

# Part 4: Subdivision

## Standards



## Part 24-4: Subdivision Standards - Table of Contents

		34			24-4—29
1	<b>Sec. 24-4100 Planning and Design.....</b>				
2	24-4101. General .....		35	<b>Sec. 24-4600 Parklands and Recreation Facilities.....</b>	<b>24-4—31</b>
3	24-4102. Lot Standards.....		36	24-4601. Mandatory Dedication of Parkland.....	24-4—31
4	24-4103. Layout Design Guidelines .....				
5	24-4104. Grading .....		37	<b>Sec. 24-4700 Conservation Subdivision Standards .....</b>	<b>24-4—33</b>
6	24-4105. Historic Resources and Sites.....		38	24-4701. Purpose .....	24-4—33
7	24-4106. Cemeteries.....		39	24-4702. Applicability .....	24-4—33
8	<b>Sec. 24-4200 Transportation, Pedestrian, Bikeway, and</b>		40	24-4703. Conservation Subdivision Procedure .....	24-4—34
9	<b>Circulation Standards .....</b>		41	24-4704. Conservation Subdivision Standards.....	24-4—36
10	24-4201. General Street Design Standards.....		42		
11	24-4202. Vehicular Access and Circulation.....		43		
12	24-4203. Pedestrian Access and Circulation.....		44		
13	24-4204. Private Streets and Easements .....				
14	24-4205. Public Utility Easements .....				
15	<b>Sec. 24-4300 Environmental Standards .....</b>				
16	24-4301. General .....				
17	24-4302. 100-Year Floodplain.....				
18	24-4303. Stream, Wetland, and Water Quality				
19	Protection and Stormwater Management .....				
20	24-4304. Woodland and Wildlife Habitat				
21	Conservation, Tree Preservation,				
22	Clearing, and Replacement.....				
23	<b>Sec. 24-4400 Public Facility Standards.....</b>				
24	<b>Sec. 24-4500 Public Facility Adequacy.....</b>				
25	24-4501. Purpose.....				
26	24-4502. Applicability .....				
27	24-4503. Certificate of Adequacy .....				
28	24-4504. Public Facility Adequacy-Generally.....				
29	24-4505. Transportation Adequacy .....				
30	24-4506. Pedestrian and Bikeway Adequacy.....				
31	24-4507. Parks and Recreation Adequacy .....				
32	24-4508. Police Facility Adequacy .....				
33	24-4509. Fire and Rescue Adequacy.....				



1 **PART 24-4**                    **SUBDIVISION**  
2    **STANDARDS**

3 **Sec. 24-4100**    **Planning and Design**

4 Preliminary plans of subdivision (minor and major) and final plats  
5 shall comply with the standards in this Section.

6 **24-4101. General**

7 **(a) Zoning Ordinance Standards**

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

13 **(b) Conform to Comprehensive Master Plan**

14 (1) Preliminary plans of subdivision (minor and major) and final  
15 plats shall be consistent with the General Plan and shall  
16 conform to all applicable area master plans, functional  
17 master plans, or sector plans, and as referenced in Sections  
18 24-3402(d) and 24-3402(e) of this Subtitle.

19 (2) Should a new Area Master Plan, Sector Plan or Functional  
20 Master Plan, affecting a property with an approved  
21 preliminary plan of subdivision (major or minor), but prior  
22 to approval of a final plat, the approved preliminary plan  
23 application shall control in the event of any conflict between  
24 the newly approved Area Master Plan, Sector Plan, and/or  
25 Functional Master Plan.

26 (3) Should an Area Master Plan, Sector Plan, and/or Function  
27 Master Plan affecting the subject property be in direct

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conflict with any provision of the County Zoning Ordinance  
that is applicable to said property – such that the current  
comprehensive Plan and requirements of the Ordinance  
cannot be reconciled, and/or the District Council has not  
imposed the respectively corresponding zoning proposal for  
the area of the subject property – then the provisions of the  
County Zoning Ordinance shall supersede the  
recommendations set forth in any applicable Area Master  
Plan, Sector Plan, and/or Functional Master Plan for the  
subject property. Notwithstanding any other requirement  
of this Subtitle, the Planning Board may approve a  
subdivision application that conforms with land use policy  
recommendations for centers in the current general plan for  
the physical development of land in the County. In such  
cases, however, the Planning Board shall make specific  
findings as to the irreconcilable conflict(s).

44 **(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 a) natural conditions, including but not limited to  
flooding, erosive stream action, high water table, unstable  
soils, severe slopes or soils that are unstable either because  
they are highly erodible or prone to significant movement  
or deformation (Factor of Safety < 1.5), or b) 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 a preliminary assessment of a site, PGAtlas.com,  
the USDA Web Soil Survey  
(<http://websoilsurvey.nrcs.usda.gov>) , a geotechnical  
engineering report, or past activity of a nearby permit

1 indicates that a portion of the land may be unsafe, a  
2 detailed geotechnical engineering evaluation of the  
3 land shall be prepared by a registered professional  
4 geotechnical engineer and submitted for review  
5 during the subdivision process. The limits of unsafe  
6 land shall be delineated by the registered professional  
7 geotechnical engineer and reviewed by M-NCPPC and  
8 DPIE. If the land is determined unsafe, it may be  
9 platted as part of a lot or parcel in which there is  
10 sufficient land to erect a building within the building  
11 lines established by the zone in which the land is  
12 located. There shall be an additional 25-foot setback  
13 between that building and the unsafe area, which shall  
14 be identified on the final plat with a building  
15 restriction line. These shall also be present on all site  
16 plans.

17 **(B)** If the unsafe land has become safe for building  
18 construction, upon appropriate findings or proposed  
19 mitigations that are acceptable to the County, the  
20 building restriction line may be removed by the  
21 recording of a new final plat approved by the Planning  
22 Board.

23 **(C)** When the applicant proposes mitigations or remedial  
24 actions to correct or alleviate unsafe soil conditions,  
25 the proposal shall be referred to DPIE for a  
26 determination of whether such measures are  
27 sufficient to protect the safety of its future use. The  
28 proposal may be approved along with the platting of  
29 such land, upon recommendation of a registered  
30 professional geotechnical engineer and DPIE, provided  
31 that covenants are attached to incorporate the  
32 remedial actions and ensure safe soil conditions.

33 **(D)** The owner of any land on which unsafe conditions  
34 have been found to exist is generally required to notify  
35 any potential purchaser of such conditions.

36 **(d) Land in Reservation**

37 When indicated by an applicable area master plan, sector plan,  
38 functional master plan, or the General Plan, or when requested  
39 by a public agency, land may be placed in reservation, in  
40 accordance with Section 24-3405, Reservations.

41 **24-4102. Lot Standards**

42 **(a) Conformance with Zoning Ordinance**

43 All lots in a subdivision shall be in conformance with all of the lot  
44 standards and requirements of Subtitle 27: Zoning Ordinance,  
45 applicable to the land subject to the subdivision. (See Division  
46 27-4: Zones and Zone Regulations, of Subtitle 27: Zoning  
47 Ordinance).

48 **(b) Minimum Lot Area Standards for Individual Systems**

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

55 **(c) Minimum Lot Depth**

56 **(1)** Lots or parcels used for residential purposes adjacent to  
57 existing or planned streets classified as arterials shall be  
58 platted with a minimum depth of 150 feet.

- 1 (2) Lots or parcels used for residential purposes adjacent to  
2 existing or planned streets classified as expressways or  
3 freeways shall be platted with a minimum depth of 300 feet.
- 4 (3) Adequate protection and screening from traffic nuisances  
5 shall be provided in accordance with the requirements of  
6 the Landscape Manual.

7 **(d) Lot Design Standards**

- 8 (1) Buildings and driveways shall be sited to maintain the  
9 existing grade as much as possible.
- 10 (2) A variety of lot sizes and lot widths are encouraged within  
11 groupings of dwellings in order to prevent visual monotony,  
12 when appropriate.

13 **(e) Condominium Development**

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

17 **(f) Outlots**

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

21 **(g) Located Wholly Within County**

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

23 **24-4103. Layout Design Guidelines**

24 To the maximum extent practicable, subdivisions shall be designed  
25 to:

- 26 **(a)** Site internal streets to maintain the existing grade.

- 27 **(b)** Ensure the spatial relationships, including between the lots and  
28 the street, recreation areas, alleys, and development on  
29 abutting lots, create the most beneficial relationship for the  
30 residents and occupants of the subdivision and abutting  
31 properties.

- 32 **(c)** Arrange lotting patterns to avoid the stacking of dwelling units,  
33 one behind the other, creating a flag lot relationship.

- 34 **(d)** Arrange lots to avoid the fronts of dwelling units facing the rear  
35 and sides of dwelling units on adjoining lots.

- 36 **(e)** Arrange lotting patterns to avoid narrow unusable common  
37 ownership parcels.

- 38 **(f)** Ensure infill lotting patterns are context-sensitive to the existing  
39 established neighborhood.

- 40 **(g)** Arrange and sufficiently set back lots and the siting of buildings  
41 to preserve views of the site characteristics from streets and  
42 abutting lands.

- 43 **(h)** Provide lot access from interior streets and easements.

- 44 **(i)** Terminate culs-de-sac at locations that will provide for a  
45 standard lotting pattern around the end of the cul-de-sac in  
46 relationship to the property line and abutting lots. Such culs-de-  
47 sac may also be permitted to provide a right-of-way for  
48 pedestrian and bicycle access pursuant to Section 27-6206(g) of  
49 Subtitle 27: Zoning Ordinance.

- 50 **(j)** Avoid grading that would result in retaining walls on private lots.  
51 Retaining walls should be located within common areas, or  
52 where common areas are not proposed, adequate access for  
53 maintenance shall be provided.

- 54 **(k)** Preserve trees on steep slopes and meet the woodland  
55 conservation threshold on-site.

- 1 (l) Locate noise fencing or walls within common areas or within  
2 homeowners' association easements on private lots when  
3 homeowners' association land is not proposed. A 10-foot-wide  
4 clear zone for maintenance and inspection around the fence or  
5 wall shall be provided. The minimum net lot area shall be  
6 provided outside the easement area.
- 7 (m) Lighting techniques shall comply with Section 27-6700, Exterior  
8 Lighting, of Subtitle 27: Zoning Ordinance. In addition, lighting  
9 should be designed to decrease adverse impacts on the  
10 adjoining and abutting lands.
- 11 (n) Avoid public use easements for infrastructure, including  
12 sidewalks.

#### 14 24-4104. Grading

15 The submission of general grading plans and a Tree Conservation Plan  
16 Type 1 (TCP-1) is required for both minor and major subdivisions in  
17 order to efficiently plan the subdivision layout, which includes but is  
18 not limited to stormwater management, street grades, tree  
19 preservation, water and sewerage, and parkland. The submission of  
20 a general grading plan, at two-foot contours, shall be required with  
21 an application for a preliminary plan of major subdivision and may be  
22 required for a preliminary plan of minor subdivision, unless waived  
23 by the Planning Director.

#### 24 24-4105. Historic Resources and Sites

##### 25 (a) Purpose

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

- 28 (1) Protect the County's cultural heritage;

- 29 (2) Increase public awareness of the County's history; and  
30 (3) Provide for the continued use of still-valuable historic  
31 resources and sites.

##### 32 (b) General Standards

- 33 (1) Significant archeological sites identified in accordance with  
34 the *Planning Board Guidelines for Archeological Review* shall  
35 be preserved in place, to the extent practicable.
- 36 (2) The flexibility inherent in these Regulations shall be used to  
37 protect historic resources and sites, including optional  
38 methods of development where appropriate, to design  
39 subdivisions that minimize the impact of a subdivision on  
40 historic resources and sites and promote the restoration  
41 and continued use of such resources.
- 42 (3) The lotting pattern of a proposed subdivision containing  
43 historic resources and sites shall be laid out to promote the  
44 long-term maintenance and access to the historic resources.
- 45 (4) A proposed subdivision containing or adjacent to a historic  
46 resource or site shall comply with the following standards:
- 47 (A) Lots shall be designed to minimize adverse impacts of  
48 new construction on the historic resource;
- 49 (B) Natural features (such as trees and vegetation) which  
50 contribute to the preservation of a historic resource or  
51 provide a buffer between the historic resource and  
52 new development, shall be retained; and
- 53 (C) Protective techniques (such as limits of disturbance,  
54 building restriction lines, and buffers) shall be used.
- 55 (5) A plan for development may be required to be submitted  
56 with an application for a subdivision for the purpose of  
57 evaluating the effect of the orientation, mass, height,



1 materials, and design of the proposed development on the  
2 environmental setting to protect the integrity of the historic  
3 resource.

#### 4 **24-4106. Cemeteries**

5 **(a)** A proposed preliminary plan for subdivision which includes a  
6 cemetery within the site, when there are no plans to relocate  
7 the human remains to an existing cemetery, shall comply with  
8 the following standards:

9 (1) The placement of lot lines shall promote long-term  
10 maintenance of the cemetery and protection of existing  
11 elements.

12 (2) The layout shall promote the long-term maintenance and  
13 access to the cemetery.

14 (3) Fence or walls constructed of stone, brick, metal, or wood  
15 shall delineate the cemetery boundaries.

16 (4) If the cemetery is not conveyed and accepted into public  
17 ownership, it shall be protected by agreements sufficient to  
18 assure its future maintenance and protection. This shall  
19 include but not be limited to a fund in an amount sufficient  
20 to provide income for the perpetual maintenance of the  
21 cemetery. These arrangements shall ensure that stones or  
22 markers are in their original location. Covenants or other  
23 agreements shall include a determination of the following:

24 **(A)** Current and proposed land ownership;

25 **(B)** Responsibility for maintenance;

26 **(C)** A maintenance plan and schedule;

27 **(D)** Adequate access; and

28 **(E)** Any other specifications deemed necessary to assure  
29 its future maintenance by the Planning Director.

30 (5) Appropriate measures shall be provided to protect the  
31 cemetery during the development process.

32 (6) The Planning Director shall maintain a registry of cemeteries  
33 identified during the subdivision review process.

34 **(b)** Any cemetery approved in accordance with this Subsection that  
35 does not comply with the use regulations in Division 27-5: Use  
36 Regulations, of the Zoning Ordinance shall be deemed to be a  
37 certified nonconforming use unless otherwise specified by the  
38 Planning Board.

### 39 **Sec. 24-4200 Transportation, Pedestrian, 40 Bikeway, and Circulation Standards**

#### 41 **24-4201. General Street Design Standards**

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

44 **(a)** A subdivision may be served by public and private streets, and  
45 in rural areas, access easements.

46 **(b)** The rights-of-way of all highways, streets, trails, and transit  
47 facilities shown on the General Plan, functional master plans,  
48 and applicable area master plans and sector plans shall be  
49 shown on the preliminary plan of subdivision and, when  
50 reserved or dedicated, shown on the final plat.

51 **(c)** All streets proposed for dedication to public use shall comply  
52 with the standards in:

- 1 (1) Section 27-6200, Roadway Access, Mobility, and Circulation, 30 shall either approve or disapprove the request within 45  
2 and all other applicable standards in Division 27: Zoning 31 days from the date of filing. Failure of the District Council to  
3 Ordinance; 32 act within the 45-day period shall constitute an approval of  
4 (2) Subtitle 23: Roads and Sidewalk, of the County Code; 33 the request. For purposes of this provision, an internal  
5 (3) These Regulations; 34 subdivision street shall be deemed to be a public street  
6 (4) The Specifications and Standards for Roadways and Bridges; 35 having a right-of-way width of 80 feet or less.
- 7 (5) The standards of the State Highway Administration for state 36 (2) The District Council shall not allow the proposed street  
8 facilities; and 37 connection to an adjacent county unless it finds that  
9 (6) Applicable regulations of municipalities having jurisdiction. 38 delivery of public safety services, utility services, and tax  
41 (d) All proposed streets shall comply with the standards in Section 39 collection will be timely and adequate for the lots in Prince  
42 27-6206: Vehicular Access and Circulation, of the Zoning 40 George's County.
- 43 24-4202. Vehicular Access and Circulation  
44 (a) A preliminary plan of subdivision (minor or major) shall comply  
45 with the street connectivity, access, traffic calming, block  
46 design, and all other applicable standards in Section 27-6206,  
47 Vehicular Access and Circulation, of Subtitle 27: Zoning  
48 Ordinance.
- 49 (b) As used in this Section, a planned street or transit right-of-way  
50 shall mean a street or right-of-way shown in a currently  
51 approved State Highway Plan, the General Plan, the County's  
52 Master Plan of Transportation, or the applicable area master  
53 plan or sector plan. If a service road is used, it shall connect,  
54 where feasible, with a local interior collector street with the  
55 point of intersection located at least 200 feet away from the  
56 intersection of any street or collector or higher classification.
- 10 (d) All proposed streets shall comply with the standards in Section 41  
11 27-6206: Vehicular Access and Circulation, of the Zoning 42  
12 Ordinance, and be continuous and in alignment with existing or 43  
13 platted streets in adjoining subdivisions so as to create a street 44  
14 network that is functional and easily understandable. Generally, 45  
15 streets should cross other streets at right angles. The applicant 46  
16 may petition the District Council to waive or modify cross-access 47  
17 requirements between developments pursuant to Section 27- 48  
18 6206(e)(2)(C) of Subtitle 27: Zoning Ordinance of the Prince 49  
19 George's County Code. 50
- 20 (e) The topography and drainage of land shall be considered in the 51  
21 design of streets. If necessary to demonstrate such 52  
22 consideration, rough street grading plans may be required. 53
- 23 (f) All internal subdivision streets shall be wholly within the County 54  
24 and shall not be designed to directly connect to an adjacent 55  
25 county unless the applicant has obtained the prior written 56  
26 approval of the District Council and the appropriate land use  
27 authority of the adjacent county.
- 28 (1) An applicant shall file a written request for such approval  
29 with the Clerk of the District Council. The District Council

1	<b>24-4203. Pedestrian Access and Circulation</b>	29	
2	(a) Preliminary plans for subdivision and final plats shall comply	30	(i) The lots are not served by public water and sewerage;
3	with the applicable pedestrian access and circulation standards	31	(ii) The right-of-way width shall be at least 22 feet;
4	in Section 27-6207, Pedestrian Access and Circulation, of	32	(iii) The easement shall be adequate to serve the proposed uses in accordance with Sec. 24-4500, Public Facility Adequacy.
5	Subtitle 27: Zoning Ordinance.	33	(iv) Each lot served by the easement shall have a net lot area of at least two acres; and
6	(b) Sidewalks and crosswalks shall comply with the Prince George’s	34	(v) The use of lots served by the easement shall be restricted to detached single-family dwellings or agricultural uses.
7	County Specifications and Standards for Roadways and Bridges,	35	
8	the standards of the State Highway Administration for state	36	
9	facilities, or applicable regulations of municipalities having	37	
10	jurisdiction.	38	
11	<b>24-4204. Private Streets and Easements</b>	39	
12	(a) <b>General</b>	40	(B) In the AG, AR, and RE zones and in the R-PD Zone, a subdivision with private rights-of-way that do not conform to the standards in Subtitle 23: Roads and Sidewalks, may be approved, provided:
13	Unless exempted in accordance with Section 24-4204(b) below,	41	
14	no subdivision shall be approved with a private street, right-of-	42	(i) Private streets shall be constructed in accordance with the Department of Public Works and Transportation specifications and standards;
15	way, or easement as the means of vehicular access to any lot,	43	(ii) The right-of-way width shall be at least 22 feet;
16	unless the private street, right-of-way, or easement is built to	44	(iii) Covenants are recorded in the Land Records of Prince George’s County stating that a property owners’ or homeowners’ association is responsible for maintenance of the private streets and for accessibility of the private streets to emergency equipment; and
17	conform to the standards in Subtitle 23: Roads and Sidewalks, of	45	(iv) The Fire Chief determines the private streets provide adequate accessibility to emergency equipment.
18	the County Code.	46	
19	(b) <b>Exemptions</b>	47	
20	(1) A preliminary plan of subdivision containing private streets,	48	
21	rights-of-way, alleys, and/or easements that do not conform	49	
22	to the standards of Subtitle 23: Roads and Sidewalks may be	50	
23	approved under the following conditions:	51	
24	(A) In the AG, AR, RE, and RR zones, a private right-of-way	52	
25	easement that does not conform to the standards in	53	
26	Subtitle 23: Roads and Sidewalks may connect up to	54	
27	seven lots and a remainder agricultural parcel to a	55	
28	public road in Sustainable Growth Tier IV, provided:	56	
		57	

1	<b>(C)</b> In the RSF-A, RMF-12, and RMF-20 zones in	31	conform to the standards in Subtitle 23: Roads and
2	developments of three-family, two-family, and	32	Sidewalks, may only be provided if:
3	townhouse dwellings, private streets that do not	33	<b>(i)</b> They connect at each end to a street;
4	conform to the standards in Subtitle 23: Roads and	34	<b>(ii)</b> The pavement width of an alley provides safe
5	Sidewalks, may be approved, provided:	35	vehicular access to individual lots; and
6	<b>(i)</b> The land proposed to be subdivided shall have	36	<b>(iii)</b> The alleys provide vehicular access only to lots
7	frontage on, and direct vehicular access to, a	37	with frontage on a public street.
8	public street having a right-of-way width of at	38	<b>(E)</b> Within any nonresidential or mixed-use development
9	least 60 feet;	39	located outside the Transit-Oriented/Activity Center
10	<b>(ii)</b> Points of access to public streets shall be	40	base and Planned Development zones, a subdivision
11	approved by the Planning Board, or the Planning	41	with private rights-of-way or easements that do not
12	Director for a minor subdivision, and by the DPIE	42	conform to the standards in Subtitle 23: Roads and
13	Director, the State Highway Administration, the	43	Sidewalks, may be approved, provided:
14	Department of Public Works and Transportation,	44	<b>(i)</b> The right-of-way or easement shall have a
15	the Public Works Department of the municipality	45	minimum right-of-way width of 22 feet
16	in which the property is located, or other	46	connecting the lots to a public street;
17	appropriate roadway authority, as applicable;	47	<b>(ii)</b> The right-of-way or easement shall be:
18	<b>(iii)</b> Private streets which are interior to the	48	<b>(aa)</b> Adequate to serve the extent of the
19	subdivision (and are not dedicated to public use)	49	development proposed;
20	shall be improved to not less than the current	50	<b>(bb)</b> Consistent with the requirements in Section
21	standards set forth in Subtitle 23: Road and	51	27-6206, Vehicular Access and Circulation,
22	Sidewalks, of the County Code; and	52	of Subtitle 27: Zoning Ordinance; and
23	<b>(iv)</b> Private streets shall be conveyed to a property	53	<b>(cc)</b> Not result in any adverse impact on the
24	owners' or homeowners' association that shall	54	access and use of other lots or parcels
25	hold the land in common ownership, shall be	55	within the subdivision.
26	responsible for maintaining the streets, and shall	56	<b>(iii)</b> The development shall comply with all other
27	be created under recorded land agreements	57	applicable requirements of these Regulations;
28	(covenants).	58	and
29	<b>(D)</b> In the Transit-Oriented/Activity Center base and		
30	planned development zones, private alleys that do not		

1	(iv)	Approval of a right-of-way or easement in	31	(i)	Documentary evidence demonstrating the
2		accordance with this Subsection shall be deemed	32		inability to obtain access for use of the parcel by
3		the creation of a driveway, in accordance with	33		any other means, including dedication to public
4		Section 27-6206(b), Vehicular Accessway	34		use of the right-of-way; and
5		Classifications, in Subtitle 27: Zoning Ordinance.	35	(ii)	Detailed construction plans demonstrating that
6	(F)	Where direct vehicular access to an individual lot	36		the private street shall be constructed in
7		fronting on a public street should be denied due to a	37		accordance with the provisions governing the
8		potentially hazardous or dangerous traffic situation, a	38		standard paving sections and Fire Department
9		private easement may be approved in accordance with	39		access in Subtitle 11: Fire Safety, and Subtitle 23:
10		the driveway standards in Section 27-6206(d) of	40		Roads and Sidewalks, of the County Code.
11		Subtitle 27: Zoning Ordinance, in order to provide	41	(C)	Detailed construction plans submitted in accordance
12		vehicular access, when deemed appropriate by the	42		with Section 24-4204(b)(2)(B) above shall be reviewed
13		Planning Board.	43		by DPIE for adequacy, and a performance bond shall
14	(2)	Upon petition of the owner of an existing lot having its sole	44		be posted by the land owner in an amount determined
15		frontage on, or its only direct vehicular access to, a private	45		by DPIE. If appropriate, DPIE shall inspect all work for
16		right-of-way or easement that cannot be approved in	46		conformance with the approved plans.
17		accordance with Section 24-4204(b)(1) above, and upon the	47	(D)	No private right-of-way or easement across land in a
18		recommendation of the County Executive, the County	48		Residential zone shall be deemed adequate access to
19		Council, by resolution, may approve the issuance of a	49		serve any development other than a single-family
20		building permit for any building or other structure on such	50		detached dwelling and its accessory structures,
21		lot on finding that the private right-of-way or easement is	51		including a detached garage, or a nonprofit group
22		adequate to serve the lot and its proposed development,	52		residential facility where the private right-of-way or
23		provided:	53		easement is owned by a governmental entity.
24	(A)	Any single-family detached dwelling and its accessory	54	(E)	If the District Council approves the issuance of a
25		structures shall comply with all other applicable	55		building permit in accordance with this Subsection, the
26		requirements of these Regulations, Subtitle 27: Zoning	56		Planning Director may approve any applicable final
27		Ordinance, and all other applicable requirements of	57		plat or plan of development for such lot.
28		the County Code of Ordinances;	58	(F)	Where the private right-of-way or easement that is the
29	(B)	For any other building or structure, the owner shall	59		subject of a petition in accordance with this subsection
30		submit:	60		lies within a municipality or connects to a street under
			61		the jurisdiction of a municipality, the municipality shall

1 be given notice of the petition. The municipality shall 28  
2 have 30 calendar days from the date the notice is 29  
3 mailed to review and submit comments on the 30  
4 petition. If a municipality recommends denial of the 31  
5 petition, the petition may be granted only upon the 32  
6 affirmative vote of two-thirds of the full District 33  
7 Council. 34

### 8 **24-4205. Public Utility Easements**

9 All roads (public or private) shall have a public utility easement at 35  
10 least ten feet in width. For Redevelopment and Revitalization 36  
11 projects, the public utility easement may be reduced by the Planning 37  
12 Director for good cause, after due consideration of any adverse 38  
13 impacts. The public utility easement shall be located outside the 39  
14 sidewalk, where a sidewalk is constructed or these Regulations or 40  
15 Subtitle 27: Zoning Ordinance require a sidewalk, and shall be 41  
16 contiguous to the right-of-way. 42

## 17 **Sec. 24-4300 Environmental Standards**

### 18 **24-4301. General**

19 Environmental features which are impossible or difficult to 43  
20 reproduce, such as floodplain, wetlands, streams, steep slopes, 44  
21 woodlands, and specimen trees, shall be protected. 45

### 22 **24-4302. 100-Year Floodplain**

23 **(a)** To ensure land is platted in a manner that protects the public 46  
24 against loss of life or property due to the 100-year flood, while 47  
25 minimizing the public and private costs of flood control 48  
26 measures, all subdivisions shall comply with the following 49  
27 standards: 50

(1) Except as provided in Sections 24-4302(a)(2) and 24-4302(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 Section 24-4204, 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, Three, or Four at the time of its approval.

(4) The floodplain areas shall be delineated in accordance with Subtitle 32, Division 4, the Floodplain Ordinance, of the County Code.

(5) A 25-foot setback from the floodplain shall be established for dwelling units as a building restriction line.

(6) 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

1 may be used, if necessary, for utility lines and/or stormwater  
 2 drainage facilities, open-type fencing, or passive recreation,  
 3 provided that no structures are built that would interfere with  
 4 the flood conveyance capacity of such easement area.

5 (c) The 100-year floodplain associated with a watercourse having  
 6 less than 50 acres of watershed upstream may be excluded from  
 7 the floodplain area computation, subject to approval in  
 8 accordance with the requirements of Subtitle 32, Division 4, the  
 9 Floodplain Ordinance, of the County Code.

10 **24-4303. Stream, Wetland, and Water Quality**  
 11 **Protection and Stormwater**  
 12 **Management**

13 (a) Subdivisions shall be designed to minimize the effects of  
 14 development on land, streams, and wetlands, to assist in the  
 15 attainment and maintenance of water quality standards, and to  
 16 preserve and enhance the environmental quality of stream  
 17 valleys.

18 (b) A preliminary plan of subdivision shall not be approved until  
 19 evidence is submitted that a stormwater management concept  
 20 has been approved by DPIE or the municipality having approval  
 21 authority, if the municipality has approval authority. Submittal  
 22 materials shall include evidence that the applicable site  
 23 development concept has been approved.

24 (c) Regulated stream buffers in Environmental Strategy Areas shall  
 25 comply with the requirements in Table 24-4303(c): Regulated  
 26 Stream Buffers in Environmental Strategy Areas.

Table 24-4303(c): Regulated Stream Buffers in Environmental Strategy Areas	
1	60 feet
2	75 feet
3	100 feet

27 (d) To ensure the purpose and intent of this Section is advanced, a  
 28 proposed subdivision (minor or major) shall comply with the  
 29 following:

- 30 (1) The preliminary plan of subdivision (minor or major) shall  
 31 demonstrate adequate control of increased run-off.
- 32 (2) Stormwater control shall be provided on-site unless, upon  
 33 recommendation from the County, it is demonstrated  
 34 equally effective stormwater controls can be provided off-  
 35 site.
- 36 (3) Environmental site design (ESD) techniques are encouraged,  
 37 where appropriate.
- 38 (4) Where land is partially or totally within an area subject to an  
 39 adopted Watershed Plan, the subdivision conforms to such  
 40 plan.
- 41 (5) Where land is located outside the Chesapeake Bay Critical  
 42 Area Overlay (CBCA-O) zones, the preliminary plan of  
 43 subdivision (minor or major) and all plans associated with  
 44 the application shall demonstrate the preservation and/or  
 45 restoration of regulated environmental features in a natural  
 46 state, to the fullest extent possible, consistent with the  
 47 Environmental Technical Manual established in accordance  
 48 with Subtitle 25: Trees and Vegetation, of the County Code.  
 49 Any lot with an impact shall demonstrate sufficient net lot  
 50 area where a net lot area is required in accordance with  
 51 Subtitle 27: Zoning Ordinance, of the County Code, for the

Table 24-4303(c): Regulated Stream Buffers in Environmental Strategy Areas	
Environmental Strategy Area	Required Minimum Buffer Width

1 reasonable development of the lot outside the regulated  
2 feature.  
3 (6) All regulated environmental features shall be placed in a  
4 conservation easement and identified on the final plat.  
5 (7) The approval of a Concept Grading, Erosion, and Sediment  
6 Control Plan (CS) by the Soil Conservation District, shall be  
7 required prior to final approval of the preliminary plan of  
8 subdivision (minor or major) if required by Subtitle 32 of this  
9 Code.

10 **24-4304. Woodland and Wildlife Habitat**  
11 **Conservation, Tree Preservation,**  
12 **Clearing, and Replacement**

13 (a) Except for land located in the Chesapeake Bay Critical Area  
14 Overlay (CBCA-O) zones, development shall comply with the  
15 provisions for woodland and wildlife habitat conservation and  
16 tree preservation established in Division 2 of Subtitle 25:  
17 Woodland and Wildlife Habitat Conservation Ordinance, of the  
18 County Code, and the tree canopy requirements of Division 3 of  
19 Subtitle 25: Tree Canopy Coverage Ordinance, of the County  
20 Code.

21 (b) For land located in the CBCA-O zones, all provisions regarding  
22 vegetation shall comply with the requirements of Subtitles 5B:  
23 Chesapeake Bay Critical Area, and Subtitle 27: Zoning Ordinance,  
24 of the County Code.

25 **Sec. 24-4400 Public Facility Standards**

26 **24-4401.** Preliminary plans of subdivision and final plats of  
27 subdivision must be designed to show all utility  
28 easements necessary to serve anticipated

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38 **24-4402.**

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.”*

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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.

43 **24-4403.**

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

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45  
46 **24-4404.**

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:

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- (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



1 public sewer, except for a minor subdivision which may be  
2 served by on-site sewerage disposal systems.

3 (c) A subdivision in the Sustainable Growth Tier III in the General  
4 Plan or applicable functional master plan shall be served by on-  
5 site sewerage disposal systems.

6 (d) A subdivision in the Sustainable Growth Tier IV in the General  
7 Plan or applicable functional master plan shall be served by on-  
8 site sewerage disposal systems. A residential major subdivision  
9 served by on-site sewer disposal systems is not permitted.

10 **24-4405.** For purposes of determining whether water and  
11 sewerage complies with the standards of this  
12 Section, the location of the property within the  
13 appropriate service area of the Ten Year Water and  
14 Sewerage Plan is deemed sufficient evidence of the  
15 immediate or planned availability of public water  
16 and sewerage and compliance with the standards  
17 for the provision of public sewer and water.

18 **24-4406.** If a water storage tank is proposed to be located on  
19 the site of a proposed development, the subdivision  
20 shall include reservation of land or an easement for  
21 the storage tank and an access easement so that  
22 emergency vehicles can adequately use the water  
23 storage tank in times of emergency.

## 24 Sec. 24-4500 Public Facility Adequacy

### 25 **24-4501. Purpose**

26 The purpose of this Section is to:

27 (a) Ensure that infrastructure necessary to support proposed  
28 development is built at the same time as, or prior to, that  
29 proposed development;

30 (b) Establish level of service (LOS) standards for public facilities  
31 including transportation, parks and recreation, police, fire and  
32 rescue, and schools that provide clear guidance to the County  
33 and applicants about when facilities are considered adequate,  
34 and create guidance for future infrastructure investments  
35 needed to accommodate existing residents and anticipated  
36 growth;

37 (c) Establish LOS standards that reflect policy guidance of the  
38 General Plan, applicable area master plans or sector plans, and  
39 the applicable functional master plan for each facility;

40 (d) Establish LOS standards that encourage development in the  
41 transit-oriented/activity center zones; and

42 (e) Re-evaluate approved development that has received adequate  
43 public facilities approvals prior to [redacted] [insert effective date of  
44 these Subdivision Regulations] for projects that have not been  
45 built in a timely manner.

### 46 **24-4502. Applicability**

#### 47 (a) Applications / Approvals Subject to this Section

48 This Section applies to:

49 (1) An application for a preliminary plan of subdivision;

50 (2) An application for a final plat for subdivision when  
51 specifically required in this Section.

1 **(b) Applicability of Public Facility Adequacy Standards**

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

Table 24-4502: Summary of Public Facility Adequacy Standards			
Facility	Area of Applicability	Level of Service	Impact Area
Transportation	RTO and LTO base and Planned Development (PD) zones	"Edge" areas of RTO and LTO base and PD Zones: LOS "Transit Edge" (Critical Lane Volume of 1601-1800) "Core" areas of RTO and LTO base and PD Zones: LOS "Transit Core" (Critical Lane Volume of 1801-2000)  In instances where CLV exceeds 1800 in the RTO and LTO base and PD zone "edge" or where CLV exceeds 2000 in the RTO and LTO base and PD zone "core," refer to Section 24-4505(b)(4)	See <i>Transportation Review Guidelines</i>
	Transportation Service Area 1 (Plan Prince George's 2035 Approved General Plan (Plan 2035, Map 14) and designated boundaries of the Landover Gateway Town Center, excluding RTO and LTO base and PD zones	LOS "E" (Critical Lane Volume of 1451-1600)	See <i>Transportation Review Guidelines</i>

Table 24-4502: Summary of Public Facility Adequacy Standards			
Facility	Area of Applicability	Level of Service	Impact Area
	Transportation Service Area 2 (Plan 2035, Map 14), excluding RTO and LTO base and PD zones	LOS "D" (Critical Lane Volume of 1301-1450)	See <i>Transportation Review Guidelines</i>
	Transportation Service Area 3 (Plan 2035, Map 14)	LOS "C" (Critical Lane Volume of 1151-1300)	See <i>Transportation Review Guidelines</i>
Pedestrian and Bikeway Adequacy	RMF-20, RMF-48, NAC, TAC, LTO, RTO-L, RTO-H, CN, CGO, CS, NAC-PD, TAC-PD, LTO-PD, RTO-PD, LMXC, LMUTC, and LCD zones	Adequate pedestrian and bikeway facilities needed to serve the development exist or are constructed by the applicant	See <i>Transportation Review Guidelines</i>
Parks and Recreation	Transit-Oriented/Activity Center zones and Employment Areas	2.5 acres per 1,000 residents	See <i>Parks and Recreation Guidelines</i>
	All other zones	15 acres per 1,000 residents	
Police	Residential development	Response times for service are within twenty-five (25) minutes total for non-emergency calls, and ten (10) minutes total for emergency calls in each police district.	See <i>Public Safety Guidelines</i>
Fire and Rescue	All locations	Seven (7) minutes travel time for any residential uses; Five (5) minutes response time for any nonresidential uses	See <i>Public Safety Guidelines</i>
Schools	Residential development	Students will not exceed 105 percent of state rated capacity	School clusters

**Table 24-4502: Summary of Public Facility Adequacy Standards**

Facility	Area of Applicability	Level of Service	Impact Area
		of cluster.	

(2) An application listed in Section 24-4502(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 applications or subdivision reviews identified in Section 24-4502(a) above and Section 24-4503(a).

**24-4503. Certificate of Adequacy**

**(a) Applicability**

(1) Except for final plats of subdivision approved prior to October 27, 1970, all development approvals for which a determination of adequate public facilities was made prior to [redacted] [insert the effective date of these Subdivision Regulations] and which was still valid on that date 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 twelve (12) years. If all of the required public facilities have been constructed or permitted and bonded as of the effective date of this Subtitle, then adequacy shall remain throughout the development approved by the respective, prior-approved preliminary plan of subdivision. Development that has

received a certificate in accordance with this Subsection shall be subject to the requirements of this Section.

- (2) Preliminary plans of subdivision (minor or major) proposed after [redacted] [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.
- (3) Pursuant to the requirement of final plats of subdivision approved prior to October 27, 1970, to obtain approval of a preliminary plan of minor subdivision prior to the issuance of a building permit under certain circumstances (see Section 24-3402(b)(1)(B)), such minor subdivisions shall also receive approval of a certificate of adequacy or conditional certificate of adequacy for each public facility subject to this Section.

**(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, along with any draft documentation relating to the mitigation of inadequate public facilities, if applicable.
- (2) After determining the application is complete (see Section 24-3305, 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

- 1 serve the proposed development in accordance with 30 conditions that would mitigate or reduce their  
2 the terms of this Section; 31 impacts.
- 3 **(B)** Identifies capital improvements funded and assumed 32 **(4)** A conditional certificate of adequacy shall incorporate  
4 to be in place to serve the proposed development; 33 conditions consistent with Section 24-4503(b)(3)(B)(ii)  
5 **(C)** Identifies any previously dedicated, constructed, or 34 above, along with the applicant’s consent to those  
6 funded public facility that would mitigate the impacts 35 conditions.  
7 of the proposed development; 36 **(5)** If the Planning Director denies a certificate, issues a  
8 **(D)** Sets forth findings and conclusions related to the 37 conditional certificate, or requires mitigation, the applicant  
9 impact of the proposed development on available 38 may:  
10 capacity; and 39 **(A)** Withdraw the application and seek a new certificate;  
11 **(E)** Determines whether there is available capacity for 40 or  
12 each public facility sufficient to accommodate the 41 **(B)** Appeal the Planning Director’s decision to the Planning  
13 proposed development in accordance with the 42 Board.  
14 standards of this Section. 43 **(6)** The period of validity for the certificate shall be twelve (12)  
15 **(3)** Based on the evaluation and determination in Section 24- 44 years from the date of its approval.
- 16 4503(b)(2) above, the Planning Director shall either: 45 **(c) Expiration of Certificate of Adequacy or Conditional**  
17 **(A)** Issue a certificate of adequacy if all public facilities are 46 **Certificate of Adequacy**  
18 adequate; 47 **(1)** An approved certificate automatically expires if:  
19 **(B)** Issue a conditional certificate of adequacy if: 48 **(A)** The applicant fails to comply with the conditions of  
20 **(i)** All or some of the public facilities are inadequate 49 approval in the certificate; or  
21 at the time of application; and 50 **(B)** The period of validity for the certificate expires and the  
22 **(ii)** The applicant has agreed to provide mitigation, 51 certificate holder does not record a final plat or  
23 reduce project impact, or phase development so 52 commence construction in accordance with all the  
24 that the applicable public facilities will meet the 53 requirements of Table 24-4503(c) C: Development  
25 adopted LOS standard for the appropriate public 54 Requirements Prior to Expiration of Period of Validity  
26 facility when the impacts of the development 55 for Approved Certificate, below.  
27 occur; or  
28 **(C)** Deny the certificate of adequacy if the public facilities  
29 are inadequate, and the applicant has not agreed to

(C) The certificate of adequacy shall concurrently expire with any respectively approved preliminary plan of subdivision (minor or major) application.

Table 24-4503(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 or parcels, and	90%
Construction is completed for household living uses (except multifamily dwellings) on at least the following percent of the lots or parcels on the approved preliminary plan for subdivision, and	60%
Construction is completed on the following percent of gross floor area for all lots or parcels with nonresidential, multifamily, or group living uses.	75%

(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 before proceeding with development.

**(d) Conformance**

Conformance with an approved certificate of adequacy shall be demonstrated at the time a final plat is recorded and when a building permit is issued.

**(e) Vested or Contractual Rights**

Obligations associated with a certificate of adequacy may be deemed satisfied, and the development for which the certificate was approved may be determined to have adequate public facilities for the purposes of these Regulations, under the following circumstances:

- (1) The certificate holder has dedicated or deeded land for public purposes (such as dedication of land for public roads or parkland) or has otherwise met, in full, any required financial, infrastructure improvement, land transaction, or other conditions originally deemed necessary to provide adequate public facilities for the proposed development;
- (2) The Planning Director may determine the permittee has acquired vested or contractual rights that preclude a new adequacy determination in accordance with this Section and State law; or
- (3) In the case of an approval of a certificate of adequacy or conditional certificate of adequacy which includes phased deduction and/or phased required financial contributions for infrastructure improvements, construction of infrastructure improvements, land transactions, or other conditions originally deemed necessary to provide adequate public facilities for the proposed development, if the certificate holder remains in conformance with all requirements pursuant to the phasing schedule, the certificate of adequacy or conditional certificate of adequacy shall remain valid. Once all obligations have been satisfied, the certificate of adequacy shall be deemed satisfied per the conditions of approval.

- 1 **(f) Extension of Expiration by Planning Board**  
2 One extension of the period of validity for a certificate may be  
3 granted by the Planning Board, for a period of up to six years,  
4 upon the certificate holder’s submission of a written request for  
5 extension to the Planning Board before the expiration date (end  
6 of the period of validity), and demonstration that:
- 7 **(A)** The certificate holder has reasonably pursued  
8 completion of the development;
- 9 **(B)** The extension serves the public interest; and
- 10 **(C)** There is otherwise good cause for granting the  
11 extension.
- 12 **(g) Amendment**
- 13 **(1) Requirement**
- 14 **(A)** A change in use, an increase in dwelling units or  
15 nonresidential gross floor area, or a substantial change  
16 to the access and circulation design of a project that  
17 has received a certificate in accordance with this  
18 Section, requires an amendment to the certificate and  
19 an adequacy re-determination if the change of use,  
20 increase in development, or access and circulation  
21 change, increases the public facility capacity needed to  
22 accommodate the changed project based on the LOS  
23 standard established for the public facility, by more  
24 than five percent.
- 25 **(B)** In re-evaluating the project in accordance with this  
26 Subsection, the project shall be credited with the  
27 capacity reserved under its original approval, unless  
28 the certificate has expired.

- 29 **(2) General**  
30 An amendment of a certificate may only be reviewed in  
31 accordance with the procedures and standards of this  
32 Section.
- 33 **24-4504. Public Facility Adequacy-Generally**
- 34 **(a) Measuring LOS Standard**
- 35 (1) Development subject to this Section shall comply with the  
36 LOS standard for each type of public facility that applies to  
37 the development.
- 38 (2) The LOS standards for each public facility are summarized in  
39 Section 24-4502(b), and established in Sections 24-4504  
40 through 24-4510 for each individual type of public facility.
- 41 (3) The LOS standard for each proposed development subject  
42 to this Section shall be measured within the Transportation  
43 Impact Area for each type of public facility. The  
44 Transportation Impact Area may vary based on where the  
45 proposed development or the public facilities are located.
- 46 (4) If the public facilities needed to meet the LOS standard are  
47 not in place and operational at the time of the proposed  
48 development, the Planning Director may include planned  
49 capacity in making the determination of adequacy (for each  
50 individual type of public facility).
- 51 **(b) Determining Whether Public Facilities are Adequate**
- 52 Each type of public facility within the Transportation Impact  
53 Area is adequate if the demand generated by the development  
54 proposed in the application is less than the available capacity.  
55 Available capacity is calculated as follows:

- 1 (1) Add capacity within the Transportation Impact Area based 31  
2 on the LOS standard for the individual type of public facility; 32  
3 and 33  
4 (2) Where allowed by Sections 24-4504 through 24-4510 34  
5 below, as appropriate, and the applicable Guidelines, add 35  
6 planned capacity that will alleviate any inadequacy for the 36  
7 individual public facility; and 37  
8 (3) Subtract used capacity and reserved capacity. 38  
9 (4) Any development in the RTO or LTO Base and PD Zones may 39  
10 also provide a financial contribution to implement a 40  
11 Transportation Demand Management program in 41  
12 accordance with Section 20A, Transportation Demand 42  
13 Management, of this Code.  
14 A Transportation Demand Management District shall be 43  
15 established by the Council following any development in an 44  
16 RTO or LTO Base Zone and PD Zone that exceeds the LOS 45  
17 standards set forth in Section 24-4502(b) above, unless the 46  
18 Council determines specific, appropriate alternative 47  
19 methods for addressing infrastructure needs.  
20 (5) Any combination of the requirements listed above will 48  
21 ensure that the adopted LOS standard is met. 49

22 **(c) Limitations on Building Permits Issued in Areas Where**  
23 **Public Facilities Do Not Meet the Adopted Level of**  
24 **Service Standards**

- 25 (1) In areas of the County where public facilities are inadequate 54  
26 or a need to finance public facilities exists, the District 55  
27 Council may, by Resolution, establish a building permit limit 56  
28 prescribing the number of building permits to be issued in 57  
29 that area over a period of time.  
30 (2) In those areas, the Resolution shall:

- (A) Determine the total number and type of building 31  
permits that may be issued each year and the number 32  
of building permits that may be allocated to each 33  
subdivision or development; 34  
(B) Establish a time period, not to exceed six years, during 35  
which the building permit limitations will remain in 36  
place; and 37  
(C) Initiate a planning process that identifies financing, 38  
efficiencies, or similar mechanisms to remedy or avoid 39  
the public facility inadequacy in the area. 40

41 **24-4505. Transportation Adequacy**

42 **(a) Applicability**

- 43 (1) A certificate for transportation shall be reviewed and 44  
approved, approved with conditions, or denied in 45  
accordance with Section 24-4503, Certificate of Adequacy.  
46 (2) To gain approval of the certificate, the applicant shall 47  
demonstrate the proposed development complies with the 48  
LOS standards of Section 24-4505(b) below, provides 49  
mitigation (if applicable), and complies with the other 50  
relevant requirements of this Subsection.

51 **(b) Adopted LOS Standard**

52 Adequate transportation facilities shall be available to 53  
accommodate or offset (through alternative trip capture) the 54  
vehicular trips within the Transportation Impact Area 55  
surrounding the development subject to the requirements of 56  
this Section, as defined by the *Transportation Review Guidelines*.  
57 This standard is met if:

- |    |  |    |  |
|----|--|----|--|
| 1  | (1) Major intersections and major roadways within the            | 31 | <b>(c) Availability</b>  |
| 2  | Transportation Impact Area have sufficient capacity to           | 32 | Any transportation improvements within the Transportation        |
| 3  | accommodate the vehicular trips generated by the                 | 33 | Impact Area that are counted as available capacity shall be:     |
| 4  | proposed development at or below the minimum peak-hour           |    |  |
| 5  | LOS standard identified in Section 24-4502(b) and this           | 34 | (1) Operational at the time the application for a certificate is |
| 6  | Subsection;  | 35 | submitted; or  |
| 7  | (2) The applicant reduces project impacts to a level so that the | 36 | (2) Included on an adopted and approved functional master        |
| 8  | adopted LOS standard is maintained by any combination of         | 37 | plan and construction scheduled with 100 percent of the          |
| 9  | the following:   | 38 | construction funds allocated in the adopted County Capital       |
| 10 | (A) Reducing the number of dwelling units or floor area;         | 39 | Improvement Program (County CIP) or in the current State         |
| 11 | (B) Incorporating alternative trip capture; or                   | 40 | Consolidated Transportation Program (State CTP); or              |
| 12 | (C) Incorporating a mix of uses that reduces trips through       | 41 | (3) Incorporated in a specific Public Facilities Financing and   |
| 13 | internal capture, as defined in the <i>Transportation</i>        | 42 | Implementation Program, including the County CIP or State        |
| 14 | <i>Review Guidelines</i> .                                       | 43 | CTP with construction scheduled with 100 percent of the          |
| 15 | (3) Transportation improvements or trip reduction programs       | 44 | construction funds allocated; or                                 |
| 16 | that are adequately funded by the applicant or an existing       | 45 | (4) Fully funded by the applicant, the County, and/or the State  |
| 17 | revenue source to alleviate any inadequacy in the adopted        | 46 | government (this includes transportation facilities that are     |
| 18 | LOS standard within the Transportation Impact Area;              | 47 | part of the Surplus Capacity Reimbursement Procedure, as         |
| 19 | (4) Any development in the RTO or LTO base and PD zones may      | 48 | defined in the <i>Transportation Review Guidelines</i> ); or     |
| 20 | also provide a financial contribution to implement a             | 49 | (5) A proposal for a transportation facility on a plan being     |
| 21 | Transportation Demand Management program in                      | 50 | considered by the U.S. Department of Transportation              |
| 22 | accordance with Subtitle 20A, Transportation Demand              | 51 | and/or Federal Highway Administration or Federal Transit         |
| 23 | Management, of this Code. A Transportation Demand                | 52 | Administration, which is funded for construction within the      |
| 24 | Management District shall be established by the Council          | 53 | next 10 years. (The Planning Director may condition the          |
| 25 | following any development in an RTO or LTO base zone and         | 54 | approval of the proposed development on a construction           |
| 26 | PD Zone that exceeds the LOS standards set forth above,          | 55 | schedule that minimizes any inadequacy.); or                     |
| 27 | unless the Council determines specific, appropriate              | 56 | (6) For property located wholly within the Brandywine Road       |
| 28 | alternative methods for addressing infrastructure needs; or      | 57 | Club, the applicant has entered into a Developer                 |
| 29 | (5) Any combination of the requirements listed above will        | 58 | Participation Agreement with the County to share the costs       |
| 30 | ensure that the adopted LOS standard is met.                     | 59 | of the improvements before construction of the                   |
|    |  | 60 | improvements funded by the Brandywine Road Club; or              |



- 1 (7) For property which had an approved subdivision application  
 2 pursuant to the MD 202 Road Club, if the applicant either  
 3 contributed all funds required as its computed Road Club  
 4 share or made transportation improvements equal to its  
 5 computed Road Club share; or
- 6 (8) For property zoned M-X-C prior to the effective date of  
 7 these Subdivision Regulations, if a negotiated fee-in-lieu of  
 8 required improvements was paid in full.

9 **(d) Mitigation**

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

12

Table 24-4505(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 Transportation 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 Transportation Impact Area.</p> <p>Following the development of the proposed development and implementation of the mitigation action, the total traffic service within the Transportation Impact Area will be reduced to no lower than the acceptable peak-hour service level threshold defined in the <i>Transportation Guidelines</i>.</p>

Table 24-4505(d) Mitigation Standards	
Projected Traffic Above the Adopted LOS [1]	Mitigation
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.
<p>NOTES</p> <p>[1] The adopted LOS is the acceptable peak-hour service level threshold as defined in the <i>Transportation Guidelines</i>.</p>	

13 **(e) Offsets for Transit, Bike, and Pedestrian Facilities**

14 **(1) Generally**

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

26 **(2) Transit, Bike, and Pedestrian Infrastructure**

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

- 1 (A) Fixed rail transit stations, bus shelters, and other 29  
 2 public transportation facilities; 30  
 3 (B) Sidewalks and pedestrian crossings at intersections; 31  
 4 and 32  
 5 (C) Multi-use trails, bike paths, and/or pedestrian 33  
 6 pathways and crossings. 34
- 7 (3) **Planned Improvements-Alternative Trip Capture** 35  
 8 If the proposed development incorporates transit, bicycle, 36  
 9 or pedestrian facilities in its traffic impact study, the 37  
 10 applicant shall demonstrate prior to the issuance of a 38  
 11 building permit for development that all required adequate 39  
 12 pedestrian and bikeway facilities are: 40  
 13 (A) In place and fully operational; or 41  
 14 (B) Have full financial assurances, have been permitted for 42  
 15 construction through the applicable operating 43  
 16 agency's access permit process, and have an agreed- 44  
 17 upon timetable for construction and completion with 45  
 18 the appropriate operating agency. 46
- 19 **24-4506. Pedestrian and Bikeway Adequacy** 47  
 20 (a) **Purpose** 48  
 21 This Section establishes general criteria to ensure the adequacy 49  
 22 of public pedestrian and bikeway facilities and sets forth the 50  
 23 requirements for those who establish subdivisions within 51  
 24 certain zoning districts to construct on-site and off-site 52  
 25 pedestrian and bikeway facilities and other public streetscape 53  
 26 improvements as part of any development project. Pedestrian 54  
 27 and bikeway features include integrated sidewalk, trail, and 55  
 28 bikeway facilities to divert automobile trips and increase the 56

multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services, residences, and other destinations for all users. Pedestrian and bikeway facilities should be designed to increase safety for people walking, bicycling, and using transit, and offer the most direct routes to destinations for persons of all abilities.

**(b) Applicability**

- (1) When required by Section 24-4506(b)(3), below, a certificate for pedestrian and bikeways adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.
- (2) To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4506(c) below, provides mitigation (if applicable), and complies with the other relevant requirements of this Subsection.
- (3) Before any preliminary plan of subdivision (minor or major) may be approved for any development applications proposing 11 (eleven) or more new or redeveloped dwelling units and/or otherwise proposing 10,001 or greater square feet of new or redeveloped gross floor area on land lying, in whole or part, within the RMF-20, RMF-48, NAC, TAC, LTO, RTO-L, RTO-H, CN, CGO, CS, NAC-PD, TAC-PD, LTO-PD, RTO-PD, LMXC, LMUTC, and LCD zones, the Planning Director shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.
- (4) The provisions of Section 24-4506 shall not apply to properties located with Sustainable Growth Tier IV.

1	<b>(c) Adopted LOS Standard for Pedestrian and Bikeways Adequacy</b>	32	
2		33	
3	(1) As part of any development project requiring the subdivision or re-subdivision of land subject to the requirements of Section 24-4506(b)(3), above, the Planning Director shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist):	34	
4		35	
5		36	
6		37	
7		38	
8		39	
9	<b>(A)</b> Throughout the proposed subdivision; and	40	
		41	
10	<b>(B)</b> Within one-half mile of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including but not limited to a public school, park, shopping center, multifamily residence, mixed-use activity centers, or line of transit within available public rights of way.	42	
11		43	
12		44	
13		45	
14		46	
15		47	
16		48	
17	<b>(i)</b> The cost of the off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed nonresidential development in the application and three hundred dollars (\$300.00) per unit of proposed residential development in the application, indexed for inflation annually from calendar year 2013.	49	
18		50	
19		51	
20		52	
21		53	
22		54	
23		55	
24		56	
25	<b>(ii)</b> For purposes of this Subsection, one-half mile includes all areas within one-half mile measured from the outer limits of the circumference of the smallest circle encompassing all the land area of the subdivision and includes the entire lot line of any property partially included within such distance; and "throughout the subdivision"	57	
26		58	
27		59	
28		60	
29		61	
30			includes all the land area within such circumference.
31			<b>(iii)</b> No developer/property owner shall be required to acquire additional land not already owned by that developer/property owner in order to construct adequate pedestrian and bikeway facilities. All adequate pedestrian and bikeway facilities required under this Section shall be constructed within existing public easements and rights-of-way, or within land dedicated (or to be dedicated) by the applicant to public use.
			<b>(C)</b> The finding of adequacy public pedestrian facilities shall, at minimum, include the following criteria:
			<b>(i)</b> The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and the applicable area master plan or sector plan have been constructed or implemented in the area; and
			<b>(ii)</b> The presence of elements that make it safer, easier, and more inviting for people to traverse the area.
			<b>(D)</b> The finding of adequate public bikeway facilities shall, at minimum, include the following criteria:
			<b>(i)</b> The degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and the applicable area master plan or sector plan have been constructed or implemented in the area;

1	<b>(ii)</b>	The presence of specially marked and striped bike lanes or buffered bike lanes in which people can safely travel by bicycle without unnecessarily conflicting with pedestrians or motorized vehicles;	29	<b>(v)</b>	Building “bulb-out” curb extensions, pedestrian refuge medians, and pedestrian crossing signals at intersections;
2			30		
3			31		
4			32	<b>(vi)</b>	Installing a bicycle share station that is operated by the Department of Public Works and Transportation or a municipality;
5			33		
6	<b>(iii)</b>	The degree to which protected bicycle lanes, on-street vehicle parking, medians, or other physical buffers exist to make it safer or more inviting for people to traverse the area by bicycle; and	34	<b>(vii)</b>	Installing covered bicycle parking;
7			35		
8			36	<b>(viii)</b>	Installing street furniture (benches, trash receptacles, bicycle repair stations, bus shelters, etc.);
9			37		
10	<b>(iv)</b>	The availability of safe, accessible, and adequate bicycle parking at transit stops, commercial areas, employment centers, multifamily residential buildings, mixed-use activity centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.	38	<b>(ix)</b>	Installing street trees and planted medians; and
11			39		
12			40	<b>(x)</b>	One hundred percent (100%) engineering or design plans for nearby pedestrian or bikeway improvements to be constructed by the Department of Public Works and Transportation or trail projects to be constructed by the Department of Parks and Recreation or a municipality.
13			41		
14			42		
15	<b>(E)</b>	Examples of pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):	43		
16			44	<b>(F)</b>	The design of facilities for bicyclists and pedestrians shall be in accordance with generally recognized and commonly used transportation engineering and planning standards and practices, including but not limited to, those found in relevant guidance from the Maryland Department of Transportation (MDOT), the National Association of City Transportation Officials (NACTO) Urban Street Design Guide, the NACTO Urban Bikeway Design Guide, and the American Planning Association's and National Complete Streets Coalition's Complete Streets: Best Policy and Implementation Practices.
17			45		
18			46		
19			47		
20	<b>(i)</b>	Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;	48		
21			49		
22			50		
23	<b>(ii)</b>	Installing protected bicycle facilities, using on-street parking or medians to separate bicycle traffic from motor vehicle traffic;	51		
24			52		
25			53		
26	<b>(iii)</b>	Installing or improving streetlights;	54		
27			55		
28	<b>(iv)</b>	Building paved multi-use trails, bike paths, and/or pedestrian pathways and crossings;	56		
			57		
			58		

- 1           **(G)** If a detailed site plan (minor or major) approval is 34 subdivisions. Any such pedestrian and bikeway  
2 required for any development within the subdivision, 35 facilities constructed off-site, shall be subject to the  
3 the developer/property owner shall include, in 36 cost limitations set forth in Section 24-4506(c)(1)(B).  
4 addition to all other required information in the site  
5 plan, a pedestrian and bikeway facilities plan showing 37  
6 the exact location, size, dimensions, type, and 38  
7 description of all existing and proposed easements 39  
8 and rights-of-way and the appurtenant existing and 40  
9 proposed pedestrian and bikeway facilities 41  
10 throughout the subdivision and within the designated 42  
11 walking or biking distance of the subdivision specified 43  
12 in this section, along with the location, types, and 44  
13 description of improvements, property/lot lines, and 45  
14 owners that are within 50 feet of the subject 46  
15 easements and rights-of-way. 47
- 16           **(H)** Prior to the issuance of any building permit for 48  
17 development within the subdivision, the 49  
18 developer/property owner shall show that all required 50  
19 adequate pedestrian and bikeway facilities have full 51  
20 financial assurances, have been permitted for 52  
21 construction through the applicable operating 53  
22 agency's access permit process, and have an agreed- 54  
23 upon timetable for construction and completion with 55  
24 the appropriate operating agency. 56
- 25           **(I)** Nothing contained within this Subsection shall be 57  
26 deemed to inhibit in any way the authority of the 58  
27 Planning Director to require a developer/property 59  
28 owner to construct pedestrian and bikeway facilities 60  
29 not otherwise listed in this section, if such facilities 61  
30 relate to the implementation of "complete streets" 62  
31 principles on roadways required to be improved,  
32 constructed, or reconstructed to accommodate motor  
33 vehicle traffic that would be generated by proposed
- (d) Availability**
- Any pedestrian and bikeway improvements within one-half mile of the proposed subdivision to be counted as available capacity shall be:
- (1) Operational at the time the application for a certificate of adequacy is submitted; or
  - (2) Included on an adopted and approved functional master plan, area master plan, or sector 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 Public Facilities Financing and Implementation Program, including the County CIP 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 pedestrian and bikeway facilities that are part of the Surplus Capacity Reimbursement Procedure, as defined in the Transportation Review Guidelines).
- (e) Mitigation**
- Pedestrian and bikeway improvements used to gain approval of the pedestrian and bikeways certificate of adequacy shall not contribute to transportation adequacy offsets for transit, bike, and pedestrian facilities, Section 24-4505(e).

1	<b>24-4507. Parks and Recreation Adequacy</b>	28	
2	<b>(a) Applicability</b>	29	
3	(1) A certificate for parks and recreation adequacy shall be	30	(2) The Department of Parks and Recreation, in consultation
4	reviewed and approved, approved with conditions, or	31	with the Planning Department, shall develop <i>Park and</i>
5	denied in accordance with Section 24-4503, Certificate of	32	<i>Recreation Facilities Guidelines</i> , approved by Resolution of
6	Adequacy.	33	the Council, that establish:
7	(2) To gain approval of the certificate, the applicant shall	34	<b>(A)</b> A methodology for computing the number of residents
8	demonstrate the proposed development complies with the	35	or equivalent dwelling units for applications subject to
9	LOS standards of Section 24-4507(b) below, provides	36	this Subsection;
10	adequate mitigation (if appropriate), and complies with all	37	<b>(B)</b> A methodology for computing the Impact Areas of
11	other relevant requirements of this Subsection.	38	park facilities based upon anticipated walking
		39	distances and drive times; and
12	<b>(b) Adopted LOS Standard for Public Parks and Recreation</b>	40	<b>(C)</b> Park facility typologies, including natural areas,
13	(1) The adopted LOS standard for Parks and Recreation is: –	41	community centers, and urban civic spaces consistent
14	<b>(A)</b> Within the Transit Oriented/Activity Center zones, and	42	with <i>Formula 2040</i> . The typologies may assign credits
15	in the Employment Areas as identified in the General	43	to public parks and recreation facilities based upon
16	Plan: 2.5 acres of improved public parks per 1,000	44	their community value, anticipated development
17	residents. These lands shall consist of at least:	45	expenses, and proximity to new development.
18	<b>(i)</b> 0.5 acres per 1,000 residents for small urban	46	
19	parks, including pocket parks, plazas, commons/	47	<b>(c) Availability and Mitigation</b>
20	greens, squares, and neighborhood parks; and	48	If existing public parks and recreation facilities are not sufficient
21	<b>(ii)</b> One acre per 1,000 residents for larger urban	49	to meet the adopted LOS standard, the Planning Director may
22	parks, including parks at schools, community	50	find that adequate mitigation is being provided if:
23	parks, resource parks, and waterfront parks; and	51	(1) For proposed residential development/uses, mandatory
24	<b>(iii)</b> One acre per 1,000 residents for greenways,	52	dedication of parkland is provided by the applicant pursuant
25	linear parks, and special facilities.	53	to Section 24-4601, Mandatory Dedication of Parkland;
26	<b>(B)</b> Fifteen acres of improved public parks per 1,000	54	(2) Adequate improved public park lands are available and
27	residents in all other areas.	55	programed to serve the residents of the proposed
		56	development with 100 percent of the expenditures for the
			construction of the facility within the adopted County CIP as
			determined under the <i>Park and Recreation Facility</i>
			<i>Guidelines</i> ;

- 1 (3) That improvements participated in or funded by the 28  
2 applicant (either on or off-site), including pro rata 29  
3 participation in a specific Public Facilities Financing and 30  
4 Implementation Program, will alleviate any inadequacy as 31  
5 determined under the *Park and Recreation Facility* 32  
6 *Guidelines*; or 33  
7 (4) The applicant provides payment of an in-lieu fee for the 34  
8 purpose of providing monies for the provision of park and 35  
9 recreation facilities (either on or off-site) necessary to 36  
10 ensure the proposed development will served by adequate 37  
11 park and recreation facilities. 38

## 12 **24-4508. Police Facility Adequacy** 39

### 13 **(a) Applicability** 40

- 14 (1) A certificate for police facilities shall be reviewed and 41  
15 approved, approved with conditions, or denied in 42  
16 accordance with Section 24-4503, Certificate of Adequacy. 43  
17 (2) To gain approval of a certificate for police facilities, the 44  
18 applicant shall demonstrate the proposed subdivision 45  
19 complies with the adopted LOS standards of Section 24- 46  
20 4508(b) below, provides adequate mitigation (if 47  
21 appropriate), and complies with all other requirements of 48  
22 this Section. 49

### 23 **(b) Adopted LOS Standard-Police** 50

- 24 (1) The population generated by the proposed subdivision, at 51  
25 each stage, shall not exceed the service capacity of existing 52  
26 police stations, in accordance with the *Public Safety* 53  
27 *Guidelines*, approved by Resolution of the Council. 54  
55  
56

- (2) To demonstrate compliance with this LOS standard, the 57  
Chief of Police shall submit the following information, on an 58  
annual basis, to the Planning Director: 59

- (A) A statement reflecting adequate equipment pursuant 60  
to studies and regulations used by the County, or the 61  
*Public Safety Master Plan* for police stations in the 62  
vicinity of the area of the proposed subdivision; and 63  
(B) A statement by the Police Chief that the rolling 12- 64  
month average, adjusted monthly, for response times 65  
in the vicinity of the proposed subdivision is a 66  
maximum of 25 minutes total for non-emergency calls 67  
and a maximum of 10 minutes total for emergency 68  
calls for service. For the purposes of this Subsection, 69  
response time means the length of time from the call 70  
for service until the arrival of Police personnel on- 71  
scene or other police response, as appropriate. 72

- (3) Section 24-4508(b)(2) above, does not 73  
apply to commercial or industrial 74  
applications for preliminary plans. 75

### 76 **(c) Availability and Mitigation** 77

If facilities and personnel at existing police stations are not 78  
adequate to meet the adopted LOS standard for Police Facilities, 79  
the Planning Director shall find that: 80

- (1) The population generated by the proposed subdivision at 81  
each stage of the proposed subdivision will not exceed the 82  
service capacity of existing police stations as determined by 83  
the Planning Board in the "Guidelines for the Mitigation of 84  
Adequate Public Facilities: Public Safety Infrastructure" as 85  
may be amended from time to time; 86

1	(2) Adequate police facilities available to serve the population	30
2	generated by the proposed subdivision are programmed	31
3	with 100 percent of the expenditures for the construction	32
4	of the facility in the adopted County CIP in accordance with	33
5	the <i>Public Safety Guidelines</i> ; or	34
6	(3) That adequate police facilities and improvements are	35
7	participated in or funded by the applicant on a pro-rata	36
8	basis, including participation in a specific Public Facilities	37
9	Financing and Implementation Program (as defined in	38
10	Subtitle 27) that will alleviate any inadequacy in accordance	39
11	with the <i>Public Safety Guidelines</i> .	40
12	<b>24-4509. Fire and Rescue Adequacy</b>	41
13	<b>(a) Applicability</b>	42
14	A certificate for fire and rescue facilities shall be approved in	43
15	accordance with Section 24-4503, Certificate of Adequacy. To	44
16	gain approval of the certificate, the applicant shall demonstrate	45
17	the proposed subdivision complies with the LOS standards of	46
18	Section 24-4509(b), below, provides adequate mitigation (if	47
19	appropriate), and complies with all other requirements of this	48
20	Section.	49
21	<b>(b) Adopted LOS Standard for Fire and Rescue</b>	50
22	(1) The population and/or employees generated by the	51
23	proposed subdivision, at each stage of the proposed	52
24	subdivision, will be within the adequate coverage area of	53
25	the nearest fire and rescue station(s) in accordance with the	54
26	<i>Public Safety Guidelines</i> .	55
27	(2) The Fire Chief shall submit to the County Office of Audits	56
28	and Investigations, County Office of Management and	57
29	Budget, and the Planning Director:	58
		59

(A) A statement reflecting adequate equipment in	
accordance with studies and regulations used by the	
County, or the <i>Public Safety Master Plan</i> 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 (b)(2), above, does not apply to commercial or	
industrial applications.	
(c) <b>Availability and Mitigation</b>	
(1) If existing fire and rescue stations are not sufficient to meet	
the adopted LOS standard, the Planning Director shall find	
that:	
(A) The population and/or employees generated by the	
proposed subdivision at each stage of the proposed	
subdivision will not exceed the service capacity of	
existing police stations as determined by the Planning	
Board in the "Guidelines for the Mitigation of	
Adequate Public Facilities: Public Safety	
Infrastructure" as may be amended from time to time;	
(B) 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 <i>Public</i>	
<i>Safety Guidelines</i> . However, if construction of the	



1 improvements does not commence within 9 years  
2 after the first year the fire and rescue station(s) project  
3 is fully funded in an adopted County CIP, the  
4 preliminary plan for subdivision may not be  
5 considered and approved until the facilities are  
6 actually constructed;

7 **(C)** That improvements participated in or funded by the  
8 applicant, including participation in a specific public  
9 facilities financing and implementation program, will  
10 alleviate any inadequacy in accordance with the *Public*  
11 *Safety Guidelines*; or

12 **(D)** Should nonresidential development not meet the  
13 response time test, the applicant may provide  
14 mitigation through:

15 **(i)** The installation and maintenance of a sprinkler  
16 system that complies with NFPA 13 Standards for  
17 the Installation of Sprinkler Systems. The  
18 installation of sprinklers shall not be waived by  
19 any party; and

20 **(ii)** The installation and maintenance of automated  
21 external defibrillators (AEDs) in accordance with  
22 COMAR 30.06.01-05, including a requirement for  
23 a sufficient number of AEDs to be installed so  
24 that no employee is more than 500 feet from an  
25 AED.

26 (2) Before any preliminary plan for subdivision may be  
27 approved, if the location of the property proposed for  
28 subdivision is outside the appropriate service area of the  
29 Ten Year Water and Sewerage Plan or is in an Rural and  
30 Agricultural zone, the Planning Director shall require the  
31 applicant to provide water storage tanks, make water

32 tanker trucks available, or ensure there will be other  
33 appropriate sources of water for fire extinguishing  
34 purposes.

## 35 **24-4510. Schools Adequacy**

### 36 **(a) Applicability**

37 (1) Unless exempted in accordance with Section 24-4510(a)(3)  
38 below, a certificate for schools adequacy shall be reviewed  
39 and approved, approved with conditions, or denied in  
40 accordance with Section 24-4503, Certificate of Adequacy.

41 (2) To gain approval of the certificate for schools adequacy, the  
42 applicant shall demonstrate the proposed development  
43 complies with the LOS standards of Section 24-4510(b)  
44 below, provides adequate mitigation (if appropriate), and  
45 complies with all other relevant requirements of this  
46 Section.

47 (3) The following are exempt from the requirements of this  
48 Section:

49 **(A)** A preliminary plan for subdivision which is a  
50 redevelopment project that replaces existing dwelling  
51 units;

52 **(B)** A preliminary plan for subdivision for elderly housing  
53 operated in accordance with the State and Federal Fair  
54 Housing laws;

55 **(C)** A preliminary plan for subdivision that consists of no  
56 more than three lots on less than five gross acres of  
57 land, whose lots, except for one to be retained by  
58 grantor, are to be conveyed to a son or daughter or  
59 lineal descendant of the grantor; and

1	(D) A preliminary plan for subdivision located in the	30	(C) The completion enrollment, which is the total number
2	Transit-Oriented/Activity Center base of PD zones.	31	of elementary, middle, and high school students to be
		32	generated by the estimated number of residential
3	<b>(b) Adopted LOS Standard for Schools</b>	33	completions, for each school cluster.
4	(1) The adopted LOS standard for schools is based on school	34	(i) Residential completions are estimated from the
5	clusters, which are groupings of elementary, middle, and	35	total of all substantially completed dwelling units
6	high schools that are impacted by the preliminary plan for	36	added to the County's assessable tax base in the
7	subdivision.	37	two previous calendar years.
8	(2) The adopted LOS standard is that the number of students	38	(ii) In determining completion enrollment, the
9	generated by the proposed subdivision at each stage of	39	estimated number of residential completions in
10	development will not exceed 105 percent of the state rated	40	a given school cluster will not exceed the number
11	capacity, as adjusted by the School Regulations, of the	41	of dwelling units shown on:
12	affected elementary, middle, and high school clusters.	42	(aa) An approved preliminary plan of subdivision
13	(3) The number of elementary, middle, and high school	43	with no waiting period, or with a waiting
14	students generated by the proposed subdivision shall be	44	period less than 24 months as of September
15	determined in accordance with the pupil yield factors for	45	30 of each calendar year; and
16	each dwelling unit type as determined by the Planning	46	(bb) All recorded plats not subject to an
17	Director from historical information provided by the	47	adequate public facilities test for schools at
18	Superintendent of the Prince George's County Public	48	time of building permit issuance.
19	Schools.		
20	(4) The Planning Director shall determine:	49	(D) The subdivision enrollment, which is the anticipated
		50	number of elementary, middle, and high school
21	(A) The school cluster or clusters impacted by the	51	students to be generated by all dwelling units shown
22	proposed preliminary plan for subdivision.	52	on the proposed preliminary plan of subdivision,
		53	multiplied by the pupil yield factor.
23	(B) The actual enrollment, which is the number of		(E) The cumulative enrollment, which is the total of all
24	elementary, middle, and high school students, as	54	subdivision enrollments resulting from approved
25	reported by the Superintendent of the Prince George's	55	preliminary plans of subdivision in each school cluster
26	County Public Schools as of September 30 of the prior	56	for the calendar year in which an adequate public
27	year, and as calculated by the Planning Director that is	57	facilities test is being applied.
28	effective in January of each year for use in that	58	
29	calendar year.		

1 (F) The Planning Director shall determine the  
2 subdivision's cluster enrollment by adding: the actual  
3 number of students in the cluster as of September 30;  
4 the number of students anticipated from residential  
5 completions in the cluster; the number anticipated  
6 from the subdivision; and the number of students  
7 anticipated from subdivisions already approved in the  
8 cluster within the calendar year. The Planning Director  
9 shall then determine the percent capacity by dividing  
10 the cluster enrollment by the state rated capacity  
11 (adjusted by the School Regulations) of schools in the  
12 cluster.

13 (c) Mitigation

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

18 **Sec. 24-4600 Parklands and Recreation**  
19 **Facilities**

20 **24-4601. Mandatory Dedication of Parkland**

21 (a) Purpose

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

26 (b) Applicability

27 (1) General

28 Unless exempted in accordance with Section 24-4601(b)(2)  
29 below, all subdivisions which include residential uses shall  
30 plat and convey to the M-NCPPC or to a municipality  
31 located within the County (but which is not within the  
32 Maryland-Washington Metropolitan District) upon the  
33 request of such municipality, adequate land to meet the  
34 park and recreation needs of the residents of the  
35 subdivision, or pay a fee in-lieu, or provide park and  
36 recreation facilities as otherwise provided in this Section.

37 (2) Exemptions

38 The following are exempted from the standards of this  
39 Section:

40 (A) Any lot that was legally created by deed prior to April  
41 24, 1970;

42 (B) Any lot being created by the subdivision of land upon  
43 which a dwelling legally exists at the time of  
44 subdivision; and

45 (C) Any re-subdivision of land for which land was  
46 previously dedicated for park and recreation needs, or  
47 a fee in-lieu paid, to the extent that land dedication or  
48 fees in-lieu are sufficient to accommodate the  
49 residents of the subdivision (if lots are added as part  
50 of the resubdivision, land shall be dedicated or an in-  
51 lieu fee paid in accordance with this Section to meet  
52 the park and recreation needs of the residents of the  
53 new lots).

1	<b>(3) Amount of Park and Recreation Land Required</b>	28		
2	The amount of land to be dedicated shall be:	29		
3	<b>(A)</b> Five percent of land on which a density of one to four	30		
4	dwelling units per net acre is the maximum density	31		
5	allowed in Subtitle 27: Zoning Ordinance;	32		
6	<b>(B)</b> Seven and one-half percent of land on which a density	33		
7	of four to seven and one-half dwelling units per net	34		
8	acre is permissible;	35		
9	<b>(C)</b> Ten percent of land on which a density of seven and	36		
10	one-half to 12 dwelling units per net acre is	37		
11	permissible; and	38		
12	<b>(D)</b> Fifteen percent of land on which a density exceeding	39		
13	12 dwelling units per net acre is permissible.	40		
14	<b>(4) Compliance Alternatives</b>	41		
15	As an alternative to the dedication of land in accordance	42		
16	with Section 24-4601(b)(3), Amount of Park and Recreation	43		
17	Land Required, above, any of the following, either singly or	44		
18	in combination, shall satisfy the requirements of this	45		
19	Section.	46		
20	<b>(A) Active and/or Passive Recreation Land</b>	47		
21	<b>(i)</b> The dedication of land identified for	48		
22	preservation as part of a stream valley park on a	49		
23	functional master plan, area master plan, or	50		
24	sector plan, with a finding there is reasonable	51		
25	active recreation in the general area, and that	52		
26	any trails shown on the plans are provided and	53		
27	dedicated.	54		
		55		
		56		
		57		
			<b>(ii)</b> 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>(B) Fees in-Lieu</b>	
			<b>(i)</b> 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 land as stated on	
			the final assessment notice issued by the State	
			Department of Assessments and Taxation.	
			<b>(ii)</b> 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.	
			<b>(C) Recreational Facilities</b>	
			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:	
			<b>(i)</b> Such facilities will be equivalent or superior in	
			value, to the land, improvements, or facilities	

- 1 that would have been provided under this  
2 Section; and
- 3 (ii) The facilities will be properly developed and  
4 maintained to the benefit of future residents of  
5 the subdivision through covenants, a  
6 recreational maintenance agreement, or other  
7 appropriate means, and that such instrument is  
8 legally binding upon the subdivider and the  
9 subdivider's heirs, successors, and assigns, and  
10 that such instrument is enforceable; and
- 11 (iii) No permit for construction or occupancy of  
12 dwellings shall be issued unless the Planning  
13 Board is satisfied that the facilities have been, or  
14 will be, provided at the appropriate state of  
15 development.

## Sec. 24-4700 Conservation Subdivision Standards

### 24-4701. Purpose

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

- 21 (a) Protect the character of land in rural areas of the County to  
22 implement the General Plan and Countywide Green  
23 Infrastructure Plan.
- 24 (b) Provide additional development flexibility to build on smaller  
25 lots in exchange for the establishment of conservation areas  
26 designed to protect the agricultural activities or natural and  
27 historic features on the site.

- 28 (c) Support the conservation of important site features such as  
29 open space networks, tracts of productive farmland, unique  
30 characteristics of a site, and contiguous woodland habitats;
- 31 (d) Prioritize site characteristics for conservation; and
- 32 (e) Maintain or improve connections between scenic, historic,  
33 agricultural, and environmental characteristics on the site and  
34 adjacent land.

### 24-4702. Applicability

#### (a) General

- 37 (1) Unless exempted in accordance with Section 24-4702(b)  
38 below, lands in the following zones shall be developed as a  
39 conservation subdivision:
- 40 (A) The AG and AR zones; and
- 41 (B) The RE and RR zones located within the Rural and  
42 Agricultural Areas.
- 43 (2) Land developed in the RE and RR zones located outside the  
44 Rural and Agricultural Areas may be developed as a  
45 conservation subdivision.

#### (b) Exemptions

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

- 49 (1) A subdivision resulting in four or fewer lots in Sustainable  
50 Growth Tier III, provided no additional subdivision for  
51 additional lots is permitted for the entirety of the original  
52 application and the original property has not been the result  
53 of a conveyance in accordance with Section 24-1403(c) of  
54 these Regulations;

1	(2) A subdivision resulting in seven or fewer lots in Sustainable	27
2	Growth Tier IV, provided no additional subdivision for	28
3	additional lots is permitted for the entirety of the original	29
4	application and the original property has not been the result	30
5	of a previous conveyance in accordance with Section 24-	
6	1403(c) of these Regulations; or	31
7	(3) Property zoned RSF-95 and located in the Rural and	32
8	Agricultural Area as designated by the General Plan.	33
9	<b>24-4703. Conservation Subdivision Procedure</b>	34
10	<b>(a) General</b>	35
11	Conservation subdivisions shall be reviewed and decided in	36
12	accordance with the procedures and standards in Section 24-	37
13	3402(e), Major Subdivision, except as modified in this	38
14	Subsection.	39
15	<b>(b) Sketch Plan</b>	40
16	Prior to review of an application for a preliminary plan for	41
17	subdivision (minor or major), the applicant shall submit a sketch	42
18	plan to the Planning Director. The sketch plan shall include a	43
19	Conservation and Development Plan in accordance with Section	44
20	24-4703(b)(1) below, a woodland and wildlife habitat	45
21	conservation concept plan showing compliance with the	46
22	requirements of Division 2 of Subtitle 25: Trees and Vegetation,	47
23	of the County Code, and any other information determined	48
24	necessary to evaluate that preliminary plan application. The	49
25	woodland and wildlife habitat and conservation concept plan	50
26	shall illustrate areas proposed for conservation.	51
		52
		53

## (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 Section 24-4704(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 Department staff member. The purpose of this site visit is to:

1	(i)	Familiarize the County staff with the existing site conditions and natural and historic features of the site;	30	(ii)	A conservation and development areas map; and
2			31	(iii)	A preliminary site improvements plan, showing proposed site development, including:
3			32	(aa)	Conceptual locations for proposed dwellings within development areas;
4	(ii)	Identify potential site development issues; and	33	(bb)	Conceptual locations for proposed roads, trails, and setbacks;
5	(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.	34	(cc)	Areas of the site that have appropriate soils for septic recovery fields (community, shared and/or individual systems) if proposed;
6			35	(dd)	Areas for stormwater management facilities, if any, and the type of facility proposed; and
7			36	(ee)	Areas proposed for conservation.
8			37		
9		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.	38		
10			39		
11			40		
12			41		
13			42		
14			43		
15	<b>(C)</b>	<b>Step 3: Conservation and Development Areas Map</b>	44	<b>(c)</b>	<b>Sketch Plan Review and Decision</b>
16		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 24-4704(c)(2), Conservation Area Delineation.	45	(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 Section 24-3307, Staff Review and Action. The Planning Director may only approve the sketch plan (including the Conservation and Development Plan) on finding that it complies with the conservation and development plan requirements in Section 24-4703(b)(1), Conservation and Development Plan Requirements, and is in accordance with Section 24-4704, Conservation Subdivision Standards, and all other requirements for sketch plan approval.
17			46		
18			47		
19			48		
20			49		
21			50		
22	<b>(D)</b>	<b>Step 4: Conservation and Development Plan</b>	51		
23		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:	52		
24			53		
25			54		
26			55		
27			56		
28					
29	(i)	A site analysis map;			

- 1 (2) Certification of a sketch plan (including a conservation and 29  
2 development plan) shall remain valid for two years from the 30  
3 date of approval. 31
- 4 (3) The Planning Director may extend the period of approval for 32  
5 a sketch plan (including a conservation and development 33  
6 plan) two times upon receipt of a written request received 34  
7 prior to the expiration date, if the applicant has not unduly 35  
8 delayed the filing of a preliminary plan of subdivision. 36
- 9 (4) The certification of the sketch plan is not to be construed as 37  
10 the approval of the lot yield, but the completion of the 38  
11 sketch plan process for planning purposes. 39
- 12 **(d) Preliminary Plan of Subdivision**
- 13 Following review and approval, or approval subject to  
14 conditions, of a sketch plan, the application for a preliminary  
15 plan of subdivision shall be submitted in accordance with  
16 Section 24-3402(d)(1), Preliminary Plan of Minor Subdivision or  
17 Section 24-3402(e)(1), Preliminary Plan of Major Subdivision.
- 18 (1) As part of the preliminary plan application, the applicant  
19 shall submit a draft conservation easement document that  
20 complies with Section 24-4704(c)(4), Easement.
- 21 (2) The Planning Director or Planning Board may only approve  
22 a preliminary plan for a conservation subdivision if the  
23 decision-maker makes the requisite findings in accordance  
24 with Section 24-3402(d)(1)(B), Preliminary Plan of Minor  
25 Subdivision Decision Standards or Section 24-3402(e)(1)(B),  
26 Preliminary Plan of Major Subdivision Decision Standards,  
27 and, in addition, if the decision-maker finds that the  
28 proposed conservation subdivision:
- (A) Is in substantial conformity with the approved sketch  
plan (including the conservation and development  
plan); and
- (B) Complies with Section 24-4704, Conservation  
Subdivision Standards.
- (3) The Planning Director or Planning Board may include  
conditions of approval in accordance with Section 24-3311,  
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 Section 24-4703(d)(2) above.
- 40 **24-4704. Conservation Subdivision Standards**
- 41 **(a) Minimum Conservation Area Required**
- 42 A conservation subdivision shall set-aside as conservation area  
43 the following minimum amount of the gross tract area of the  
44 development:
- 45 (1) In the AG zone: 70 percent;  
46 (2) In the AR zone: 60 percent;  
47 (3) In the RE and RR zones: 50 percent.
- 48 **(b) Bulk Regulations for Conservation Subdivisions**
- 49 **(1) General**
- 50 Except as modified in this Subsection, the location, size and  
51 other aspects of buildings, structures, accessory structures,  
52 and uses within a conservation subdivision shall be  
53 governed by Subtitle 27: Zoning Ordinance, of the County  
54 Code, and the Landscape Manual. The standards in Section



24-4704(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 24-4704(b)(2): Conservation Subdivision Density, Net Lot Area, Lot Width, and Required Yards.

Table 24-4704(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
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)				

**Table 24-4704(b)(2): Conservation Subdivision Density, Net Lot Area, Lot Width, and Required Yards**

	Zone			
	AG	AR	RE	RR
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

1	include, protect, and enhance as many of the following	28		
2	areas and features as possible, in the following general	29		
3	order of priority:	30		
4	<b>(A)</b> Lands with active agricultural uses and activities;	31		<b>(B)</b> Conservation areas shall connect with existing and
5	<b>(B)</b> Priority woodland conservation areas and features, as	32		potential conservation areas on abutting sites, to the
6	identified and prioritized in the Woodland and Wildlife	33		extent possible, to encourage corridors of compatible
7	Habitat Conservation requirements of Subtitle 25,	34		site characteristics, unless it is found to be impractical
8	Division 2, Woodland and Wildlife Habitat	35		due to topography, spacing, existing natural barriers,
9	Conservation Ordinance, of the County Code;	36		or the prioritization of the lands indicated in the
		37		conservation area.
10	<b>(C)</b> Regulated Environmental Features;	38		<b>(C)</b> Naturally contiguous conservation areas shall not be
11	<b>(D)</b> Scenic resources;	39		divided for the sole purposes of obtaining allowable
12	<b>(E)</b> Historic resources;	40		density.
13	<b>(F)</b> Other unique characteristics on the site; and	41		<b>(D)</b> Fragmentation of the conservation area into small,
14	<b>(G)</b> Any areas or features not listed in Sections 24-	42		irregularly shaped pieces shall be avoided.
15	4704(c)(1)(A) through 24-4704(c)(1)(F) above, that are	43		<b>(E)</b> Farm structures and rural vistas shall be retained,
16	identified in Section 27-6400, Open Space Set-Asides,	44		whenever possible.
17	of Subtitle 27: Zoning Ordinance, of the County Code	45		<b>(F)</b> The layout and location of lots shall be designed to
18	as counting toward open space set-aside	46		minimize potential adverse impacts on existing farm
19	requirements.	47		operations.
		48		<b>(G)</b> Woodland and wildlife habitat conservation required
20	<b>(2) Conservation Area Delineation</b>	49		for the conservation area may be provided at an off-
21	<b>(A)</b> The area of the site required for a conservation area	50		site location, only if it is necessary to preserve the rural
22	shall be determined based on the priorities	51		and agricultural landscape.
23	established in the review of the conservation and	52		<b>(H)</b> A single dwelling unit may be located on the same
24	development plan and may include areas of the site	53		parcel as a conservation area.
25	not otherwise more specifically regulated by these	54		<b>(I)</b> Septic recovery areas and stormwater management
26	Regulations. It should be contiguous and not divided	55		facilities may be located on the same parcel as a
27	among parcels, to the extent possible.	56		conservation area that shall be maintained by a
		57		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

1 facilities on the same parcel as conservation areas 29  
 2 should not include typical dry ponds with associated 30  
 3 steep slopes, dams, mowed areas, fencing, or 31  
 4 unsightly overflow structures. Farm ponds, 32  
 5 bioretention ponds, naturally contoured ponds, and 33  
 6 wet ponds with wetland edges and no visible 34  
 7 structures are permitted on the parcel which is to be 35  
 8 maintained by the homeowners' association. A septic 36  
 9 recovery area on the same parcel as a conservation 37  
 10 area, that is to be maintained by the homeowners' 38  
 11 association should be designed to appear to be part of 39  
 12 the existing landscape.

13 **(3) Allowable Uses Within Conservation Areas** 40  
 14 Uses allowed in conservation areas shall be limited to: 41

15 **(A)** Agriculture/Forestry uses, equestrian centers, farm 42  
 16 wineries, and riding stables; 43  
 17 **(B)** Unpaved trails, walkways, and boardwalks; 44  
 18 **(C)** Docks and other water-dependent features, as 45  
 19 allowed in these Regulations and Subtitle 27: Zoning 46  
 20 Ordinance; 47  
 21 **(D)** Above-ground and below-ground public utilities and 48  
 22 associated easements, provided no feasible 49  
 23 alternative exists; and  
 24 **(E)** Street or driveway crossings, provided such crossings 50  
 25 do not violate these Regulations, Subtitle 27: Zoning 51  
 26 Ordinance, other applicable provisions of the County 52  
 27 Code of Ordinances, and applicable State or Federal 53  
 28 laws. 54  
 55  
 56

**(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:

1	<b>(aa)</b> A not-for-profit, tax-exempt organization	32	easement deed shall be approved by the Planning Board,
2	within the meaning of Section (501)(c)(3) of	33	recorded among the Land Records of Prince George's
3	the Internal Revenue Service Code;	34	County, and referenced on the record plat of subdivision.
4	<b>(bb)</b> Established to promote the preservation	35	<b>(d) Development Area Standards</b>
5	and protection of natural, historic, and	36	<b>(1) General</b>
6	agricultural resources;	37	All individual residential lots, recreational facilities, streets,
7	<b>(cc)</b> A party to a cooperative agreement with	38	utilities, and community or individual septic recovery areas,
8	the Maryland Environmental Trust	39	stormwater management facilities, easements, and streets
9	committing to follow the Land Trust	40	serving these lots shall be located in the development
10	Alliance's Standards and Practices in any	41	areas.
11	easement it holds; or	42	<b>(2) Layout Design Standards</b>
12	<b>(iii)</b> A local governmental agency or the M-NCPPC	43	<b>(A)</b> Internal streets shall be sited to maintain the existing
13	(should the M-NCPPC choose to be a party to the	44	grade, to the maximum extent practicable.
14	easement), upon the demonstration by the	45	<b>(B)</b> Lots and the siting of dwellings shall be arranged and
15	landowner that they have exhausted all	46	sufficiently set back to preserve views of the site
16	reasonable efforts to obtain an agreement with	47	characteristics from streets and abutting lands.
17	a private non-profit organization that meets the	48	<b>(C)</b> Existing farm roads and driveways shall be
18	requirements of this Subsection. If the	49	incorporated into the internal street or trail design,
19	conservation area is dedicated to the local	50	where possible.
20	government agency in fee simple, there does not	51	<b>(D)</b> Access to all lots shall be from interior streets and
21	have to be an additional party to the easement;	52	easements.
22	however, the conservation easement shall be in	53	<b>(E)</b> Trees on steep slopes shall be preserved, and the
23	perpetuity and in a form acceptable to the	54	woodland conservation threshold shall be met on-site,
24	Maryland Environmental Trust.	55	to the maximum extent practicable.
25	<b>(5) Ownership and Maintenance of Conservation Areas</b>	56	<b>(F)</b> Dwellings shall be located a minimum of 40 feet from
26	Conservation areas shall be owned and controlled by an	57	any environmentally-regulated area, including
27	individual, homeowners' association, public or private	58	woodland conservation areas.
28	organization, land trust, or corporation. The owner shall		
29	assume all responsibility for maintenance and continued		
30	protection of the conservation area. An ownership and		
31	maintenance agreement as part of the conservation		

1	<b>(3) Lot Design Standards</b>	29	
2	<b>(A)</b> Buildings and driveways shall be sited to maintain the	30	shall provide a passing area when determined
3	existing grade as much as possible.	31	appropriate.
4	<b>(B)</b> A variety of lot sizes and lot widths should be provided	32	<b>(5) Stormwater Management</b>
5	within groupings of dwellings in order to prevent	33	Environmental Site Design (ESD) techniques, including but
6	visual monotony.	34	not limited to porous pavement or other pervious
7	<b>(C)</b> Dwellings should be sited to avoid the rear of the	35	surfacing, shall be used, unless otherwise authorized by the
8	dwelling being oriented toward the front of other	36	DPIE.
9	dwellings and external streets. A landscape plan may	37	<b>(6) Lighting</b>
10	be required to provide for the buffer of views of the	38	Lighting techniques shall comply with Section 27-6700,
11	rear and sides of dwellings from all streets and	39	Exterior Lighting, of Subtitle 27: Zoning Ordinance. In
12	easements, and the fronts of other dwellings.	40	addition, lighting should be utilized to decrease adverse
13	<b>(D)</b> Direct driveway access for individual lots onto	41	impacts on the adjoining and abutting lands.
14	perimeter streets shall be avoided unless necessary for	42	<b>(e) Standards for Conservation Subdivision Along</b>
15	safety reasons or for some other benefit such as	43	<b>Designated Scenic and Historic Roads</b>
16	environmental preservation.	44	In addition to the standards in Section 24-4704, Conservation
17	<b>(E)</b> Large expanses of driveways and parking areas shall	45	Subdivision Standards, a conservation subdivision along a
18	not be visible from the external streets and abutting	46	designated scenic or historic road shall also conform to the
19	lands.	47	following standards:
20	<b>(4) Streets</b>	48	(1) There should be no views of the rears of dwellings from the
21	<b>(A)</b> A conservation subdivision may be served by public	49	road.
22	and private streets, and access easements.	50	(2) Engineered berms for screening purposes are prohibited
23	<b>(B)</b> Access authorized pursuant to Section 24-	51	unless they are constructed to mimic natural contours.
24	4204(b)(1)(A) or Section 24-4204(b)(1)(B) may be	52	(3) Views from scenic and historic roads shall be preserved or
25	deemed adequate to serve lots of any net lot area.	53	may be created through the installation of landscaping that
26	Access easements designed in accordance with	54	mimics natural conditions.
27	Section 24-4204(b)(1)(A) may be deemed adequate to	55	(4) Trees and vegetation shall not be removed within the
28	serve a maximum of eight lots. The access easement	56	required setback unless it is in accordance with an approved

- 1       (5) Existing slopes and tree tunnels along the street frontage  
2            should be retained, unless required to be removed by the  
3            Department of Public Works and Transportation (DPW&T)  
4            or the State Highway Administration (SHA) for frontage  
5            improvements.
  
- 6       (6) Buildings that are located within 200 feet of the street  
7            should be sited such that the principal entrance is oriented  
8            toward the street.
  
- 9       (7) In general, access (public and private) to a scenic or historic  
10           road should be limited, to the extent possible, except for  
11           safety reasons or for some other benefit such as  
12           environmental preservation, or to implement the stated  
13           purposes of this Division.
  
- 14      (8) Septic recovery areas shall not be permitted within the  
15           scenic easement, to the maximum extent practicable.  
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