

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2021 Legislative Session**

Bill No. CB-088-2021

Chapter No. 70

Proposed and Presented by Council Members Hawkins, Glaros, Harrison, Taveras, Turner,  
Davis, and Franklin

Introduced by Council Members Hawkins, Glaros, Harrison, Taveras, Turner,  
Davis, and Franklin

Co-Sponsors \_\_\_\_\_

Date of Introduction October 5, 2021

**SUBDIVISION BILL**

1 AN ACT concerning

2 Subdivision Regulations

3 For the purpose of reconciling certain terms, procedures, and other language of the new  
4 Subdivision Regulations adopted as CB-15-2018 Attachment A on October 23, 2018, revising  
5 certain procedures and regulations, incorporating technical and administrative revisions, and  
6 adding clarification language to effectuate successful implementation and met the County's goals  
7 for new, modern, streamlined Subdivision Regulations.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 24. SUBDIVISIONS.

10 Sections 24-1306, 24-1400, 24-1703, 24-1704, 24-2300, 24-3200,  
11 24-3304, 24-3305, 24-3307, 24-3308, 24-3402, 24-3304,  
12 24-3308, 24-3405, 24-4101, 24-4102, 24-4106, 24-4201,  
13 24-4203, 24-4204, 24-4303, 24-4401, 24-4501, 24-4502,  
14 24-4503, 24-4504, 24-4509, 24-4510, and 24-4704,

15 The Prince George's County Code  
16 (2019 Edition; 2020 Supplement).

17 BY adding:

18 Sections 24-1900, 24-1901, 24-1902, 24-1903, and  
19 24-1904,

The Prince George’s County Code  
(2019 Edition, 2020 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 24-1306, 24-1400, 24-1703, 24-1704, 24-2300, 24-3200, 24-3304, 24-3305, 24-3307, 24-3308, 24-3402, 24-3304, 24-3308, 24-3405, 24-4101, 24-4102, 24-4106, 24-4201, 24-4203, 24-4204, 24-4303, 24-4401, 24-4501, 24-4502, 24-4503, 24-4504, 24-4509, 24-4510, and 24-4704 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 24. SUBDIVISIONS.**

**PART 24-1. GENERAL PROVISIONS.**

**Sec. 24-1300. Purpose and Intent.**

\* \* \* \* \*  
**24-1306.** Facilitating public and private actions in order to provide adequate and efficient transportation, pedestrian and bikeway facilities, water and sewerage, police, fire and EMS, parks and recreation, and school facilities, and other public facilities;

\* \* \* \* \*

**Sec. 24-1400. Applicability.**

**24-1401. General**

(a) These Regulations apply to:

(1) The subdivision of all lands within the boundaries of the Regional District within Prince George’s County [, unless subdivision is expressly exempted in Section 24-1403 Exemptions, below, or by a specific Subsection of these Regulations];

(2) A conversion of use from residential to nonresidential, or nonresidential to residential, or the conversion of either a residential or nonresidential use to mixed-use; and

(3) An amendment of findings, conditions, and/or certified plans established by the Planning Board in a prior approval of a preliminary plan of subdivision.

\* \* \* \* \*

**24-1402. [Application to Governments] Residential Buildings Constructed Prior to November 29, 1949.**

The provisions of these Regulations do not apply to residential buildings of three units or less constructed prior to November 29, 1949.

**24-1403. Application to Governments.**

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

(a) Subdivision of land owned by municipalities within the County or land owned and used by the County;

(b) Subdivision of land owned and used by the Maryland-National Capital Parks and Planning Commission (M-NCPPC), the Washington Metropolitan Area Transit Authority (WMATA), and the Washington Suburban Sanitary Commission (WSSC);

(c) Subdivision of land owned and used by the State of Maryland, unless State law authorizes local regulation by these Regulations; and

(d) Subdivision of land owned and used by the government of the United States, its agencies, departments or corporate services, to the full extent required by law; and

(e) Residential buildings of three units or less constructed prior to November 29, 1949.]

\* \* \* \* \*

**[24-1403.] 24.1404. Exemptions.**

\* \* \* \* \*

(g) Any division of land by deed prior to January 1, 1982, provided:

(1) The proposed use is for a single-family detached dwelling and its accessory uses; [or]

(2) The total cumulative development proposed for the property does not exceed five thousand (5,000) square feet of gross floor area and no more than fifty (50) trips will be generated;

(3) The development proposed is in addition to a development in existence prior to January 1, 1990, and does not exceed five thousand (5,000) square feet of gross floor area and no more than fifty (50) trips will be generated;

(4) The development of more than five thousand (5,000) square feet of gross floor area has been constructed pursuant to a building permit issued on or before December 31, 1991, and no more than fifty (50) trips will be generated by the development; or

(5) The proposed use is for an addition to an existing private school facility for which no increase in existing enrollment is proposed.

\* \* \* \* \*

**[24-1404.] 24-1405. Review of [Exempt Conveyance] Exemptions.**

(a) If [a conveyance of land] an application is exempted from the requirements of these Regulations in accordance with Section [24-1403,] 24-1404, Exemptions, the application shall still comply with the applicable requirements of Subtitle 27: Zoning Ordinance and Subtitle 5B: Chesapeake Bay Critical Area of the County Code, and Section 9-206 of the State Environment Article, Annotated Code of Maryland.

(b) The Planning Director may review all such [conveyances of land] applications in accordance with the review procedures in Section 24-3402(d)(2), Final Plat of Minor Subdivision, for compliance with the applicable requirements of Subtitle 27: Zoning Ordinance and Subtitle 5B: Chesapeake Bay Critical Area, of the County Code, and Section 9-206 of the Environment Article, Annotated Code of Maryland. No preliminary plan of subdivision shall be required for such [conveyances of land] applications unless otherwise required by law.

\* \* \* \* \*

**[24-1405.] 24-1406. Subdivision in Sustainable Growth Tier IV**

\* \* \* \* \*

**[24-1406.] 24-1407. No Development Until Compliance with These Regulations**

\* \* \* \* \*

**Sec. 24-1700 Transitional Provisions.**

\* \* \* \* \*

**24-1703. Applications Pending Prior to \_\_\_\_\_ [insert effective date of these Regulations]**

\* \* \* \* \*

(e) Once constructed, pursuant to a subdivision application, development application, or permit approved under the prior Zoning Ordinance and Subdivision Regulations, all buildings, uses, structures, or site features will be legal and not nonconforming and shall be exempt from the provisions of these regulations until they are required or elect to file a subdivision application, or a site plan or other development application (not to include any application for a change in occupancy or a change in ownership) under the provisions of the Zoning Ordinance. [the project shall be “deemed conforming” and shall be subject to the same rules as other conforming subdivisions under the Subdivision Regulations and uses, structures, signs, and other features under the Zoning Ordinance. Under no circumstance shall an illegal subdivision, use,

1 structure, sign, or other feature as of the effective date of the Subdivision Regulations or Zoning  
2 Ordinance be “deemed conforming.”]

3 **24-1704. Projects Which Received Subdivision Approval Under the Prior Subdivision**  
4 **Regulations.**

5 \* \* \* \* \*

6 (b) With the exception of public facility adequacy determinations, [U]ntil and unless the  
7 period of time under which the subdivision approval remains valid expires, the project may  
8 proceed to the next steps in the approval process (including any zoning steps which may be  
9 necessary) and continue to be reviewed and decided under the Subdivision Regulations and  
10 Zoning Ordinance in effect immediately prior to the effective date of the County Subdivision  
11 Regulations and Zoning Ordinance. If the approval pertains to any public facility (including, but  
12 not limited to, establishment of public facility capacity or conditions for improving facilities to  
13 mitigate the impact of the approved development), the project will be granted a certificate of  
14 adequacy pursuant to Section 24-4503(a)(4).

15 (c) If the subdivision approval expires or is revoked (i.e., for failure to comply with the  
16 terms and conditions of approval), any subsequent subdivision of the land shall be subject to the  
17 procedures and standards of these Regulations.

18 (d) Once constructed, the building, uses, structures, or site features will be legal and not  
19 nonconforming and shall be exempt from the provisions of these Regulations until they are  
20 required or elect to file a subdivision application, or a site plan or other development application  
21 (not to include any application for a change in occupancy or ownership) under the provisions of  
22 the Zoning Ordinance. This provision shall be expressly subject to the provisions of Subsection  
23 (e) of this Section. No illegal building, use, structure, or site features as of {insert effective date  
24 of this Act} will be deemed not nonconforming. Legal nonconforming use certified under the  
25 prior Zoning Ordinance will continue to maintain their certified legal nonconforming status [the  
26 project shall be “deemed conforming” and shall be subject to the same rules as other conforming  
27 uses, structures, and site features under the Zoning Ordinance].

28 (e) Subsequent revisions or amendments to development approvals “grandfathered” under  
29 the provisions of this Section shall be reviewed and decided under the Subdivision Regulations  
30 under which the original development approval was approved, unless the applicant elects to have  
31 the proposed revision or amendment reviewed under these Regulations.

32 (f) An applicant may elect at any stage of the development review process to have the

1 proposed development reviewed under these Subdivision Regulations.

2 (g) Notwithstanding subsection 24-1704(e), above, subdivision approvals “grandfathered”  
3 under the provisions of this Section may automatically receive a certificate of adequacy or  
4 conditional certificate of adequacy in accordance with the regulations of Section 24-4503(a) of  
5 this Subtitle. All “grandfathered” subdivision approvals shall be subject to the certification of  
6 adequacy procedures and standards of these Regulations.

7  
8 \* \* \* \* \*

9 **PART 24-2. INTERPRETATION AND DEFINITIONS.**

10 \* \* \* \* \*

11 **Sec. 24-2300 Definitions.**

12 \* \* \* \* \*

13 **Development**

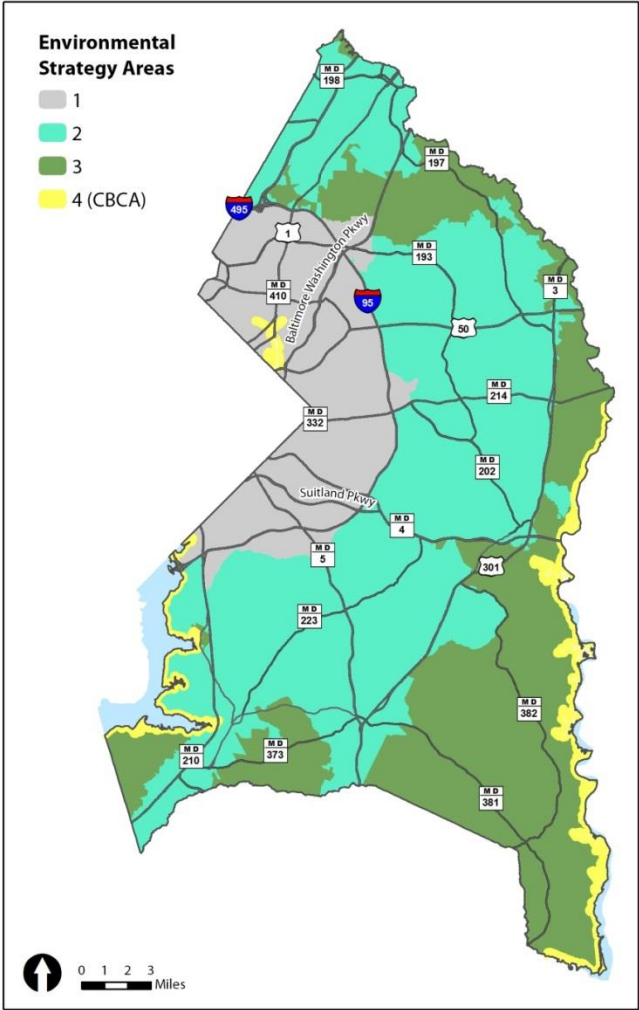
14 [“Development” means any activity that materially affects the exiting condition or use of any  
15 land or structure. For purposes of this Subtitle, “Development” shall not include a normal  
16 agricultural activity; and/or improvements exempted herein from these regulations or within  
17 Subtitle 27 of the County Code.]

18 Any activity that materially affects the condition or use of dry land, land under water, or any  
19 structure.

20 \* \* \* \* \*

21 **Environmental strategy areas (ESA)**

22 Areas identified on the map below, which is available at a parcel level of detail in the Planning  
23 Department, in which regulated stream buffers are required in accordance with Section 24-4303,  
24 Stream, Wetland, and Water Quality Protection and Stormwater Management.



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**Public facility or public facilities**

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

\* \* \* \* \*

**Record plat**

[An official] A plat of subdivision authorized pursuant to this Subtitle, as recorded in the Land Records of Prince George's County, Maryland.

\* \* \* \* \*

1 **Subdivision**

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

8 \* \* \* \* \*

9 **Subdivision, minor**

10 A procedure established by these Regulations that requires the following development to gain  
11 subdivision approval (both a preliminary plan for subdivision and final plat), unless exempted in  
12 accordance with Section 24-1403, Exemptions, or unless the Planning Director determines the  
13 subdivision will have similar impacts to surrounding lands, infrastructure, or the environment as  
14 a major subdivision, in which case the subdivision shall be reviewed as a preliminary plan of  
15 major subdivision:

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

21 1. Any subdivision that results in 10 or fewer dwelling units, including any residential  
22 subdivision in Sustainable Growth Tier IV that results in 7 or fewer dwelling units.

23 \* \* \* \* \*

24 **PART 24-3. SUBDIVISION ADMINISTRATION.**

25 \* \* \* \* \*

26 **Sec. 24-3200 Summary Table of Subdivision Review Responsibilities.**

27 Table 24-3200: Summary of Subdivision Review Responsibilities, identifies the types of  
28 subdivision applications authorized by these regulations. For each type of application, the table  
29 identifies the action required by the various advising or decision-making bodies or persons.

**Table Error! Reference source not found.: Summary of Subdivision Review Responsibilities**  
 D = Decision R = Recommendation C = Comment A = Appeal  
 < > = Public Hearing Required S = Sign



Procedure	Review and Decision-Making Bodies				
	County Executive	District Council	Planning Board	Planning Director	Historic Preservation Commission
<b>Subdivision Regulations Amendment</b>	S	<D>	C	R	
<b>Minor Subdivision or Resubdivision</b>					
Preliminary Plan			<A>	D	R [3]
Final Plat				D	
Final Plat Not Otherwise Subject to Preliminary Plan				D	
<b>Major Subdivision</b> (Conventional, Conservation, Zero Lot Line, or Resubdivision)					
Preliminary Plan			<D>	R	R [3]
Final Plat			<D> [1]	R	
<b>Certificate of Adequacy</b>			<A>	D	
<b>Sketch Plan for Conservation Subdivision</b>				D	
<b>Variation</b>					
<b>Minor Variation</b>			<A>	D	
<b>Major Variation</b>			<D>	C	
<b>Zero Lot Line Development</b>			<D>	R	
<b>Reservations</b>	C	C	<D> [2]		
<b>Vacation of Plat</b>					
<b>Minor Vacation</b>			<A>	D	
<b>Major Vacation</b>			<D>	R	
<b>Interpretation</b>			<A>	D	
NOTES [1] Public hearing not required if waived by the Planning Board or if the final plat is approved as submitted. [2] Public hearing required if the location of the proposed reservation is not reflected, or differs substantially from that shown, on the General Plan, Functional Master Plan, or the applicable Area Master Plan or Sector Plan. [3] The Historic Preservation Commission makes a recommendation only if the preliminary plan of subdivision (minor or major) contains a historic resource or historic site identified on the <i>Approved Historic Sites and Districts Plan</i> .					

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**Sec. 24-3300. Standard Subdivision Review Procedures.**

\* \* \* \* \*

**24-3304. Application Submittal.**

\* \* \* \* \*

**(c) Fees**

The County governing body shall establish the fees required for each type of development application submitted under these Regulations, as appropriate. No application is complete until all required fees are paid in full. [The fees for development applications required by this Subtitle are as set forth in Division 8, Subtitle 27 of this Code.]

\* \* \* \* \*

**24-3305. Determination of Completeness**

**(a) Generally**

1 Upon receipt of an application, the Planning Director shall determine if the application  
2 if complete within [10] 15 business days. A complete application is one that:

3 \* \* \* \* \*

4 **24-3307. Staff Review and Action.**

5 **(a) Staff Review and Opportunity to Revise Application.**

6 When the subdivision application is determined complete, or is processed in accordance  
7 with Section 24-3305(b)(2) above, the Planning Director shall distribute it to all appropriate staff  
8 and other review agencies and affected municipalities for review and comment.

9 (1) Each agency, municipality, or other review body to which the Planning Director  
10 refers a preliminary plan of subdivision (minor or major) shall return to the Planning Director  
11 one copy of the plan and any comments noted on it within 30 calendar days following the date  
12 the referral is sent.

13 (2) If an agency, municipality, or other review body does not reply within 30 calendar  
14 days, the plan shall be considered to be approved by that party.

15 (3) Subsections (1) and (2) above shall only apply to preliminary plans of subdivision  
16 (minor or major). No other subdivision application type is subject to these provisions.

17 \* \* \* \* \*

18 **24-3308. Scheduling Public Hearing and Public Notice.**

19 \* \* \* \* \*

20 **(b) Public Notice**

21 \* \* \* \* \*

22 **(6) Posted Notice**

23 Where required by Table 24-3308(b): Required Public Notice, the applicant shall  
24 ensure notice is posted as follows: [on the site subject to the application in accordance with the  
25 requirements of this Subsection.]

26 **(A) Number, Dimensions and Orientation**

27 Posted notice signs shall be displayed as follows:

28 (i) If the site subject to the application has frontage on one or more  
29 improved streets, there shall be one sign posted for each 1,000 feet, or fraction thereof, of  
30 frontage on each street. The sign(s) shall be posted on the site near the street right-of-way, and  
31 oriented to maximize their visibility to motorists. When more than one sign is required to be  
32 posted along a street, the signs shall, where practicable, be evenly spaced along the street.

1                    (ii) The posted notice sign(s) shall be singled-sided if the site  
 2 occupies frontage on a cul-de-sac, at the end of a dead-end street, or on a one-way street. The  
 3 sign(s) shall be oriented to maximize their visibility to motorists.

4                    (iii) The posted notice sign(s) shall be double-sided if the site  
 5 occupies frontage on a street that is visible to two-way traffic. These sign(s) shall be configured  
 6 in a "V" shape, at a 45-degree angle, and oriented to maximize their visibility to motorists.

7                    (iv) If the site does not have frontage on an improved public street,  
 8 then one sign shall be placed on the land subject to the application. The sign shall be near the  
 9 boundary of the site and visible from adjoining land. Another sign shall be placed near to, and  
 10 visible from, the improved portion of the nearest, most-traveled street. This sign shall indicate it  
 11 is not on the land subject to the application.

12                    (v) If the placement of any sign on the land subject to the application  
 13 is not visible to motorists from adjoining streets, the Planning Director may require placement of  
 14 additional signs, as needed, to ensure that notice about the application and public hearing is  
 15 accessible to the general public.

16                    **(B) Display and Maintenance of Posted Notice**

17                    (i) All signs shall be posted and displayed for a continuous period of  
 18 time (see Table 24-3308(b): Required Public Notice).

19                    (ii) The sign(s) shall be durable, conspicuous, and legible for the  
 20 length of the required posting period.

21                    (iii) The applicant is responsible for the reasonable maintenance of all  
 22 signs. If a sign is removed, falls down, or is otherwise not properly located on the site subject to  
 23 the application, or in the right-of-way, for any portion of the required posting period, the  
 24 applicant shall repost the sign.

25                    (iv) The applicant shall remove the signs from the site within 15 days  
 26 after the public hearing on the application.

27                    (v) The person posting the sign shall file a written affidavit of  
 28 posting in the record. A close-up, legible photograph of each posted sign and additional long-  
 29 distance photographs depicting the signs and unique, identifiable features of the land subject to  
 30 the application shall also be submitted and included in the record for the case.

(vi) The applicant shall inspect the sign(s) at least one time no later than the 15th day of posting to ensure that the signs are maintained. The person conducting the inspection shall file in the record a written affidavit of the sign’s condition. A combined posting and inspection affidavit shall be filed at least 14 days prior to the hearing.

(vii) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) is in violation of these Regulations and subject to any penalties provided by the Regulations and State law. Interference with a posted sign shall in no way delay or invalidate the application.

\* \* \* \* \*

**Sec. 24-3400. Application-Specific Subdivision Review Procedures and Decision Standards.**

\* \* \* \* \*

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

\* \* \* \* \*

**(b) Minor and Major Subdivisions or Resubdivision Applicability**

\* \* \* \* \*

**(1) Final Plats Approved Prior to October 27, 1970**

A final plat for subdivision approved prior to October 27, 1970, shall require the approval of a preliminary plan of subdivision (minor or major) prior to the issuance of a building permit, unless:

(A) The proposed use is for a single-family detached dwelling and its accessory uses;

(B) The total cumulative development proposed for the lot (one or more record lots) on the approved final plat does not exceed five thousand (5,000) square feet of gross floor area and no more than fifty (50) trips will be generated;

(C) The development proposed is in addition to a development in existence prior to January 1, 1990, and does not exceed five thousand (5,000) square feet of gross floor area and no more than fifty (50) trips will be generated; or

(D) The development of more than five thousand (5,000) square feet of gross floor area has been constructed pursuant to a building permit issued on or before December 31, 1991, and no more than fifty (50) trips will be generated by the development.

**(2) Minor Subdivision or Resubdivision Applicability**

**(A) Unless exempted in accordance with Section 24-1403, Exemptions, minor**

1 subdivisions shall include the following, unless the Planning Director determines the subdivision  
 2 will have similar impacts to surrounding lands, infrastructure, or the environment as a major  
 3 subdivision, in which case the subdivision shall be reviewed as a preliminary plan of major  
 4 subdivision:

5 (i) Any subdivision that results in 10 or fewer dwelling units, including  
 6 any residential subdivision in Sustainable Growth Tier IV that results in 7 or fewer dwelling  
 7 units.

8 (B) [A final plat for subdivision approved prior to October 27, 1970, shall  
 9 require the approval of a preliminary plan of minor subdivision prior to the issuance of a building  
 10 permit, unless:

11 (i) The proposed use is for a single-family detached dwelling and its  
 12 accessory uses;

13 (ii) The total cumulative development proposed for the lot (one or more  
 14 record lots) on the approved final plat does not exceed 5,000 square feet of gross floor area;

15 (iii) The development proposed is in addition to a development in existence  
 16 prior to January 1, 1990, and does not exceed five thousand (5,000) square feet of gross floor  
 17 area; or

18 (iv) The development of more than five thousand (5,000) square feet of  
 19 gross floor area has been constructed pursuant to a building permit issued on or before December  
 20 31, 1991.

21 (C) [Lot line adjustments other than boundary line adjustments described in  
 22 Section 24-1403(i) shall be considered and reviewed, as follows:

23 (i) A minor lot line adjustment shall be reviewed as a final plat of minor  
 24 subdivision for which no preliminary plan is required. It typically occurs when property owners  
 25 propose a minor adjustment of lot lines (often to accommodate existing development). The minor  
 26 lot line adjustment shall not materially change the character of the lot and block including  
 27 frontage, access, and orientation. It shall not have an adverse effect on the surrounding  
 28 development. This does not abrogate the rights and restrictions of a previously recorded plat.

29 (ii) A major lot line adjustment shall be reviewed as a preliminary plan and  
 30 may be treated as a minor subdivision, subject to the determination of the Planning Director. A  
 31 major lot line adjustment consists of a proposal to change the relationship between a lot and the

1 street, and one lot and another lot (that does not constitute a minor lot line adjustment). It shall be  
2 subject to all the requirements of a new preliminary plan for minor subdivision. The  
3 resubdivision shall comply with the standards in Section 24-3402(e)(2)(C), Resubdivision  
4 Decision Standards.

5 (iii) The Planning Director may determine that a minor or major lot line  
6 adjustment rises to the level of review of a minor or major subdivision, in which case it shall be  
7 reviewed as a minor or preliminary plan of major subdivision.

8 [(D)] (C) Subdivision applications identified in Section 24-3402(b)(3),  
9 Exemptions from Filing Preliminary Plans, must comply with these Regulations but are only  
10 required to receive approval for a final plat for minor subdivision.

11 [(2)] (3) Major Subdivision Applicability

12 (A) A major subdivision includes:

13 (i) Any subdivision that is not classified as a minor subdivision in Section  
14 24-3402(b)(1), above, or is exempted in accordance with Section 24-1403, Exemptions[, except];  
15 or

16 (ii) Any subdivision proposed for land previously divided by deed which  
17 does not meet the criteria specified in Section 24-1403(g).

18 (B) [a] Acceptance of an application for approval of a major residential  
19 subdivision is not permitted in Sustainable Growth Tier IV.

20 [(3)] (4) Exemptions from Filing Preliminary Plans

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

24 \* \* \* \* \*

25 (e) Major Subdivision.

26 (1) Preliminary Plan of Major Subdivision

27 \* \* \* \* \*

28 (B) Minor Amendments to Approved Preliminary Plans of Major  
29 Subdivision

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

1 (aa) Minor amendments to approved preliminary plans of major  
2 subdivision shall only consist of modifications to the approved preliminary plan that results in no  
3 greater than a 5 percent increase in the number of lots, number of dwelling units, or  
4 nonresidential gross floor area to the approved subdivision; or

5 (bb) Any alteration which does not impact or change conditions of  
6 approval imposed by the Planning Board, or which does not impact or change any certificates of  
7 adequacy; and

8 (cc) Minor amendments to approved preliminary plans of major  
9 subdivision shall comply with all other applicable standards in Subtitle 24: Subdivision  
10 Regulations, and Subtitle 27: Zoning Ordinance.

11 \* \* \* \* \*  
12 **24-3403 Variation**  
13 \* \* \* \* \*

14 (d) **Minor Variation Procedure**

15 (1) **Pre-Application Conference**

16 Optional (See Section 24-3302, Pre-Application Conference).

17 (2) **Application Submittal**

18 Required (See Section 24-3304, Application Submittal). The application shall be  
19 submitted in conjunction with an application for a preliminary plan for minor subdivision or final  
20 plat.

21 (3) **Determination of Completeness**

22 Required (See Section 24-3305, Determination of Completeness).

23 (4) **Staff Review and Action**

24 Instead, the Planning Director shall consider the application in conjunction with  
25 an application for a preliminary plan for minor subdivision or final plat of minor subdivision and  
26 make a decision on the application in accordance with Section 24-3403(f), Variation Decision  
27 Standards. The decision shall be made prior to making a decision on the preliminary plan for  
28 minor subdivision or final plat of minor subdivision application.

29 \* \* \* \* \*

30 (e) **Major Variation Procedure**

31 (1) **Pre-Application Conference**

Optional (See Section 24-3302, Pre-Application Conference).

**(2) Pre-Application Neighborhood Meeting**

Optional (See Section 24-3303, Pre-Application Neighborhood Meeting).

**(3) Application Submittal**

Required (See Section 24-3304, Application Submittal). The application shall be submitted only in conjunction with an application for a preliminary plan for major subdivision or final plat.

**(4) Determination of Completeness**

Required (See Section 24-3305, Determination of Completeness).

**(5) Staff Review and Action**

Instead, the Planning Director shall consider the application in conjunction with the application for a preliminary plan for major subdivision or final plat of major subdivision, and make a recommendation in accordance with Section 24-3403(f), Variation Decision Standards.

**(6) Scheduling Public Hearing and Public Notice**

A quasi-judicial public hearing is required (See Section 24-3308, Scheduling Public Hearing and Public Notice).

**(7) Review and Decision by Decision-Making Body**

Required (See Section 24-3310, Review and Decision by Decision-Making Body).

**(A)** At the public hearing, the Planning Board shall consider the application in conjunction with an application for preliminary plan for major subdivision or final plat of major subdivision. At the hearing, the Planning Board shall consider relevant support materials, applicant comments, and any public comments. After the conclusion of the public hearing the Planning Board shall make a decision on the application in accordance with Section 24-3403(f), Variation Decision Standards. The decision shall be one of the following:

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

**(B)** The decision shall be made prior to making a decision on the preliminary plan for major subdivision or final plat of major subdivision application.



1           **(8) Conditions of Approval**

2           Allowed (See Section 24-3311, Conditions of Approval).

3           **(9) Notification to Applicant**

4           Required (See Section 24-3312, Notification to Applicant).

5           \*           \*           \*           \*           \*           \*           \*           \*           \*

6   **24-3304. Application Submittal**

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

8           **(a) Authority to File Applications**

9           **(1) Generally**

10          Applications submitted under these Regulations shall be submitted by:

11          **(A)** The land owner; or

12          **(B)** Any other person or entity having a legal interest in the land upon which the  
13 application is proposed, or their authorized agent.

14          **(2) Applicant is Not the Owner**

15          If the applicant is not the owner of the land, or is a contract purchaser of the land,  
16 a letter signed by [the] all the owners consenting to submission of the application is required.

17          \*           \*           \*           \*           \*           \*           \*           \*           \*

18   **24-3308. Scheduling Public Hearing and Public Notice**

19          \*           \*           \*           \*           \*           \*           \*           \*           \*

**(b) Public Notice****(1) Generally**

Notification shall be provided for all required public hearings on applications in accordance with Table 24-3308(b): Required Public Notice, all other provisions of this Subsection, and, the Land Use Article, Annotated Code of Maryland. Computation of the required time periods shall comply with Section 24-2104, Computation of Time, unless specifically stated to the contrary in other locations in these Regulations.

<b>Table Error! Reference source not found.: Required Public Notice</b>				
<b>Application Type</b>		<b>Required Timing and Specific Recipients [1]</b>		
		<b>Mail [3]</b>	<b>Publication</b>	<b>Posting Notice</b>
<b>Subdivision Regulation Amendments</b>		N/A	30 days prior to the hearing	No requirement
<b>Minor Subdivision</b>	<b>Preliminary plan [2]</b>	<b>Appeal only:</b> 30 days prior to the hearing to: <ul style="list-style-type: none"> <li>Parties of record;</li> <li>Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and</li> <li>Every municipality located within one mile of the land subject to the application.</li> </ul>	No requirement	10 days prior to the date of the Planning Director's decision
	<b>Final plat</b>	No requirement	No requirement	No requirement
	<b>Final plat not otherwise subject to a preliminary plan</b>	No requirement	No requirement	No requirement
<b>Major Subdivision</b>	<b>Preliminary plan [2]</b>	30 days prior to the hearing, to: <ul style="list-style-type: none"> <li>The address included on the application;</li> <li>Parties of record;</li> <li>Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;</li> <li>Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and</li> <li>Every municipality located within one mile of the land subject to the application</li> </ul>	No requirement	30 days prior to the hearing
	<b>Final plat</b>	10 days prior to the hearing, to the address included on the application	Notice of a granted reservation	No requirement
<b>Reservation</b>		No requirement, except if the location of the proposed reservation is not well-reflected or included on a plan, a public hearing is required with 15 days prior notice to: <ul style="list-style-type: none"> <li>The address included on the application;</li> <li>Parties of record;</li> <li>Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and</li> </ul>	No requirement	No requirement

Table Error! Reference source not found.: Required Public Notice				
Application Type		Required Timing and Specific Recipients [1]		
		Mail [3]	Publication	Posting Notice
		<ul style="list-style-type: none"> <li>• Every municipality located within one mile of the land subject to the application</li> </ul>		
Vacation	Minor	<b>Appeal only:</b> 7 days prior to the appeal hearing to: <ul style="list-style-type: none"> <li>• Parties of record;</li> <li>• Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and</li> <li>• Every municipality located within one mile of the land subject to the application</li> </ul>	No requirement	[No requirement] <u>10 days prior to the date of the Planning Director's decision</u>
	Major	7 days prior to the hearing to: <ul style="list-style-type: none"> <li>• Parties of record;</li> <li>• Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and</li> <li>• Every municipality located within one mile of the land subject to the application</li> </ul>	No requirement	30 days prior to the hearing
Interpretation		<b>Appeal only:</b> 7 days prior to the appeal hearing to: <ul style="list-style-type: none"> <li>• Parties of record;</li> <li>• Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and</li> <li>• Every municipality located within one mile of the land subject to the application</li> </ul>	No requirement	No requirement
NOTES: [1] Time periods are minimum time periods unless otherwise stated. [2] Notice shall include a description of any requested variation being reviewed in conjunction with the preliminary plan of subdivision. [3] Notice shall be provided for any proposed sketch plan for a conservation subdivision to registered civic associations that identified the geographical area in which the site is located as part of their represented areas, upon receipt of the sketch plan.				

1

\* \* \* \* \*

1 **Sec. 24-3405. Reservations**

2 \* \* \* \* \*

3 **(c) Procedure for Reservations**

4 \* \* \* \* \*

5 **(2) Referral to Applicable Agencies**

6 **(A)** If, during the review of an application identified in Section 24-3405(c)(1)  
7 above, reservation appears desirable, the proposed application shall be referred to agencies in  
8 accordance with this Section.

9 **(B)** The Planning Board shall refer the plat to (1) the public agency concerned  
10 with acquisition, (2) any municipality within which the land subject to the reservation is located,  
11 and (3) any municipality with authority for street rights-of-way or which is outside the  
12 Metropolitan District and has independent authority over parks and recreation facilities, as  
13 appropriate, for its consideration and report. In addition, the Planning Board shall also refer the  
14 plat to the County Executive and District Council for their comments. The Planning Board may  
15 propose alternate areas for the reservation and shall allow 30 calendar days for a response from  
16 the agency or municipality. The recommendation of the public agency or municipality concerned  
17 with acquisition, if affirmative, shall include a map showing the boundaries and area of the  
18 parcel to be reserved, and an estimate of the time required to complete the acquisition.

19 \* \* \* \* \*

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

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

22 \* \* \* \* \*

23 **24-4101. General**

24 **(a) Zoning Ordinance Standards**

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

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

30 **(1)** Preliminary plans of subdivision (minor and major) and final plats shall be  
31 consistent with the General Plan and shall conform to all applicable Area Master Plans,

1 Functional Master Plans, or Sector Plans, and as referenced in Sections 24-3402(d) and 24-  
2 3402(e) of this Subtitle.

3 (2) Should a new Area Master Plan, Sector Plan, and/or Functional Master Plan be  
4 approved, affecting a property with an approved preliminary plan of subdivision (major or  
5 minor), but prior to approval of a final plat, the approved preliminary plan application shall  
6 control in the event of any conflict between the newly approved Area Master Plan, Sector Plan,  
7 and/or Functional Master Plan.

8 \* \* \* \* \*

9 **24-4102. Lot Standards**

10 \* \* \* \* \*

11 (f) **Outlots and Outparcels**

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

15 \* \* \* \* \*

16 **24-4106. Cemeteries**

17 (a) A proposed preliminary plan for subdivision (minor or major) which includes a  
18 cemetery within the site, when there are no plans to relocate the human remains to an existing  
19 cemetery, shall comply with the following standards:

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

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

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

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

30 (A) Current and proposed land ownership;

31 (B) Responsibility for maintenance;

- (C) A maintenance plan and schedule;
- (D) Adequate access; and
- (E) Any other specifications deemed necessary to assure its future maintenance by the Planning Director.

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

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

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

\* \* \* \* \*

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

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

Preliminary plans of subdivision (minor or major) and final plats shall comply with the following standards:

\* \* \* \* \*

(d) All proposed streets shall comply with the standards in Section 27-6206: Vehicular Access and Circulation, of the Zoning Ordinance, and be continuous and in alignment with existing or platted streets in adjoining subdivisions so as to create a street network that is functional and easily understandable. Generally, streets should cross other streets at right angles. The applicant may petition the [District Council] Planning Director or review body deciding a parent application to waive or modify cross-access requirements between developments pursuant to Section 27-6206(e)(2)(C) of Subtitle 27: Zoning Ordinance of the Prince George’s County Code.

\* \* \* \* \*

**24-4203. Pedestrian Access and Circulation**

(a) Preliminary plans for subdivision (minor or major) and final plats shall comply with the applicable pedestrian access and circulation standards in Section 27-6207, Pedestrian Access and Circulation, of Subtitle 27: Zoning Ordinance.

\* \* \* \* \*

1 **24-4204. Private Streets and Easements**

2 \* \* \* \* \*

3 **(b) Exemptions**

4 (1) A preliminary plan of subdivision (minor or major) containing private streets,  
5 rights-of-way, alleys, and/or easements that do not conform to the standards of Subtitle 23:

6 Roads and Sidewalks may be approved under the following conditions:

7 \* \* \* \* \*

8 (C) In the RSF-A, RMF-12, and RMF-20 zones in developments of three-family;  
9 [two-family, and townhouse] dwellings, private streets that do not conform to the standards in  
10 Subtitle 23: Roads and Sidewalks, may be approved, provided:

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

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

18 (iii) Private streets which are interior to the subdivision (and are not  
19 dedicated to public use) shall be improved to not less than the current standards set forth in  
20 Subtitle 23: Road and Sidewalks, of the County Code; and

21 (iv) Private streets shall be conveyed to a property owners' or homeowners'  
22 association that shall hold the land in common ownership, shall be responsible for maintaining  
23 the streets, and shall be created under recorded land agreements (covenants).

24 (D) In any zone where townhouse or two-family dwellings are permitted, except  
25 within the Transit-Oriented/Activity Center base and Transit-Oriented/Activity Center Planned  
26 Development zones, the Planning Board may approve the use of private streets and alleys  
27 provided:

28 (i) The pavement width of private streets shall not be less than twenty-  
29 two (22) feet in width;

30 (ii) the pavement width of private alleys shall not be less than eighteen (18)  
31 feet in width; and

1                                **(III)** Subsections (i) and (ii) above shall only be applicable provided that the  
 2 accessibility of the private streets and alleys to emergency equipment is ensured by the County  
 3 Fire Chief or the Chief’s designee.

4                                ~~[(D)]~~ **(E)** In the Transit-Oriented/Activity Center base and transit-  
 5 oriented/activity center Planned Development zones, private alleys that do not conform to the  
 6 standards in Subtitle 23: Roads and Sidewalks, may only be provided if:

- 7                                **(i)** They connect at each end to a street;
- 8                                **(ii)** The pavement width of an alley provides safe vehicular access to  
 9 individual lots; and
- 10                               **(iii)** The alleys provide vehicular access only to lots with frontage on a  
 11 public street.

12                               ~~[(E)]~~ **(F)** Within any nonresidential or mixed-use development located outside  
 13 the Transit-Oriented/Activity Center base and transit-oriented/activity center Planned  
 14 Development zones, a subdivision with private rights-of-way or easements that do not conform  
 15 to the standards in Subtitle 23: Roads and Sidewalks, may be approved, provided:

- 16                               **(i)** The right-of-way or easement shall have a minimum right-of-way  
 17 width of 22 feet connecting the lots to a public street;
- 18                               **(ii)** The right-of-way or easement shall be:
  - 19                               **(aa)** Adequate to serve the extent of the development proposed;
  - 20                               **(bb)** Consistent with the requirements in Section 27-6206, Vehicular  
 21 Access and Circulation, of Subtitle 27: Zoning Ordinance; and
  - 22                               **(cc)** Not result in any adverse impact on the access and use of other  
 23 lots or parcels within the subdivision.
- 24                               **(iii)** The development shall comply with all other applicable requirements  
 25 of these Regulations; and
- 26                               **(iv)** Approval of a right-of-way or easement in accordance with this  
 27 Subsection shall be deemed the creation of a driveway, in accordance with Section 27-6206(b),  
 28 Vehicular Accessway Classifications, in Subtitle 27: Zoning Ordinance.

29                               ~~[(F)]~~ **(G)** Where direct vehicular access to an individual lot fronting on a public  
 30 street should be denied due to a potentially hazardous or dangerous traffic situation, a private  
 31 easement may be approved in accordance with the driveway standards in Section 27-6206(d) of



1 Subtitle 27: Zoning Ordinance, in order to provide vehicular access, when deemed appropriate  
2 by the Planning Board.

3 \* \* \* \* \*

4 **Sec. 24-4300 Environmental Standards**

5 \* \* \* \* \*

6 **24-4303. Stream, Wetland, and Water Quality Protection and Stormwater Management**

7 \* \* \* \* \*

8 (b) A preliminary plan of subdivision (minor or major) shall not be approved until  
9 evidence is submitted that a stormwater management concept has been approved by DPIE or the  
10 municipality having approval authority, if the municipality has approval authority. Submittal  
11 materials shall include evidence that the applicable site development concept has been approved.

12 \* \* \* \* \*

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

14 **24-4401.** Preliminary plans of subdivision (minor or major) and final plats of subdivision  
15 (minor or major) must be designed to show all utility easements necessary to serve anticipated  
16 development on the land being subdivided, consistent with the recommendations and standards  
17 relevant to public utility companies. When utility easements are required by a public utility  
18 company, the subdivider shall include the following statement in the dedication documents:

19  
20 *“Utility easements are granted pursuant to the declaration recorded among the County Land  
21 Records in Liber 3703 at Folio 748.”*

22 \* \* \* \* \*

23 **Sec. 24-4500. Public Facility Adequacy**

24 **24-4501. Purpose**

25 The purpose of this Section is to:

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

28 (b) Establish level of service (LOS) standards for public facilities including  
29 transportation, pedestrian and bikeway adequacy, parks and recreation, police, fire and  
30 rescue, and schools that provide clear guidance to the County and applicants about  
31 when facilities are considered adequate, and create guidance for future infrastructure

investments needed to accommodate existing residents and anticipated growth;

\* \* \* \* \*

**Sec. 24-4502. Applicability.**

**(a) Applications / Approvals Subject to this Section.**

This Section applies to:

- (1) An application for a preliminary plan of subdivision (minor or major);
- (2) An application for a final plat for subdivision when specifically required in this Section. [.] ; and
- (3) A conversion of use from residential to nonresidential, or nonresidential to residential, or the conversion of either a residential or nonresidential use to mixed-use.

\* \* \* \* \*

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

(1) This Section establishes public facility adequacy standards. They are summarized in Table 24-4502: Summary of Public Facility Standards. The standards are established in Sections 24-4504, Public Facility Adequacy-Generally, 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), excluding RTO and LTO base and PD zones; and  <u>NAC and TAC base and PD zones (regardless of location)</u> [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>
	Transportation Service Area 2 (Plan 2035, Map 14), excluding RTO, [and] LTO, <u>NAC, and TAC</u> 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>

Table 24-4502: Summary of Public Facility Adequacy Standards			
Facility	Area of Applicability	Level of Service	Impact Area
<b>Pedestrian and Bikeway Adequacy</b>	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>
<b>Parks and Recreation</b>	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	
<b>Police</b>	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>
<b>Fire and Rescue</b>	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>
<b>Schools</b>	Residential development	Students will not exceed 105 percent of state rated capacity <u>or demonstration of mitigation in accordance with Sec. 24-4510(c).</u> [of cluster.]	School clusters

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(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).

(3) The governing body of the County may, by Resolution, waive any public safety facilities mitigation requirement imposed pursuant to Sections 24-4508 and 24-4509.

\* \* \* \* \*

**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 \_\_\_\_ [insert the effective date of these Subdivision Regulations] and which was still valid on that date, as well as all development approvals subject to Section 24-1703(c), shall automatically receive a certificate of adequacy in accordance with this Section, effective \_\_\_\_ [insert the effective date of these Subdivision Regulations] , for a period of twelve (12) years. If all of the

1 required public facilities have been constructed or permitted and bonded as of the effective date  
2 of this Subtitle, then adequacy shall remain throughout the development approved by the  
3 respective, prior-approved preliminary plan of subdivision. Development that has received a  
4 certificate in accordance with this Subsection shall be subject to the requirements of this Section.

5 \* \* \* \* \*

6 (3) Pursuant to the requirement of final plats of subdivision approved prior to October  
7 27, 1970, to obtain approval of a preliminary plan of [minor] subdivision (minor or major) prior  
8 to the issuance of a building permit under certain circumstances (see Section 24-  
9 3402(b)(1)[(B)]), such [minor] subdivisions shall also receive approval of a certificate of  
10 adequacy or conditional certificate of adequacy for each public facility subject to this Section.

11 (4) Preliminary plans of subdivision (minor or major) reviewed and approved under  
12 the regulations of the Subdivision Regulations in effect immediately prior to the effective date of  
13 these Regulations pursuant to the “grandfathering” provisions of Section 24-1704(b) shall be  
14 granted a certificate of adequacy in accordance with this Section, effective upon the approval  
15 date of the preliminary plan of subdivision (minor or major), for a period of twelve (12) years.  
16 Development that has received a certificate in accordance with this Subsection shall be subject to  
17 the requirements of this Section.

18 **24-4504. Public Facility Adequacy-Generally**

19 **(a) Measuring LOS Standard**

20 \* \* \* \* \*

21 (3) The LOS standard for each proposed development shall be measured within the  
22 [Transportation] Impact Area for each type of public facility. The [Transportation] Impact Area  
23 may vary based on where the proposed development or the public facilities are located.

24 \* \* \* \* \*

25 **(b) Determining Whether Public Facilities are Adequate**

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

- 29 (1) Add capacity within the [Transportation] Impact Area based on the LOS standard for  
30 the individual type of public facility; and

(2) Where allowed by Sections **Error! Reference source not found.** through **Error! Reference source not found.** below, as appropriate, and the applicable Guidelines, add planned capacity that will alleviate any inadequacy for the individual public facility; and

(3) Subtract used capacity and reserved capacity.

[(4) Any development in the RTO or LTO Base and PD Zones may also provide a financial contribution to implement a Transportation Demand Management program in accordance with Section 20A, Transportation Demand Management, of this Code.

A Transportation Demand Management District shall be established by the Council following any development in an RTO or LTO Base Zone and PD Zone that exceeds the LOS standards set forth in Section 24-4502(b) above, unless the Council determines specific, appropriate alternative methods for addressing infrastructure needs.

(5) Any combination of the requirements listed above will ensure that the adopted LOS standard is met.]

\* \* \* \* \*

**24-4509. Fire and Rescue Adequacy**

\* \* \* \* \*

**(c) Availability and Mitigation**

\* \* \* \* \*

**(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 Public Safety Guidelines. However, if construction of the improvements does not commence within 9 years after the first year the fire and rescue station(s) project is fully funded in an adopted County CIP, the preliminary plan for subdivision (minor or major) may not be considered and approved until the facilities are actually constructed;

\* \* \* \* \*

**(2)** Before any preliminary plan for subdivision (minor or major) may be approved, if the location of the property proposed for subdivision is outside the appropriate service area of the

1 Ten Year Water and Sewerage Plan or is in an Rural and Agricultural zone, the Planning  
2 Director shall require the applicant to provide water storage tanks, make water tanker trucks  
3 available, or ensure there will be other appropriate sources of water for fire extinguishing  
4 purposes.

5 \* \* \* \* \*

6 **24-4510. Schools Adequacy**

7 **(a) Applicability**

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

11 (2) To gain approval of the certificate for schools adequacy, the applicant shall  
12 demonstrate the proposed development complies with the LOS standards of Section 24-4510(b)  
13 below[,] or provides adequate mitigation (if appropriate), and complies with all other  
14 requirements of this Section.

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

16 (A) A preliminary plan for subdivision (minor or major) which is a  
17 redevelopment project that replaces existing dwelling units;

18 (B) A preliminary plan for subdivision (minor or major) for elderly housing  
19 operated in accordance with the State and Federal Fair Housing laws;

20 (C) A preliminary plan for subdivision (minor or major) that consists of no more  
21 than three lots on less than five gross acres of land, whose lots, except for one to be retained by  
22 grantor, are to be conveyed to a son or daughter or lineal descendant of the grantor; and

23 (D) A preliminary plan for subdivision (minor or major) located in the Transit-  
24 Oriented/Activity Center base or PD zones.

25 **(b) Adopted LOS Standard for Schools**

26 (1) The adopted LOS standard for schools is based on school clusters, which are  
27 groupings of elementary, middle, and high schools that are impacted by the preliminary plan for  
28 subdivision (minor or major).

29 (2) The adopted LOS standard is that the number of students generated by the  
30 proposed subdivision at each stage of development will not exceed 105 percent of the state rated

1 capacity, as adjusted by the School Regulations, of the affected elementary, middle, and high  
2 school clusters.

3 (3) The number of elementary, middle, and high school students generated by the  
4 proposed subdivision shall be determined in accordance with the pupil yield factors for each  
5 dwelling unit type as determined by the Planning Director from historical information provided  
6 by the Superintendent of the Prince George's County Public Schools.

7 (4) The Planning Director shall determine:

8 (A) The school cluster or clusters impacted by the proposed preliminary plan for  
9 subdivision (minor or major).

10 (B) The actual enrollment, which is the number of elementary, middle, and high  
11 school students, as reported by the Superintendent of the Prince George's County Public Schools  
12 as of September 30 of the prior year, and as calculated by the Planning Director that is effective  
13 in January of each year for use in that calendar year.

14 (C) The completion enrollment, which is the total number of elementary, middle,  
15 and high school students to be generated by the estimated number of residential completions, for  
16 each school cluster.

17 (i) Residential completions are estimated from the total of all substantially  
18 completed dwelling units added to the County's assessable tax base in the two previous calendar  
19 years.

20 (ii) In determining completion enrollment, the estimated number of  
21 residential completions in a given school cluster will not exceed the number of dwelling units  
22 shown on:

23 (aa) An approved preliminary plan of subdivision (minor or major)  
24 with no waiting period, or with a waiting period less than 24 months as of September 30 of each  
25 calendar year; and

26 (bb) All recorded plats not subject to an adequate public facilities test  
27 for schools at time of building permit issuance.

28 (D) The subdivision enrollment, which is the anticipated number of elementary,  
29 middle, and high school students to be generated by all dwelling units shown on the proposed  
30 preliminary plan of subdivision (minor or major), multiplied by the pupil yield factor.

(E) The cumulative enrollment, which is the total of all subdivision enrollments resulting from approved preliminary plans of subdivision (minor or major) in each school cluster for the calendar year in which an adequate public facilities test is being applied.

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

**(c) Mitigation**

When conditioned upon payment of the schools facility surcharge, or when otherwise exempt from the schools facility surcharge pursuant to Section 10-192.01, School Facilities Surcharge, of the County Code, the subdivision may be approved regardless of actual or projected school capacity.

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

**Sec. 24-4700 Conservation Subdivision Standards**

**24-4704. Conservation Subdivision Standards**

**(b) Bulk Regulations for Conservation Subdivisions**

Table Error! Reference source not found.: 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



**Table Error! Reference source not found.: Conservation Subdivision Density, Net Lot Area, Lot Width, and Required Yards**

	Zone			
	AG	AR	RE	RR
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)				
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] 24-2300, Definitions, [ 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**

**(3) Allowable Uses Within Conservation Areas**

Uses allowed in conservation areas shall be limited to:

**(A)** Agriculture/Forestry uses, equestrian centers, [farm wineries] farm-based alcohol production, and riding stables;

\* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED that Sections 24-1901, 24-1902, 24-1903, and 24-1904 be and the same are hereby added:

**SUBTITLE 24. SUBDIVISIONS.**

**PART 24-1. GENERAL PROVISIONS.**

\* \* \* \* \*

**Sec. 24-1900. DEVELOPMENT PURSUANT TO PRIOR REGULATIONS.**

**Sec. 24-1901. Abrogation.**

1 The provisions of this Section shall be abrogated, and of no further force and effect after two (2)  
 2 years from the effective date of these Regulations, absent further extension by Legislative Act of  
 3 the governing body of Prince George’s County.

4 **Sec. 24-1902. Purpose and Intent.**

5 Notwithstanding any other provision set forth within this Part, the County Council finds  
 6 that there is a need to retain certain procedures, regulations, zones, uses, and/or other aspects  
 7 embodied within the prior Subdivision Regulations (being also Subtitle 24, Prince George’s  
 8 County Code, 2019 Edition, 2020 Supplement) for purposes of sustaining and/or minimizing  
 9 wholesale abandonment, for proposals for the development of land in Prince George’s County.  
 10 In approving CB-015-2018, it is the intent of the District Council to prospectively implement the  
 11 provisions of this Subtitle in furtherance of the orderly growth and development of land, as well  
 12 as the protection of the public health, safety, morals, and general welfare of citizens and  
 13 residents, in Prince George’s County. However, based on significant public testimony received  
 14 during consideration of these Regulations, the Council recognizes that such immediate,  
 15 wholesale implementation of this Subtitle may not be feasible or appropriate in all  
 16 circumstances. Accordingly, the purpose of this Section is to provide, for a limited time period, a  
 17 process to apply the requirements of the prior Subdivision on Regulations set forth in Subtitle 24  
 18 of the 2019 Edition of the Prince George’s County Code (2020 Supplement).

19 **Sec. 24-1903. Applicability.**

20 (a) Development proposals or permit applications may utilize the prior Zoning Ordinance  
 21 (with the exception of the LCD, LMXC, and LMUTC Zones) or Subdivision Regulations for  
 22 development of the subject property.

23 (B) Once approved, development applications that utilize the prior Subdivision Regulations  
 24 shall be considered “grandfathered” and subject to the provisions set forth in Section 24-1704 of  
 25 this Subtitle.

26 **Sec. 24-1904. Procedures.**

27 In order to proceed with development under the prior subdivision regulations, the following  
 28 procedures shall apply:

29 (a) The applicant shall schedule and participate in a pre-application conference,  
 30 notwithstanding the requirements of Section 24-3302(b), Applicability.

31 (b) The applicant shall provide a statement of justification which shall explain why they

1 applicant has elected not to develop a specific property pursuant to the provisions of the  
2 Subdivision Regulations.

3 (c) Notwithstanding the provisions of Sections 24-1703 and 24-1704, above, or the  
4 procedures of the prior Subdivision Regulations, subdivision applications submitted under the  
5 provisions of this Section 24-1900 shall be subject to the Certificate of Adequacy process of  
6 Section 24-4503 of these Regulations.

7 (d) Planning Director shall submit quarterly reports to the District Council as to the  
8 development applications proceeding under the prior regulations.

9 \* \* \* \* \*

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

18 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the effective  
19 date of the Countywide Sectional Map Amendment (“CMA”).

Adopted this 16<sup>th</sup> day of November, 2021.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
County Executive

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