

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2025 Legislative Session

Bill No. CB-092-2025

Chapter No. _____

Proposed and Presented by Council Member Blegay

Introduced by Council Members Burroughs and Blegay

Co-Sponsors _____

Date of Introduction October 7, 2025

SUBDIVISION BILL

1 AN ACT concerning

2 Flagship Project Overlay Zone

3 For the purpose of regulating the subdivision of land within the Flagship Project Overlay Zone to
 4 facilitate transformative redevelopment of signature sites in Prince George's County.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS.

7 Sections 24-2300, 24-3303, 24-3305, 24-3402, 24-4204, 24-4205,
 8 24-4303, 24-4502, 24-4702, and 24-6102,

9 The Prince George's County Code
 10 (2023 Edition; 2024 Supplement).

11 BY adding:

12 Sections 24-4800, 24-4801, 24-4802, 24-4803, and 24-4804,

13 The Prince George's County Code
 14 (2023 Edition; 2024 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 16 Maryland, that Sections 24-2300, 24-3303, 24-3305, 24-3402, 24-4204, 24-4205, 24-4303, 24-
 17 4502, 24-4702, and 24-6102 of the Prince George's County Code be and the same are hereby
 18 repealed and reenacted with the following amendments:

19 SUBTITLE 24. SUBDIVISIONS.

20 PART 24-2. INTERPRETATIONS AND DEFINITIONS.

21 SECTION 24-2300. DEFINITIONS

Sec. 24-2300. Definitions.

Flagship Project Mitigation Agreement

A binding agreement between an applicant and the Prince George’s County Executive (and other public agencies, if necessary) whereby the applicant proposing development in the Flagship Project Overlay (FPO) Zone agrees to fund and/or construct certain public benefits, either on- or off-site, as an alternative to participating in the review and approval of a Certificate of Adequacy.

PART 24-3. SUBDIVISION ADMINISTRATION

SECTION 24-3300. STANDARD SUBDIVISION REVIEW PROCEDURES

Sec. 24-3303. Pre-Application Neighborhood Meeting

(c) Procedure

(3) Conduct of Meeting and Summary

(B) Project Materials

The applicant shall ensure the following materials are available for review and discussion at the pre-application neighborhood meeting:

(vi) Additionally, for a Preliminary Plan of Subdivision in the Flagship Project Overlay (FPO Zone), the applicant shall make available:

(aa) Information concerning project phasing and the anticipated timeframe for development through anticipated buildout;

(bb) An illustrative site plan showing conceptual buildings, landscaping, streetscaping, a mobility and circulation system, environmental features, and public spaces. The site plan documents must clearly indicate that the plan is illustrative and not necessarily what will be built. This site plan should demonstrate, to the maximum extent practicable, structures and site improvements that meet the requirements of Part 27-6 of the

Zoning Ordinance; and

(cc) Details of a proposed or signed Flagship Project Mitigation Agreement, if applicable.

* * * * *

Sec. 24-3305. Determination of Completeness

* * * * *

(b) Application Incomplete

(2) [Notwithstanding the other provisions of this Section, a] After an application is determined incomplete, an applicant may:

(A) Except in the case of a qualified project in an FPO Zone for which an applicant is seeking expedited permitting approvals in accordance with the relevant provisions of Subtitle 27: Zoning Ordinance, [R]request, and the Planning Director undertake, processing and review of the application even though it is not considered a complete application. Under no circumstance may an application proceed under this provision until the applicant has paid all applicable application fees and provided all required affidavits;

* * * * *

SECTION 24-3400. APPLICATION-SPECIFIC SUBDIVISION REVIEW

PROCEDURES AND DECISION STANDARDS

* * * * *

Sec. 24-3402. Minor and Major Subdivision, or Resubdivision.

* * * * *

(c) Preliminary Plan of Minor and Major Subdivision and Final Plat Submittal Requirements.

* * * * *

(2) Documents Required for Major Subdivision and Major Final Plat

(A) Preliminary Plan of Major Subdivision

The subdivider shall present to the Planning Department a reproducible preliminary plan prepared by a registered surveyor or a Professional Landscape Architect. If the preliminary plan has been prepared by a Property Line Surveyor, the horizontal location of all right-of-way lines, as shown on the plan, shall be certified by either a Professional Land Surveyor or a Professional Engineer. Preferably, the plan shall be prepared at a scale of 1 inch

1 equals 100 feet. The following information shall be shown:

2 * * * * *

3 (xxxii) For a preliminary plan of subdivision (minor or major) for land
4 in the FPO Zone, a draft or signed Flagship Project Mitigation Agreement in accordance with
5 Section 24-4800, Flagship Project Overlay Zone.

6 * * * * *

7 **(e) Major Subdivision**

8 **(1) Preliminary Plan of Major Subdivision**

9 **(A) Procedure**

10 **(viii) Conditions of Approval**

11 Allowed [(See Section 24-3311, Conditions of Approval)].

12 (aa) Notwithstanding any other provision of this Subtitle, no
13 condition is permitted that would require approval of a Special Exception or a Detailed Site Plan
14 by the District Council, the Zoning Hearing Examiner, the Planning Board, the Planning
15 Director, or the Board of Appeals, of a project within the FPO Zone, or any constituent use
16 therein. All other conditions of approval are allowed for projects in the FPO Zone (See Section
17 24-3311, Conditions of Approval);

18 (bb) For all other major preliminary plans of subdivision, conditions
19 are allowed (See Section 24-3311, Conditions of Approval).

20 * * * * *

21 **(D) Preliminary Plan of Major Subdivision Decision Standards**

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

24 * * * * *

25 **(iv)** Conforms with the applicable Area Master Plan or Sector Plan, and
26 current Functional Master Plans in accordance with Section 24-4101(b); and

27 * * * * *

28 **PART 24-4. SUBDIVISION STANDARDS**

29 * * * * *

30 **SECTION 24-4200. TRANSPORTATION, PEDESTRIAN, BIKEWAY, AND**
31 **CIRCULATION STANDARDS**

Sec. 24-4204. Private Streets and Easements

* * * * *

(b) Exemptions

* * * * *

(3) Notwithstanding any other provision of these Regulations, all private streets, rights-of-way, alleys, and/or easements in the FPO Zone shall conform to the County's Urban Street Design Standards and other applicable standards of Subtitle 23: Roads and Sidewalks.

* * * * *

Sec. 24-4205. Public Utility Easements

All roads (public or private) shall have a public utility easement at least ten feet in width. For Redevelopment and Revitalization projects or any projects in the Transit-Oriented/Activity Center or Flagship Project Overlay Zones, the public utility easement may be reduced by the Planning Director for good cause, after due consideration of any adverse impacts. The public utility easement [shall] may be located outside the sidewalk, where a sidewalk is constructed or these Regulations or Subtitle 27: Zoning Ordinance require a sidewalk, and shall be contiguous to the right-of-way.

* * * * *

SECTION 24-4300. ENVIRONMENTAL STANDARDS

* * * * *

Sec. 24-4303. Stream, Wetland, and Water Quality Protection and Stormwater Management

* * * * *

(b) Unless the project is located in the FPO Zone, a[A] preliminary plan of subdivision (minor or major) shall not be approved until evidence is submitted that a stormwater management concept has been approved by DPIE or the municipality having approval authority, if the municipality has approval authority. Submittal materials shall include evidence that the applicable site development concept has been approved. A preliminary plan of subdivision (minor or major) for a project in the FPO Zone may be approved while a stormwater management concept plan is pending before DPIE.

* * * * *

(d) To ensure the purpose and intent of this Section is advanced, a proposed subdivision

(minor or major) shall comply with the following:

(7) Except for applications in the FPO Zone, [T]the approval of a Concept Grading, Erosion, and Sediment Control Plan (CS) by the Soil Conservation District, shall be required prior to final approval of the preliminary plan of subdivision (minor or major) if required by Subtitle 32: Water Resources Protection and Grading Code, of this Code. If so required by Subtitle 32, the approval of a Concept Grading, Erosion and Sediment Control Plan (CS) in the FPO Zone shall be required prior to approval of a final plat of subdivision.

SECTION 24-4500. PUBLIC FACILITY ADEQUACY

Sec. 24-4502. Applicability

(b) Notwithstanding any other provision of this Subtitle, an application for a preliminary plan of subdivision (minor or major) in the Flagship Project Overlay (FPO) Zone is not subject to the provisions of Sections 24-4502 through 24-4505 and Sections 24-4508 through 24-4510 and shall be subject to the provisions of Section 24-4800, Flagship Project Overlay Zone.

(c) Applicability of Public Facility Adequacy Standards

(1) This Section establishes public facility adequacy standards. They are summarized in Table 24-4502: Summary of Public Facility Adequacy Standards. The standards are established in Sections 24-4504, Public Facility Adequacy-Generally, through Section 24-4510, Schools Adequacy, below.

SECTION 24-4700. CONSERVATION SUBDIVISION STANDARDS

Sec. 24-4702. Applicability

(b) Exemptions

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

(4) Property classified in the Flagship Project Overlay (FPO) Zone.

* * * * *

PART 24-6. ENFORCEMENT

SECTION 24-6100. GENERALLY

* * * * *

Sec. 24-6102. Compliance with the Requirements of Subdivision Regulations

* * * * *

(c) Failure by an applicant proposing a subdivision in the Flagship Project Overlay Zone to fully execute a Flagship Project Mitigation Agreement shall constitute noncompliance with these Regulations.

* * * * *

SECTION 2. BE IT FUTHER ENACTED that Sections 24-4800, 24-4801, 24-4802, 24-4803, and 24-4804 be and the same are hereby added:

SUBTITLE 24. SUBDIVISIONS

PART 24-4. SUBDIVISION STANDARDS

SECTION 24-4800. FLAGSHIP PROJECT OVERLAY ZONE

Sec. 24-4801. Purpose

The purpose of this Section is to:

(a) Establish an alternative method for reviewing and approving applications for preliminary plans of subdivision (minor or major) and public facility adequacy for projects in the Flagship Project Overlay (FPO) Zone;

(b) Recognize that projects in the FPO Zone are those whose scope is regional in nature, and whose benefits and impacts may be more complex than anticipated by these Regulations;

(c) Provide opportunities for creative partnerships to address the infrastructure and operational impacts of projects of regional significance;

(d) Ensure a predictable, timely, and rational approval process; and

(e) Streamline development approvals to foster economic development by establishing concurrent reviews for qualified projects.

Sec. 24-4802. Applicability

(a) The provisions of this Section apply solely to applications for preliminary plans of subdivision (minor or major) for land in the FPO Zone.

(b) Applications reviewed in accordance with this Section are not subject to Sections 24-

1 4400, Public Facility Standards, or 24-4500, Public Facility Adequacy, except where explicitly
 2 described in this Section.

3 (c) Any application that does not conform to the requirements of these Regulations and the
 4 applicable requirements of the Subtitle 27: Zoning Ordinance for development in the FPO Zone
 5 shall be reviewed pursuant to the standard procedures for review and approval of a preliminary
 6 plan of subdivision (minor or major). An approved Flagship Project Mitigation Agreement
 7 between the applicant and the Prince George's County Executive must be submitted with an
 8 application for it to be considered under this Section.

9 (d) Any application submitted for land in the FPO Zone shall indicate clearly that the
 10 applicant wishes to proceed through the review and approval procedures specific to development
 11 in the FPO Zone.

12 **Sec. 24-4803. Flagship Project Mitigation Agreement**

13 **(a) Purpose**

14 The purpose of this Section is to establish the requirements and process for mitigating
 15 the potential public impacts of development in the FPO Zone through the adoption of a Flagship
 16 Project Mitigation Agreement (Agreement). A Flagship Project Mitigation Agreement is not a
 17 development application but is a required element of a preliminary plan of subdivision
 18 application (minor or major) for land in the FPO Zone.

19 **(b) Applicable Public Facilities and Services**

20 A Flagship Project Mitigation Agreement may include any, any combination of, or all
 21 of the following:

22 (1) Land dedication for the construction of public facilities to serve the proposed
 23 development; and/or

24 (2) Construction of public facilities to serve the proposed development; and/or

25 (3) Funding of specific, identified capital projects directly impacted by the proposed
 26 development; and/or

27 (4) Direct funding of public services to serve the proposed development and
 28 potentially impacted areas of the County; and/or

29 (5) Provision, in partnership with applicable public agencies, of public services to
 30 serve the proposed development and potentially impacted areas of the County; and/or

31 (6) Any combination of the above that mitigates the potential impact of buildout of

the subdivision.

(c) Procedures

An applicant must draft a proposed Flagship Project Mitigation Agreement for a proposed Flagship Project. The proposed Agreement must include the following:

(1) All information required as part of the associated application under these Regulations;

(2) A Statement of Justification describing how the proposed project and the proposed Agreement will mitigate the impact of the development on the public health, safety, and welfare of Prince George's County in general, and the public facilities identified in Section 24-4500, Public Facility Adequacy, in particular;

(3) The location, type, size, access, and description of any on-site public facilities, or privately-owned/publicly accessible facilities to be constructed by the applicant, or in partnership with a public agency;

(4) The location, type, size, access, and description of any off-site public facilities to be constructed by the applicant, or in partnership with a public agency;

(5) The type, duration, and manner by which public services will be provided by the applicant and/or subject project;

(6) A schedule for funding or construction of public facilities, including phasing to coordinate facility implementation with demonstrated need;

(7) Any memoranda of understanding, contracts, or other agreements between the applicant and public agencies for the provision of any goods and services;

(8) A list and description of any projects in the adopted County Capital Improvement Program and State Consolidated Transportation Program that will address any public facility impacts from the proposed Flagship Project;

(9) A list and description of any projects recommended in existing Area Master Plan, Sector Plan, or Functional Master Plan that may address any public facility impacts from the proposed Flagship Project;

(10) The manner by which the proposed application meets the requirements of Section 24-4506;

(11) The manner by which the proposed application meets the requirements of Section 24-4507;

1 (12) The manner by which the proposed application meets the requirements of Section
 2 24-4601, Mandatory Dedication of Parkland;

3 (13) A petition for establishment of a Transportation Demand Management District in
 4 accordance with Section 20A-204, Districts Established through Petition, of this Code;

5 (14) A budget and schedule for the payment of any fees-in-lieu-of-provision of any
 6 public facilities or services, including specific statements of purpose, methods of funding, and
 7 financial guarantees to ensure prompt payment;

8 (15) Request for any incentives to be provided by Prince George's County in exchange
 9 for the proffered infrastructure and services; and

10 (16) A desired date for approval by the County Executive.

11 **(d) Review and Approval**

12 (1) The proposed Agreement shall be submitted to the Prince George's County
 13 Executive. The County Executive shall refer the proposed Agreement to any state, federal, or
 14 regional agencies within the proposal whose assent would be required to execute the proposed
 15 Agreement.

16 (2) The County Executive shall provide agencies thirty (30) days to coordinate with
 17 the applicant, amend as necessary, and finalize the proposed Agreement.

18 (3) The applicant, the County Executive, and any other partner agencies shall sign the
 19 Agreement.

20 (4) The signed agreement shall be submitted to the Planning Director for review
 21 under Section 24-4804.

22 **(e) Amendment**

23 (1) A change in use, an increase in dwelling units or nonresidential gross floor area,
 24 or a substantial change to the access and circulation design of a project that has received a
 25 certificate in accordance with this Section may warrant reconsideration of a signed Flagship
 26 Project Mitigation Agreement.

27 (2) The property owner (or their designee) or the County Executive can request to
 28 amend a signed Flagship Project Mitigation Agreement at any time by notifying all of the
 29 following parties:

30 (A) Property owner;

31 (B) County Executive;

1 (C) DPIE Director; and

2 (D) Planning Director.

3 (3) Any amendments must be agreed upon and signed by the relevant parties pursuant
 4 to the procedures of Section 24-4803(d) and submitted to the Planning Director for review under
 5 Section 24-4804(d).

6 **Sec. 24-4804. Public Facility Adequacy in the Flagship Project Overlay Zone**

7 (a) The Planning Director shall review a signed Flagship Project Mitigation Agreement for
 8 conformance to the provisions of these Regulations. Upon a finding of conformance to these
 9 provisions, the Planning Director shall:

10 (1) Issue a certificate of adequacy; or

11 (2) Issue a conditional certificate of adequacy should the phasing of implementation
 12 of the Mitigation Agreement be impacted by potential conditions of approval of a preliminary
 13 plan of subdivision.

14 (b) If the Planning Director denies a certificate, issues a conditional certificate, or requires
 15 mitigation, the applicant may:

16 (1) Withdraw the application and seek a new certificate; or

17 (2) Appeal the Planning Director's decision to the Planning Board. The Planning
 18 Board shall hear any appeal of a Certificate of Adequacy decision concurrently with the
 19 associated preliminary plan of subdivision.

20 (c) The period of validity for a Certificate of Adequacy for a project in the FPO Zone shall
 21 be the duration of the associated Mitigation Agreement.

22 (d) Upon certification that an amendment to a Mitigation Agreement conforms to the
 23 provisions of these Regulations, the Planning Director may amend the validity period and/or
 24 conditions of approval of the Certificate of Adequacy.

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

1 or section.

2 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)

3 calendar days after it becomes law.

Adopted this ____ day of _____, 2025.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Edward P. Burroughs III
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Aisha N. Braveboy
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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