality in the Chesapeake Bay Critical Area.
- 24-4.103.** The standards adopted by the General Assembly of Maryland allow maximum future additional intense and limited development in the Chesapeake Bay Critical Area of only five percent of the total area designated as Resource Conservation Overlay Zone, and the standards allow only 50 percent of the permissible growth increment in the designated Resource Conservation Area.
- 24-4.104.** Prince George's County is required by the State law to develop a local program to implement the State mandated standards.
- 24-4.105.** The quality of life of the citizens of Prince George's County will be enhanced by the effective implementation of these standards to restore the

quality and productivity of the waters of the County, the Chesapeake Bay, and its tributaries.

- 24-4.106.** The effective implementation of these standards through the local program is necessary to provide proper planning and development in the best interests of the health, safety, and welfare of the citizens of Prince George's County.

- 24-4.107.** Development and implementation of the local program may be compromised unless limited restrictions are imposed on the subdivision of land within the Chesapeake Bay Critical Area.

Sec. 24-4.200 Limitation on Subdivision Approval

No application for preliminary plan for subdivision within a Chesapeake Bay Critical Area Overlay Zone shall be approved without an approved Conservation Plan prepared in accordance with Subtitle 5B: Chesapeake Bay Critical Area.

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Division 5: Enforcement

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DIVISION 24-5 ENFORCEMENT

Sec. 24-5.100 Generally

24-5.101. Authority

The Planning Director may bring to the attention of the County Office of Law any violations or lack of compliance with the requirements of these Regulations.

24-5.102. Compliance with the Requirements of Subdivision Regulations

- A.** No subdivision shall be approved in accordance with these Regulations, until the proposed subdivision complies with all procedures and standards of these Regulations, all applicable requirements of Subtitle 27: Zoning Ordinance, all other applicable requirements of the County Code of Ordinances, and all applicable requirements of State and Federal law.
- B.** No development approvals or permits in accordance with Subtitle 27: Zoning Ordinance, or building permits under Subtitle 4: Building, shall be approved unless the proposed development is in compliance with these Regulations.

24-5.103. Violations and Penalties

A. Violations

- 1.** An owner of land, or agent of the owner who transfers or sells or agrees to sell or negotiate to sell any land by reference to, exhibition of, or other use of a plat of a subdivision before the plat has been approved in accordance with these Regulations, and filed in the Land Records of Prince George's County, shall be subject to a

penalty of \$100 for each lot or parcel so transferred or sold.

- 2.** The description of a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring does not exempt the transaction from the penalties or the remedies provided in this Section.

B. Civil Enforcement

- 1.** If a person is in violation of these regulations, the County may seek to:
 - a.** Enjoin the transfer, sale, or agreement to sale land in violation in any court of equity; or
 - b.** Recover the penalty by civil action in a court of competent jurisdiction.
- 2.** In addition, appropriate actions may be taken by the County, and proceedings may be taken in equity to prevent any violation of these Regulations; and to prevent any unlawful construction; to recover damages; to restrain, correct, or abate a violation; or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described elsewhere in the County Code.

C. Fine

Any person who fails to comply with, or who violates any provision of these Regulations, or subdivides land contrary to State law, is subject to a fine of not more than \$100.00 to be paid to Prince George's County for each lot or parcel that is in violation. Other remedies for violations of these Regulations are set down in Subtitle 28: Civil Monetary Fines or Penalties, of the County Code.

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Division 6: Definitions

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DIVISION 24-6 DEFINITIONS

Sec. 24-6.100 Rules of Construction and Interpretation

The following rules shall apply for construing or interpreting the terms and provisions of these Regulations.

24-6.101. Meanings and Intent

All provisions, terms, phrases, and expressions contained in these Regulations shall be interpreted in accordance with the general purposes set forth in Sec. 24-1.300, Purpose and Intent, and any specific purpose statements set forth throughout these Regulations. When a specific section of these Regulations provides a different meaning than the general definition provided in Sec. 24-6.200, Definitions, the specific section's meaning and application of the term shall control.

24-6.102. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of these Regulations and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied on as a complete and accurate description of all applicable regulations or requirements.

24-6.103. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

24-6.104. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and the day of the event, and including the last day in the determination. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County. Unless the words "calendar days" are used, Saturdays, Sundays, and holidays observed by the County shall not be included.

24-6.105. References to Other Regulations/ Publications

Whenever reference is made to a resolution, ordinance, code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, manual, resolution, ordinance, code, statute, regulation, or document, unless otherwise specifically stated.

24-6.106. Delegation of Authority

Any act authorized by these Regulations to be carried out by a specific official of the County may be carried out by a professional-level designee of such official at the direction of the official.

24-6.107. Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

24-6.108. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those to Prince George’s County or the Maryland-National Capital Park and Planning Commission (M-NCPPC).

24-6.109. Mandatory and Discretionary Terms

The words “shall,” “must,” “may only,” “shall not,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

24-6.110. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions or events apply or are required;
- B. “Or” indicates that only one of the connected items, conditions, provisions, or events applies or is required; and
- C. “And/or” indicates that one or more of the connected items, conditions, provisions, or events apply or are required.

24-6.111. Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

24-6.112. Term Not Defined

If a term used in these Regulations is not defined in this Division, the Planning Director shall have the authority to provide a definition

based on the definitions used in accepted sources—including, but not limited to, A Planners Dictionary, and A Glossary of Zoning, Development, and Planning Terms.

Sec. 24-6.200 Rules of Measurement

The rules of measurement in Sec. 27-2.200 of Subtitle 27: Zoning Ordinance, are incorporated by reference into this Section, and apply to these Regulations.

Sec. 24-6.300 Definitions

The following words, terms, and phrases, when used in these Regulations, shall have the meaning ascribed to them in this Section.

100 year floodplain

The 100 year floodplain is that which is delineated on a County comprehensive watershed management study approved by the County Stormwater Management Task Force. It is the flood that has a one percent chance of being equaled or exceeded in any given year, meaning the 100-year floodplain is any land area susceptible to being inundated by the one-percent annual chance (100-year) flood. Where specific flood protection measures recommended in adopted County watershed plans are included in an adopted County Capital Improvements Program (CIP) for planning, design, and construction, the floodplain limits shall be amended to reflect these measures. At a minimum, floodplain limits are those which are delineated or revised by the Federal Emergency Management Agency.

Acreage

A measure of land commonly used to mean land that is not the subject of a recorded subdivision plat.

Adopted level of service standard (or “adopted LOS standard”)

As referenced in Sec. 24-3.502.B, and Secs. 24-3.504 through 24-3.509 for a particular Public Facility, the level of service standard that applies to the evaluation of an application for a Certificate of Adequacy or Conditional Certificate of Adequacy to determine whether they are approved, approved with conditions (mitigation), or denied. The adopted LOS standard may also provide a basis for the establishment or expansion of a public facility or service, which is subject to the adequate public facilities (APF) provisions.

Advanced capacity

Capacity created by public facilities which do not currently exist, but that will be provided by the applicant where permitted by Secs. 24-3.504 through 24-3.509.

Afforestation

The establishment of a biological community of perpetual woodlands through the planting of trees on an area from which trees have always or very long been absent, or the planting of open areas which are not presently in forest cover.

Alternative trip capture

Anticipated trips that are captured by multimodal transit, pedestrian, or bicycle facilities that meet quality/level-of-service (Q/LOS) or level-of-comfort (LOC) standards and methodologies established in the *Transportation Review Guidelines*.

Applicant

Any person or entity who files an application under these Regulations. For purposes of compliance, the “applicant” includes the applicant’s heirs, successors, and assigns.

Area master plan

A planning document that guides the way an area in the County should be developed. An area master plan includes the entirety of one or more planning areas. It combines policy statements, goals, standards, maps, and data relative to the past, present, and future trends of a particular area (such as population, housing, economic, social patterns, land use, water resources, transportation facilities, and other public facility conditions and trends). An area master plan amends the County's General Plan. For transitional purposes, the term area master plan shall include any transit district development plan approved prior to the effective date of the Zoning Ordinance.

Available capacity

The capacity of a public facility, once used capacity and committed capacity are taken into account.

Capacity

The ability of a public facility to accommodate development or service demands based upon the adopted LOS standard.

Collector

A two- to four-lane roadway with minimal access controls, providing movement between developed areas and the arterial system.

Committed capacity

The demand for capacity which will be used by a development that has been approved but not yet built.

Commencement of construction

The first placement of permanent construction of a structure on a site, such as pouring of slabs or footings or any work beyond the stage of excavation.

Commission

Unless otherwise specified, The Maryland-National Capital Park and Planning Commission (M-NCPPC).

Concept study, stormwater management

A generalized, conceptual plan to show the proper disposal of stormwater, in accordance with the procedures and standards set forth in Subtitles 4: Building, and 23: Roads and Sidewalks, of the County Code, as administered by DPIE.

Conservation easement

A recorded easement established for the protection of woodland

and wildlife habitat used to protect sensitive environmental features or other natural features. Conservation easements used to comply with Division 2 of Subtitle 25-117 of the County Code shall contain the primary management area and may contain other sensitive environmental features.

Conservation subdivision

A conservation subdivision protects the character of land through the permanent preservation of farmland, woodland, sensitive natural features, scenic and historic landscapes, vistas, and unique features of the site in keeping with the General Plan, the County's functional master plan for green infrastructure, and applicable area master plans or sector plans. A conservation subdivision is intended to maintain large contiguous, unfragmented farming, forested areas, and unique and significant features. The standards provide for lots, open space, and internal street designs that conserve woodlands, farmland, farm structures, historic structures, and the scenic and unique character of development sites. A conservation subdivision prioritizes site characteristics for conservation and creates a site layout that conserves important site features such as open space networks, blocks of productive farmland, and unique characteristics of a site, scenic viewsheds within and on the site from adjoining properties and streets, and contiguous woodland habitats. Conservation subdivision design encourages agricultural pursuits, creates attractive development layouts respecting existing features of the site, and encourages connectivity between scenic, historic, agricultural, and environmental characteristics of abutting properties and streets. (See Sec. Sec. 24-3.700, Conservation Subdivision Standards.)

County

Prince George's County, Maryland.

County Executive

The chief executive officer of Prince George's County who exercises executive powers in accordance with the State Constitution and the County Charter

Critical habitat

A habitat currently occupied by a rare, threatened, or endangered (RTE) species as determined by the U.S. Fish and Wildlife Service or the Maryland Department of Natural Resources.

Critical habitat area

The critical habitat of a rare, threatened, or endangered species and its surrounding protection area. A critical habitat area shall:

1. Be likely to contribute to the long-term survival of the species;
2. Be likely to be occupied by the species for the foreseeable future; and
3. Constitute habitat of the species which is considered critical by the U.S. Fish and Wildlife Service or the Maryland Department of Natural Resources.

District Council

The Prince George's County Council, sitting as the District Council for the Prince George's County portion of the Maryland-Washington Regional District.

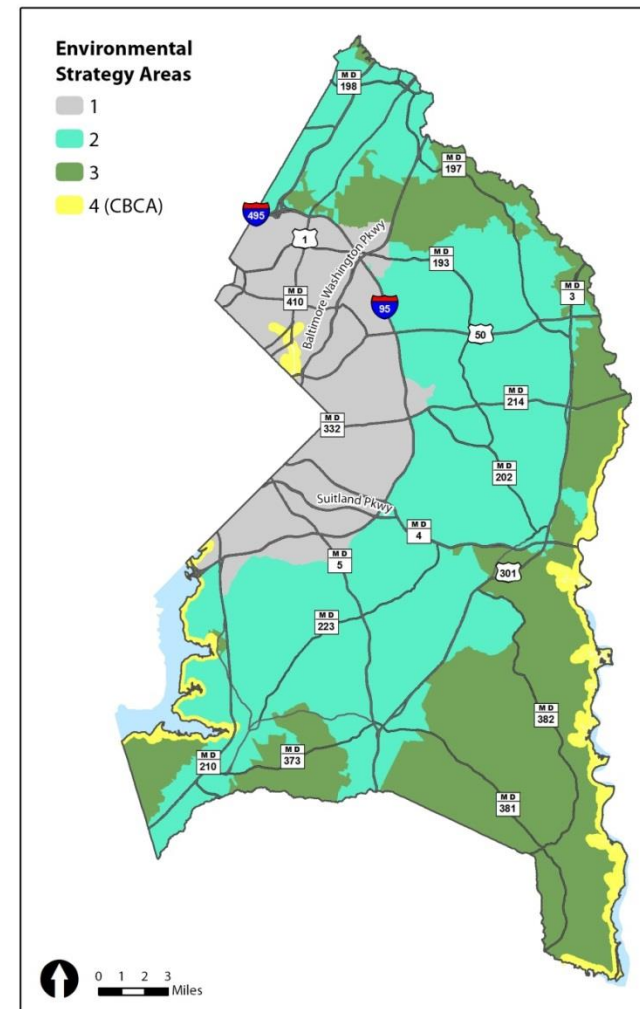
DPIE

The Department of Permitting, Inspections, and Enforcement of Prince George's County

Environmental strategy areas

Areas identified on the map below, which is available at a parcel

level of detail in the Planning Director's office, in which regulated stream buffers are required in accordance with Sec. 24-3.303, Stream, Wetland, and Water Quality Protection and Stormwater Management.



Federal Manual

The "Federal Manual for Identifying and Delineating Jurisdictional Wetlands", 1987.

Final plat

The final detailed drawing (to scale) of a tract of land, depicting the proposed division of the tract into lots, blocks, streets, or other areas within a proposed subdivision.

Forest interior

Woodlands that are located a minimum of 300 feet from the nearest forest edge.

Forest interior dwelling species (FIDS)

Species of birds which require large, connected forested tracts in order to breed successfully as described in *The Woodland and Wildlife Habitat Technical Manual*.

Forest interior dwelling species (FIDS) habitat

Woodland areas of sufficient size as to be favorable to the breeding of certain interior dwelling bird species which are likely to be present if the majority of the forest is dominated by pole-sized or larger trees (five inches or greater diameter at breast height), or has a closed canopy; and meets one the following conditions:

1. The woodlands are a minimum of 50 acres in size and contain at least 10 acres of "forest interior" habitat which is located more than 300 feet from the nearest forest edge; or
2. Riparian forests at least 50 acres in size with a minimum average width of 300 feet within the watershed of a regulated stream.

Forest stand delineation (FSD)

A detailed accounting of woody vegetation, prepared in plan and document form, as required by Division 2 of Subtitle 25: Trees and Vegetation of the Prince George's County Code of Ordinances, and as explained in the publication, *The Woodland and Wildlife Habitat Conservation Technical Manual*.

Functional master plan

The current approved plan for one of the various elements of the "General Plan," such as transportation, schools, libraries, hospitals, health centers, parks and other open spaces, police stations, fire stations, utilities, or historic preservation.

General Plan

The Prince George's County General Plan approved in accordance with State law.

Highly erodible soils

All soils having an erodibility (K) factor of 0.35 or greater as determined by the Prince George's Soil Conservation District.

Impact

An impact of a Regulated Environmental Feature is the physical disturbance or the inclusion of a regulated feature within the required net lot area.

Impact area

The area within which a proposed development is presumed to create a demand for Public Facilities, and is evaluated for compliance with Sec. 24-3.500 Public Facility Adequacy. An Impact Area for a specific Public Facility is defined in Sec. 24-3.500, Public Facility Adequacy.

Inadequate or inadequacy

A public facility is inadequate where it is unable to meet the adopted LOS standard based on its current demands, the demands created by an application for a Certificate of Adequacy or Conditional Certificate of Adequacy, and any impacts that will be created by approved but unbuilt development.

Landscape Manual

The document that promulgates the standards and criteria for developing landscaped, buffered, and screened areas in Prince George's County, and which is adopted by the District Council and revised and amended from time to time by the District Council.

Level of service (LOS) standard

An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based upon and related to the operational characteristics of the facility. LOS standard indicates the capacity per unit of demand for each public facility, or the performance characteristics of the public facility that are affected by new development.

Lot

See definition of lot in Sec. 27-400, Terms and Uses Defined, of Subtitle 27: Zoning Ordinance.

Lot consolidation

A combination or adjustment of any legal parcels of land or record lots in accordance with Sec. 24-1.403.I, or Sec. 24-2.502.B.3, in the Chesapeake Bay Critical Area.

Lot, corner

See definition of corner lot in Sec. 27-400, Terms and Uses Defined,

Lot, interior

See definition of interior lot in Sec. 27-400, Terms and Uses Defined. Of Subtitle 27-400: Zoning Ordinance.

Lot, through

See definition of through lot in Sec. 27-400, Terms and Uses Defined, of Subtitle 27: Zoning Ordinance.

Minor subdivision for school surcharge exemption

A minor subdivision for school surcharge exemption shall mean the subdivision of a property pursuant to a minor final plat of subdivision that was approved pursuant to a minor preliminary plan of subdivision. Only one school surcharge exemption may be permitted from a parcel of land that has been through the minor subdivision procedure.

M-NCPPC

The Maryland-National Capital Parks and Planning Commission.

Natural regeneration

The natural establishment or re-establishment of a biological community of woodlands from nearby seed sources without afforestation.

Natural resource inventory (NRI)

A plan map and supporting documentation or letter that provides all required information regarding the existing physical and environmental conditions on a site that is approved by the Planning Director as described in the *Environmental Technical Manual* as approved and amended by the Planning Board.

Newspaper of record

A County newspaper, designated as such by the County Council, in

accordance with the requirements of the Charter of Prince George's County, Maryland.

Nontidal wetland

Land that:

1. Is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances supports a prevalence of vegetation typically adapted for life in saturated soil conditions; or
2. Is identified as a "wetland" in accordance with the Federal Manual.

Outlot

A piece or parcel of land that remains within a subdivision but which does not meet the minimum requirements of Subtitle 27: Zoning Ordinance, of the County Code of Ordinance for a buildable lot and is, therefore, not usable as a legal building site.

Outparcel (Subdivision)

For the purposes of these Regulations, a parcel of land designated on a subdivision plat which does not comply with the requirements of this Subtitle for adequate public facilities and is, therefore, not usable as a legal building site.

Outparcel (Zoning)

See Sec. 27-2.400, Terms and Uses Defined, of Subtitle 27: Zoning Ordinance.

Owner's personal residence for minor subdivision school surcharge exemption

The lot for which a residential building permit was filed and the applicant for that permit shall be the individual that subdivided the land.

Ownership lot

Part of a parent lot used to define individual ownership, deed, mortgage or lease lines within the parent lot. An ownership lot is only established for the convenience of the owner. An ownership lot is not:

1. A lot, as defined in Subtitle 27: Zoning Ordinance, used to determine building setbacks, access or to establish conformance with Zoning, Subdivision or any other law or regulation;
2. Considered a building site for the purposes of obtaining permits; or
3. A result of a change to any condition of approval for the subdivision that created the parent lot.

Parcel

See "lot."

Parent lot

A lot or parcel shown on a record plat on which ownership lots are established.

Park and Recreation Facilities Guidelines

The Park and Recreation Facilities Guidelines prepared by the Department of Parks and Recreation, in consultation with the Planning Department in accordance with Sec. 24-3.500, Public Facility Adequacy.

Planned capacity

A public improvement that is not in place and operational, but that is scheduled for funding in the County's Capital Improvements Program (County CIP) or the capital improvement program of the

agency or entity that provides the improvements.

Planning Board

The Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission.

Planning Director

The Director of the Prince George's County Planning Department of the Maryland-National Capital Park and Planning Commission, or designee.

Preliminary plan of subdivision

The preliminary detailed drawing (to scale) of a tract of land, depicting its proposed division into lots, blocks, streets, or other designated areas within a proposed subdivision.

Primary management area

A vegetated buffer preserved and/or restored along all regulated streams outside the Chesapeake Bay Critical Area Overlay (CBCA-O) zones, which at a minimum includes:

1. All regulated streams and associated minimum stream buffers;
2. The 100 year floodplain as defined in Subtitle 27: Zoning Ordinance, of the County Code;
3. All wetlands and associated wetland buffers that are adjacent to the regulated stream, stream buffer or the 100 year floodplain;
4. All areas having slopes of 15 percent or greater, adjacent to the regulated stream or stream buffer, the 100 year floodplain, or adjacent wetlands or wetland buffers; and
5. Adjacent critical habitat areas.

Prince George's County Soil Conservation District

The Soil Conservation District established for Prince George's County by State law to protect and promote the health, safety and general welfare of the citizens of the County, and otherwise enhance their living environment, by conserving soil, water, and related resources and by controlling and preventing soil erosion in order to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands.

Applications Manual

A manual, prepared by the Planning Director, containing all requirements for application contents and forms, submission schedules, application fee information, and any other information the Planning Director determines is relevant to the submittal, review, and decision of development applications under these Regulations.

Public Facilities Agreement

An agreement wherein an applicant for a subdivision promises to provide required public improvements. Such agreement, however, does not replace bonding requirements of public agencies in connection with building, grading, street construction, and the like.

Public Facilities Financing and Implementation Program

A comprehensive program established by the County Council that is intended to implement and facilitate the General Plan, applicable area master plan, sector plan, or functional master plan recommendations regarding the construction and maintenance of public facilities not subject to public facilities surcharges, including water, sewerage, transportation (streets and mass transit), libraries, recreation, and privately owned and maintained streets and

recreational facilities authorized in accordance with the Zoning Ordinance. This includes some or all proposed and future development in a specified area, and should include provisions for financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, and funding "clubs." Costs for the proposed and future development in a specified area established within a Public Facilities Financing and Implementation Program (PFFIP) shall include annual cost adjustments, to be identified at the time of establishment of the PFFIP, to account for the effect of inflation.

Public facility or public facilities

A capital improvement that expands capacity sufficient to accommodate demands for that facility (such as vehicle trips or water or sewer flows). Public facilities include transportation (i.e., streets and transit), sanitary sewer, water, police space or vehicles, parks and recreation land and improvements, and public school land, space and improvements.

Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure

The Guidelines for the Mitigation of Adequate Public Facilities: Public Safety.

Pupil yield factor

The estimated number of elementary, middle, and high school students per dwelling unit, as determined by the Planning Director, from information provided by the Superintendent of the Prince George's County Public Schools.

Record plat

An official plat of subdivision, as recorded in the Land Records of Prince George's County, Maryland.

Reforestation

The re-establishment of a biological community of perpetual woodlands through the planting of trees on an area from which trees were recently removed.

Regional District

That area within which the Maryland-National Capital Park and Planning Commission exercises planning jurisdiction, as described in the Land Use Article of the Annotated Code of Maryland.

Regulated environmental features

Regulated streams, nontidal wetlands, and their associated buffers inclusive of any primary management area(s).

Regulated stream

Streams that have water flowing year-round during a typical year and streams that have water flowing during certain times of the year when groundwater provides for stream flow. Water flow can be identified by a defined channel and movement of leaf litter and debris by the movement of water. During dry periods, some regulated streams may not have flowing water. This definition includes "perennial" and "intermittent" streams. Streams that only have water flowing during, or for a short duration after precipitation events in a typical year, are "ephemeral" streams and are not regulated. The use of the term "stream" in this or other sections of the County Code of Ordinances shall refer to a regulated stream unless the provisions of that Section define a stream otherwise.

Remainder agricultural parcel

On or after October 1, 2012, in accordance with Section 9-206 of the Environment Article of the Code of Maryland, a remainder parcel is created by the minor preliminary plan approval process in the Sustainable Growth Tier IV, and is restricted to non-residential

agricultural uses in perpetuity.

Reservation

A procedure by which land reservations are to set-aside land identified for public use in the General Plan, functional master plans, area master plans, and sector plans.

Reserved capacity

The projected impacts on a public facility created by a proposed but unbuilt development that has received a Certificate of Adequacy or Conditional Certificate of Adequacy, where (1) the County will count those impacts against available capacity, and (2) the application will not be retested during any point in the development approval process to determine whether those facilities meet the adopted LOS standard. Depending upon the type of application, whether the applicant has taken steps to ensure that the capacity remains committed, and the specific terms of Sec. 24-3.500, Committed Capacity may be reclassified as available capacity.

Residential subdivision

A subdivision in which all of the lots are reserved for uses within the Residential uses classification in Subtitle 27, Section 27-8.301.D, including accessory uses and structures and the transportation, water, sewer, schools, parks, recreation and open space, and related infrastructure needed to serve the subdivision.

Resubdivision of land

A procedure that provides for the resubdivision of land that has been legally subdivided to change the relationships between a lot in the subdivision and the street shown on the record plat, or change the relationship between one lot and another lot in the subdivision, as long as the resubdivision of land complies with the requirements of Subtitle 27: Zoning Ordinance.

Road

Any travel way or right-of-way, whether open or not, and any land area dedicated to public use, in a recorded deed or recorded plat of subdivision, for the purpose of, or used for, passage of vehicular or pedestrian traffic, together with adjacent appurtenant drainage ditches, channels, support slopes, structures, walks, and traffic control devices. This term shall embrace all ways designated as roads, streets, alleys, lanes, paths, highways, avenues, or terms of similar meaning.

Roadway improvement

Any road, pedestrian, transit, or bike capital improvement which will serve to enhance the vehicular movement or increase the multimodal volume or user safety on any road. The following roadway elements shall be considered roadway improvements: thru-lanes; turn lanes; bridges; traffic and pedestrian signalization; sidewalks or bike facilities that serve to enhance crosswalk movement or safety; transit capital improvements that increase passenger capacity or safety; resurfacing of existing roadways including planning and removal of existing paved surfaces where the improvements enhance the roadway capacity and service level; and other structural improvements shown by specific studies to enhance roadway capacity.

The following activities are considered part of the cost of roadway improvements: preliminary engineering, design studies, land surveys, engineering design, right-of-way acquisition, and permitting, that are associated with the construction of any of the roadway elements listed above.

School regulations

The *Adequate Public Facilities Regulations for Schools*, as adopted and amended by the County Council.

Sector plan

A comprehensive plan for the physical development of one or more planning areas, showing in detail planning features such as type, density and intensity of land uses, pedestrian traffic features, public facilities, and the relationship between the various uses to transportation, other public facilities and services, and amenities within the sector plan area, and where appropriate, to other areas. It may be approved either as part of a new area master plan or as an amendment to an existing area master plan. A sector plan amends the General Plan (see Sec. 17-3.501, Comprehensive Plans and Amendments, of Subtitle 27: Zoning Ordinance).

Street

A street is any of the following:

1. A public or dedicated right-of-way at least thirty (30) feet in width; or a private road, right-of-way, or easement along which development is authorized pursuant to this Ordinance, except for easements created under Sec. 24-3.204.B.1.f to avoid potentially hazardous or dangerous traffic situations, or for right-of-way easements within a nonresidential development pursuant to Sec. 24-3.204.B.1.e; or
2. A proposed street right-of-way or widening shown on the applicable General Plan, area master plan, or functional master plan; or in the current Capital Improvement Program or Maryland State Consolidated Transportation Program; or on a record plat; or
3. A public road designated by the Director of the Department of Public Works and Transportation shall be deemed a public street for the purpose of constructing a one-family detached dwelling, provided that:
 - a. The designated public road has a right-of-way width

of at least 30 feet; and

- b. No subdivision plat is required prior to development of the lot which abuts the designated public road.

Subdivision

The technical process and configuration of land by which one or more lots, tracts, or parcels of land are divided, consolidated, or established as one or more lots or parcels, or other divisions of land. Subdivision also occurs when land is converted from residential to nonresidential uses or nonresidential to residential uses, or from residential or nonresidential uses to mixed-use development, and one or more lots, tracts, or parcels of land are divided, consolidated, or established.

Subdivision and Development Review Committee

An inter-agency committee that assists the Planning Director in coordinating review of Subdivision applications under these Regulations. The Subdivision and Development Review Committee shall be composed of representatives from the following agencies, departments, and offices:

1. Planning Department;
2. Department of Parks and Recreation;
3. Police Department;
4. Department of Public Works and Transportation;
5. Washington Suburban Sanitary Commission;
6. Department of Permitting, Inspections, and Enforcement;
7. Fire Department;
8. State Highway Administration;
9. Soil Conservation District;

10. Department of Housing and Community Development; and
11. Municipalities, as appropriate.

Subdivision, conventional

A subdivision that is not a conservation subdivision, zero lot line development, or resubdivision.

Subdivision, major

A procedure established by these Regulations that requires proposed development that is not classified as a minor subdivision, or exempted in accordance with Sec. 24-1.403, Exemptions, to gain subdivision approval (both a preliminary plan for subdivision and final plat. The applications are decided by the Planning Board.

Subdivision, minor

A procedure established by these Regulations that requires the following development to gain subdivision approval (both a preliminary plan for subdivision and final plat), unless exempted in accordance with Sec. 24-1.403, Exemptions, or unless the Planning Director determines the subdivision will have similar impacts to surrounding lands, infrastructure, or the environment as a major subdivision, in which case the subdivision shall be reviewed as a major preliminary plan of subdivision:

1. Any subdivision that results in 25 or fewer dwelling units;
2. Any subdivision that results in 25,000 square feet or less of gross floor area of nonresidential development; and
3. Any subdivision that consists of mixed-use development that results in a total of 25, either dwelling units or 1,000 square feet of gross floor area.

The applications are decided by the Planning Director.

Sustainable Growth Tier

The tiers adopted by a local jurisdiction in accordance with Section 9-206 of the Environment Article, Annotated Code of Maryland.

Text amendment

An amendment of these Regulations.

Transportation Review Guidelines

The guidelines for the analysis of the traffic, pedestrian or bicycle impact of development proposals.

Transportation facility

Any public highway, road, bridge, transit system, bikeway, or pedestrian pathway that: (1) is located within a project's impact area identified in a traffic impact study, and (2) that provides capacity to accommodate vehicle trips, or to offset vehicle trips through alternative trip capture.

Tree conservation plan (TCP)

A site map that delineates woodland conservation areas and the associated text that details the requirements, penalties, and/or mitigation in conformance with Division 2 of Subtitle 25 of the County Code and *The Woodland and Wildlife Habitat Conservation Technical Manual*.

Used capacity

Public facilities capacity that is used or consumed by existing development at the time of the filing of an application.

Vacation

A procedure that provides for the vacating (or extinguishment) of any recorded plat of subdivision, or part thereof, before the sale of any lot within the subdivision.

Variation

A procedure that provides for the variation or modification of the standards established in these Regulations where extraordinary hardship or practical difficulties may result from strict compliance, or the purposes of these Regulations may be served to a greater extent by an alternative proposal.

Wetland buffer

Where a wetland or a portion of land containing a wetland is located outside the Chesapeake Bay Critical Areas Overlay (CBCA-O) zones, a minimum of 25 feet in width measured from the edge of the wetland, and expanded to 100 feet in width due to the presence of steep slopes 15 percent or greater, highly erodible soils, other soils with development constraints, or the presence of Nontidal I Wetlands of Special State Concern as defined by COMAR.

Zero lot line development

A procedure that provides subdividers maximum flexibility in subdivision design to take advantage of natural features, and to create energy efficiency and environmentally-sensitive, attractively designed communities. The zero lot line procedure allows minimum setbacks, yards, and street frontages for zero lot line development (a development where single family detached dwelling units are placed on the lot so that they are positioned along one or more lot lines), if the Planning Board finds that those alternatives will function safely and efficiently and will yield a better design than conventional approaches.

Zoning Ordinance

Subtitle 27: Zoning Ordinance, of the County Code.