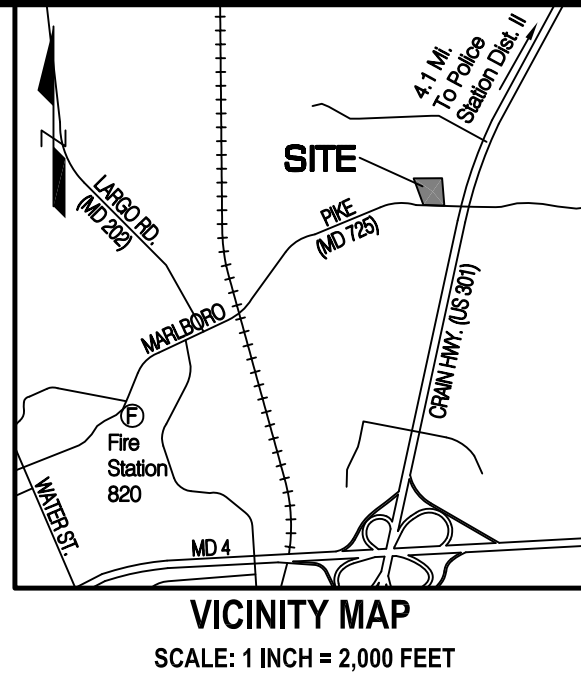
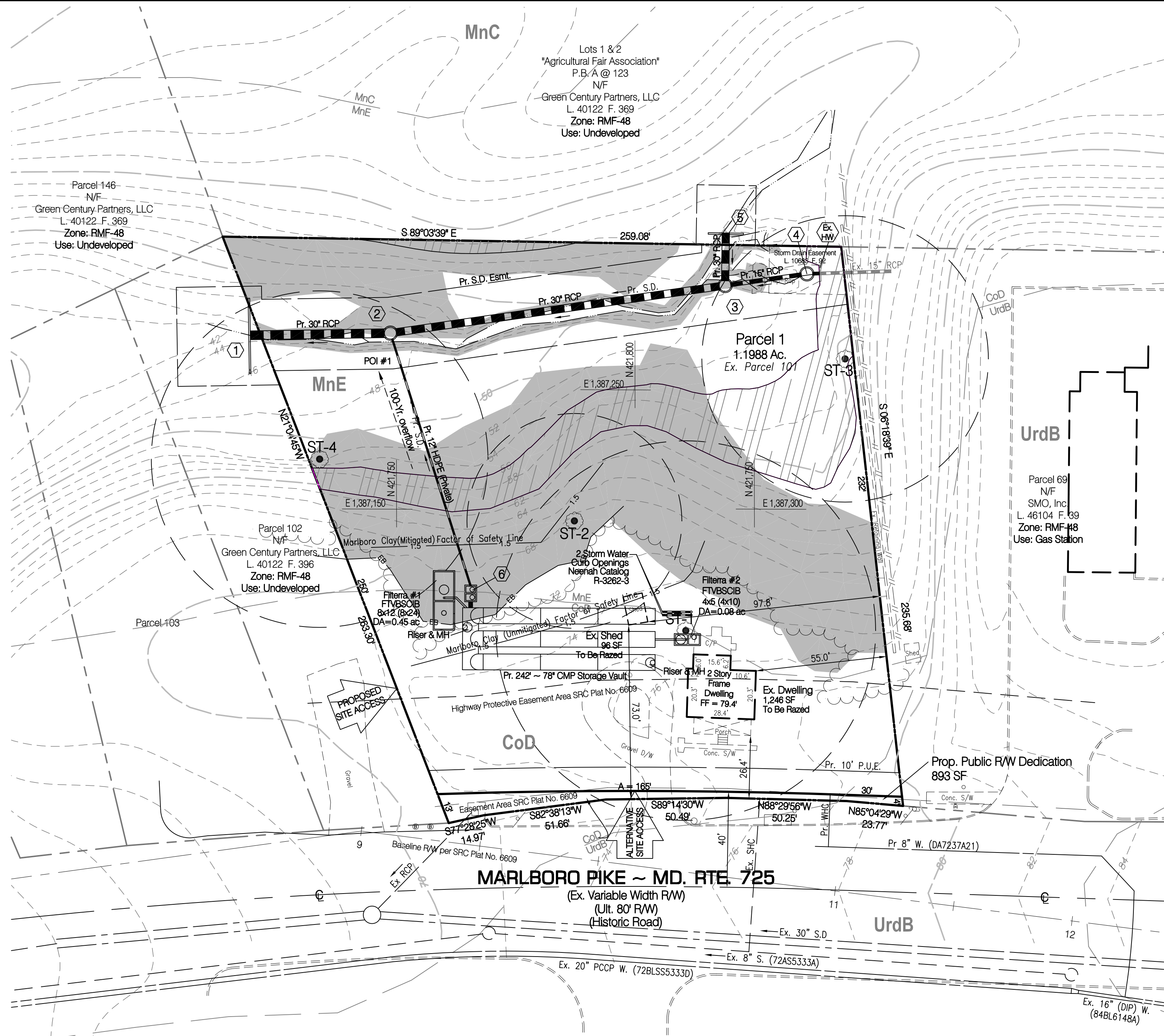
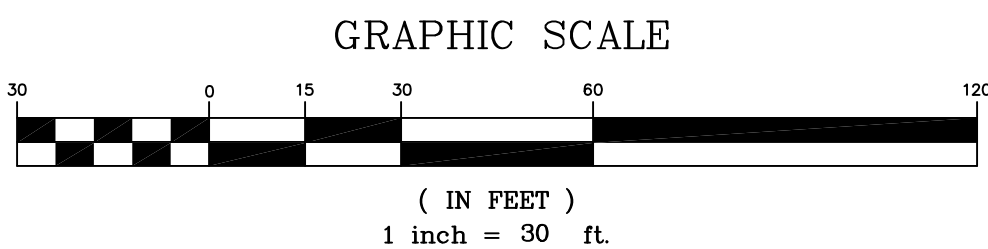
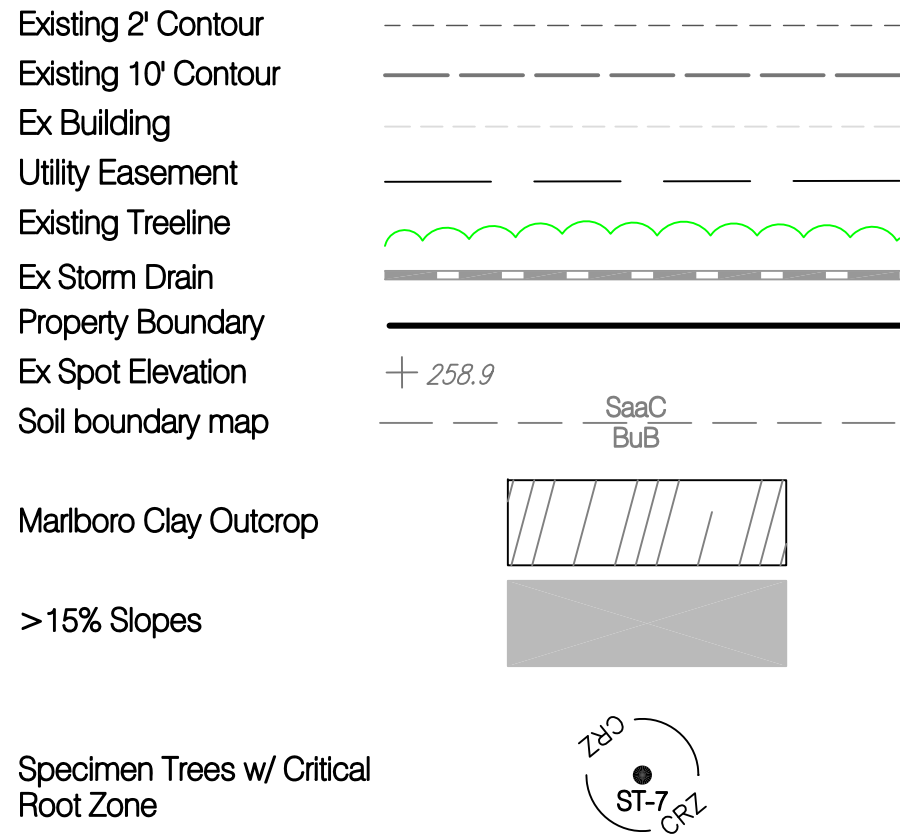


Map Unit	Description	Ksat Factor	Hydric	Hydrologic group	Drainage Class
CoD	Collington-Wist-Urban land complex, 5% to 15% slopes	0.20	No	A	Well drained
MnE	Marr-Dodon complex, 15% to 25% slopes	0.20	No	B	Well drained
UrdB	Urban land-Collington-Wist complex 0 to 5% slopes	-	No	D	-

SOIL TYPES:



LEGEND



GENERAL NOTES

- Record References: Tax Map 93, Parcel 101
- Tax Map Number & Grid: L. 48278, 1, 297
- 200-Foot Map Reference: Map 93, Grid B-4
- Purpose of Subdivision: One parcel for educational use
- Prior Approvals: CP-19001
- Gross Tract Area (All RMF-48 Zone): 53,114 SF or 1.2193 Ac.
- Net Tract Area: 53,114 SF or 1.2193 Ac.
- Net Developable Area Outside of PMA: 53,114 SF or 1.2193 Ac.
- Area of Regulated Environmental Features: -0-
- Floodplain Area: -0-
- Area of Road Dedication: 893 SF or 0.0205 Ac.
- Existing Zone & Use: RMF-48; Single-family dwelling
- Proposed Use: Private school
- Minimum Lot Size Required: 7,500 SF
- Minimum Lot Size Proposed: 52,220 SF of 1.1988 Ac.
- Minimum Lot Width at Front BRL Required: 75'
- Minimum Lot Width at Front BRL Proposed: 200.43'
- Minimum Lot Frontage Required: 60'
- Minimum Lot Frontage Proposed: 194.55'
- Sustainable Growth Tier: 1
- Military Installation Overlay Zone: No
- Existing Nonresidential Gross Floor Area: 9,500 SF
- Proposed Nonresidential Gross Floor Area: 28480-2022-0
- Site Development Concept Plan Number: W-3 & S-3
- Existing & Proposed Water & Sewer Category: W-3 & S-3
- The property will be served by public water & sewer.
- The property is not within an Aviation Policy Area.
- The property is exempt from the requirement for Mandatory Dedication of Parkland pursuant to §24-4601(b)(2)(B).
- There are no cemeteries on or contiguous to the property.
- Historic Sites: None within 1/2 mile
- Type One Tree Conservation Plan: Yes; TCP1-2022-TBD
- The property is not within the Chesapeake Bay Critical Area.
- There are no nontidal wetlands on or adjacent to the property.
- There are no regulated streams on the property.
- The subject property is not in or adjacent to an easement held by the Maryland Environmental Trust, the Maryland Agricultural Land Preservation Foundation, or any land trust or organization.

OWNER/SUBDIVIDER:

A.B. Greene, LLC  
5020 Brown Station Road  
Upper Marlboro, MD 20772  
301-627-5015



PROFESSIONAL LAND SURVEYOR CERTIFICATION

A licensee was in responsible charge over the preparation of this drawing and surveying work reflected therein, which was done in accordance with the Maryland State Minimum Standards of Practice for Land Surveyors.  
COMAR 09.13.06.12. License No. 21357 Expiration Date: 5/17/2023.

Michael W. Ulrich, L.S. Maryland Registration No. 21357

5/17/2023  
Date

**Site Design Inc.**  
LAND PLANNING • LAND SURVEYING • ENGINEERING  
5407 WATER ST. UNIT 206 • UPPER MARLBORO, MARYLAND 20772  
PRINCE FREDERICK  
(301) 627-3100  
(301) 952-8200  
(410) 535-8600

REVISIONS
8/9/23 - Pre-acceptance comments

JOB NO.	W-4844B
SCALE:	1" = 30'
DRAWN BY:	MGLF
CHECKED BY:	MMU
DATE:	May, 2023

PPS-2022-041

Preliminary Plan of Subdivision  
**SUPERIOR MARTIAL ARTS CENTER**  
**PROPOSED PARCEL 1**  
MARLBORO (3rd) ELECTION DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND

**COMPLIANCE ANALYSIS  
SUPERIOR MARTIAL ARTS TRAINING CENTER  
15500 MARLBORO PIKE**

APPLICANT: Superior Martial Arts Training Center  
5020 Brown Station Rd, #135  
Upper Marlboro, Md. 20772

CORRESPONDENT: Daniel F. Lynch, Esq  
McNamee Hosea  
6411 Ivy Lane, Suite 200  
Greenbelt, Maryland 20770  
(301) 441-2420 Voice  
(301) 982-9450 Fax  
dlynch@mhlawyers.com

CIVIL ENGINEER: Mark Ferguson  
Site Design, Inc./RDA  
5407 Water Street, Suite 206  
Upper Marlboro, Maryland 20772  
(301) 952-8200  
mglferguson@engsite.tech

REQUEST: Preliminary Plan of Subdivision associated with the construction of  
a 9,500 square foot commercial structure.

=====

**I. DESCRIPTION OF PROPERTY**

1. Address – 15500 Marlboro Pike, Upper Marlboro, Maryland 20772
2. Tax Account - 0238337
3. Use – Private School
4. Incorporated Area - N/A
5. Councilmanic District – 6



6. Parcel – Parcel 101
7. Total Area – 1.22 Acres
7. Tax Map –93, Grid B4
8. Zoned – RMF-48
9. Owners – AB Greene LLC
10. Zoning Map – 206SE13

## II. APPLICANT’S PROPOSAL

The applicant is proposing to develop the subject property with a 9,500 square foot, two story building and a surface parking lot. The property is located in the RMF-48 Zone and is not the subject of a plat of subdivision and is required to obtain the approval of a preliminary plan of subdivision and record plat prior to the issuance of a building permit. The property is currently developed with a single-family home which will be razed prior to the construction of the 9,500 square foot building and parking lot.

## III. PART 27-6 DEVELOPMENT STANDARDS COMPLIANCE

The proposed development of the property complies with Part 6 of the Zoning Ordinance as follows:

### **27-6201. Purpose and Intent**

The purpose of this Section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

- a. Provide transportation options;
- b. Increase the effectiveness of local service delivery;
- c. Reduce emergency response times;
- d. Promote healthy walking and bicycling;
- e. Facilitate use of public transportation;
- f. Contribute to the attractiveness of the development and community;
- g. Connect neighborhoods and increase opportunities for interaction between neighbors;

- h. Reduce vehicle miles of travel and travel times;
- i. Reduce greenhouse gas emissions;
- j. Improve air quality;
- k. Minimize congestion and traffic conflicts; and
- l. Preserve the safety and capacity of County transportation systems.

COMMENT: As will be demonstrated below, the proposed development of the property with a commercial structure complies with the purposes set forth in 27-6201.

#### **27-6202. Consistency with Plans**

The design and construction of access and circulation systems associated with a development shall be consistent with the transportation goals, objectives, and actions in the County's General Plan, the Approved Countywide Master Plan of Transportation, the applicable Area Master Plan or Sector Plan, and other County-adopted plans addressing transportation.

COMMENT: This application is in the Established Communities Growth Policy Area of the 2014 Plan Prince George's 2035 Approved General Plan. The vision for the Established Communities is context-sensitive infill and low- to medium-density development. The master plan recommends a mix of uses on the subject property. The master plan retained the subject property in the M-X-T Zone. On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from M-X-T to the RMF-48 Zone effective April 1, 2022.

#### **27-6203. Multimodal Transportation System**

Access and circulation systems associated with a development shall provide for multiple travel modes (pedestrian, transit, bicycle, and vehicular), based on the development's size, character, the zone in which it is located, and its relationship to existing and planned transportation systems. Pedestrian, transit, bicycle, and vehicular access and circulation systems shall be coordinated and integrated as necessary to offer the development's occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

COMMENT: Access to the site will be from the access road located to the west of the site and serving the Marlboro Gateway Development. Although it is anticipated that the site will primarily be accessed via motor vehicles, the applicant is also proposing to install a 5-foot wide sidewalk from the end of its driveway to the entrance of the building. Finally, the applicant is proposing a bike rack to accommodate any students or employees who which to travel to the site by bicycle. The bike rack will be located near the front entrance to the building.

#### **27-6204. Circulation Plan or Site Plan Required**

Development applications shall include a circulation plan (unless a site plan meeting the requirements of this Section is submitted) that demonstrates how the development follows the requirements of Sections 27-6205 through 27-6208. A circulation plan may be combined with the parking plan required in Section 27-6303, Parking Plan or Site Plan Required.

COMMENT: The applicant has not prepared a site plan at this juncture in the review process by acknowledges 27-6204 and will address this standard during the permitting phase.

#### **27-6205. Developer Responsible for On-Site Street Improvements**

If a street is proposed within a development site, the developer shall bond, construct and maintain road, street, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards for design and construction defined in Subtitle 23: Roads and Sidewalks, SHA design standards (if applicable), or those of the applicable municipalities having jurisdiction, and shall dedicate any required rights-of-way or easements, as required by the Subdivision Regulations and shown on an approved preliminary plan of subdivision.

COMMENT: The applicant is not proposing on-site street improvements.

#### **27-6206. Vehicular Access and Circulation**

(a) Definition of Street Functional Classification

All public streets will be classified by the County according to the system of functional classification defined in the Prince George's County Specifications and Standards for Roadways and Bridges, authorized in Subtitle 23: Roads and Sidewalks as the County's official standards for street design and construction. Within the Transit-Oriented/Activity Center base and Planned Development (PD) zones, the Prince George's County Urban Street Design Standards shall apply.

(b) Vehicular Accessway Classifications

As a basis for application of many of the vehicular access and circulation standards in this Section, proposed and existing vehicular accessways shall be classified in accordance with the following classifications, which reflect the accessway's relative functions in providing access to and from principal origin and destination points and accommodating travel mobility. These do not supersede or replace classifications used in the Prince George's County Specifications and Standards for Roadways and Bridges.

(1) Driveways

Driveways are accessways that function solely to provide direct and immediate vehicular access between an alley or street and the principal origin and destination points within an abutting development, or part of a large development. They generally handle low vehicular travel speeds and traffic volumes but may handle higher vehicular traffic volumes within large commercial and mixed-use developments (e.g., driveways within mixed-use developments or shopping center parking areas). Driveways are generally not located in the public right-of-way for their principal length, or along building frontages in the Transit-Oriented/Activity Center base and Planned Development (PD) zones and are not considered streets.

(2) Alleys

- (A) Alleys make up a specialized classification of accessway that primarily functions to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys may provide primary vehicular access for dwellings designed to have no driveway access from the fronting street, or access may be provided through a combination of an alley and a driveway from a fronting street. Alleys may not provide primary vehicular access for dwellings that do not have a fronting street.
  - (B) Within the CN, NAC, LTO, RTO-L, RTO-H, LTO-PD, and RTO-PD zones, alleys shall comply with standards established in the Prince George's County Urban Street Design Standards. In all other areas of the County, alleys shall comply with the standards established in Subtitle 23: Roads and Sidewalks, and Subtitle 24: Subdivision Regulations, of the County Code, and the Prince George's County Specifications and Standards for Roadways and Bridges.
- (3) Connectivity
 

The accessways defined in Sections 27-6206(b)(1) and 27-6206(b)(2) shall connect to public or private streets, which shall follow standards of design and construction as defined in the Prince George's County Specifications and Standards for Roadways and Bridges and in Subtitle 23: Roads and Sidewalks, SHA design standards (if applicable), or those of the applicable municipalities having jurisdiction.
- (c) Required Vehicular Access and Circulation
 

A new development shall be served by a system of vehicular accessways and internal circulation (including driveways, and alleys connecting from public or private streets, as well as any required fire lanes, parking lot drive aisles, and any circulation associated with parking, loading, or drive-through service windows) that are designed to accommodate appropriate circulation of firefighting and other emergency vehicles, public transit, school buses, garbage trucks, delivery vehicles, service vehicles, and passenger motor vehicles within the development, as defined by the standards in Subtitle 23: Roads and Sidewalks.

COMMENT: The applicant has not prepared a site plan at this juncture in the review process by acknowledges 27-6206 and will address this standard during the permitting phase.

- (d) Vehicular Access Management
  - (1) Limitation on Direct Access Along Arterial and Collector Streets
 

Proposed direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) may be provided directly from an arterial or collector street only if:

    - (A) No alternative direct vehicular access from a lower-classified accessway (e.g., local street, driveway, or alley) is available or feasible to provide;

- (B) Only one two-way driveway, or one pair of one-way driveways, is allowed onto lots with 200 or less feet of lot frontage on the arterial or collector street, and no more than one additional two-way driveway or pair of one-way driveways per additional 200 feet of frontage; and
- (C) The development(s) served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less, or it is determined that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial or collector street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial or collector street.

COMMENT: The proposed subdivision involves the recordation of a single parcel of deeded acreage with frontage on an existing road, Marlboro Pike, which is a collector roadway; no internal streets are proposed to serve the single proposed parcel. Development which has been proposed on an abutting property known as Marlboro Gateway proposed to provide an easement for shared access on their private interior street on Detailed Site Plan DSP-22019, but that plan has not yet been certified and the development appears to have since stalled. Accordingly, this development will propose access to the Marlboro Gateway development if it becomes available in a timely manner, but in accordance with subsection (A), reserves the right to build its own connection to existing Marlboro Pike if the shared access is unavailable.

- (2) Limitation on Direct Driveway Access along Other Streets  
The following standards shall apply to vehicular access along a street other than an arterial street.
  - (A) For single-family detached dwellings, two-family dwellings, and three-family dwellings, one direct driveway access point is allowed if only the frontage of the lot abuts the street's right-of-way. If the street is on a corner lot of two non-arterial or non-collector streets and abuts the right-of-way of two intersecting streets, two direct driveway access points are allowed (one to each street).
  - (B) For townhouse and multifamily dwellings, and for uses in the Public, Civic, and Institutional; Commercial; and Industrial Use Categories, the number of vehicular access points along a public street shall follow State, County, or municipal access standards, as applicable, to protect the function, safety, and efficiency of travel on the street and any associated bikeways and sidewalks.
  - (C) Where a through lot or corner lot fronts on roadways of different classifications, direct driveway access to the lot shall be provided only from the lower-classified fronting street, to the maximum extent practicable.

COMMENT: If the shared access is unavailable at the time of development, the applicant is proposing one access driveway onto Marlboro Pike as an alternative point of access to the site; this entrance would comply with the State's access standards.

(3) Shared Driveways

- (A) Driveway access shared between adjoining lots is encouraged and, in the case of County or State access spacing requirements that do not allow individual lot frontages to be served individually, may be required to limit direct vehicular access along streets.
- (B) Easements allowing cross-access to and from lands served by a shared driveway, along with agreements defining maintenance responsibilities of landowners, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development proposing the shared driveway access. Such easements shall clearly limit parking of each property owners' vehicles to their side of the driveway, and stipulate that both owners shall share in the costs and responsibility of maintaining the driveway.

COMMENT: The applicant is proposing to tie into the proposed driveway access onto Marlboro Pike that is being proposed by the Marlboro Gateway development. If, however, the shared access is unavailable at the time of development, the applicant is proposing one access driveway onto Marlboro Pike as an alternative point of access to the site.

(e) Cross-Access

(1) Purpose

The purpose of the following vehicular connectivity standards is to enhance safe and convenient mobility within and between neighborhoods and developments that helps integrate and connect neighborhoods, allow residents to conveniently visit neighbors and nearby activity centers without compromising the capacity of the County's streets to accommodate through-traffic, improve opportunities for comprehensive and convenient transit service, enhance efficient provision of public services, and improve the speed and effectiveness with which emergency services and police and fire protection can be provided to County residents and lands.

(2) Cross-Access Between Adjoining Developments

To encourage shared parking and minimize access points along streets, new development, other than industrial development, in the Transit-Oriented/Activity Center base and PD zones and Nonresidential base zones shall comply with the following standards:

- (A) The internal vehicular circulation system shall be designed and constructed to provide vehicular cross-access between the development's vehicular use areas and those on adjoining parcels containing a nonresidential or mixed-use development, or to the boundary of adjoining vacant land in a Transit-Oriented/Activity Center base or PD zone or a



Nonresidential zone (see Figure 27-6206(e)(2): Cross-Access Between Parking Areas of Adjoining Developments).

- (B) Cross-accessways shall provide for two-way vehicular traffic between the vehicular use areas on the adjoining lots through the use of a single driveway or drive aisle that is at least 22 feet wide or through two one-way driveways or aisles that are each at least 14 feet wide.
- (C) The Planning Director or review body deciding a parent application may waive or modify the requirement for vehicular cross-access if the applicant clearly demonstrates that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.
- (D) Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners, shall be recorded in the Land Records of Prince George's County before record plat or prior to the issuance of a building permit for the development.

COMMENT: The applicant's access will comply with this section as it is proposed to tie into the access to Marlboro Pike being proposed by the Marlboro Gateway development. If, however, the shared access is unavailable at the time of development, the applicant is proposing one access driveway onto Marlboro Pike as an alternative point of access to the site.

(f) Connectivity Standards for Single-Family (Attached and Detached) Residential Development

COMMENT: Not applicable as the applicant is not proposing single-family development.

(g) Pedestrian Connections

- (1) A right-of-way (at least ten feet wide) shall be provided for pedestrian and bicycle access between a cul-de-sac head or street turnaround and the sidewalk system of the closest street or pedestrian path (as shown in Figure 27-6206(g): Pedestrian Connections), if the cul-de-sac head or street turnaround:
  - (A) Is within a half-mile of significant pedestrian generators or destinations such as transit stops, schools, parks, public trails, greenways, employment centers, mixed use development, retail centers, or similar features; and
  - (B) Can be connected to an existing or proposed sidewalk, trail, greenway or other type of pedestrian connection.
- (2) Vacant adjacent land that could be developed in the foreseeable future with sidewalks, trails, greenways, or other types of pedestrian connections to which the pedestrian and bicycle access can be connected.
- (3) These pedestrian connections shall count as links for the purpose of calculating the connectivity index.
- (4) These pedestrian connections may require public use easements in accordance with Subtitle 24: Subdivision Regulations of the County Code.

COMMENT: The applicant is proposing a connection to the sidewalk being proposed by the Marlboro Gateway development.

(h) External Street Connectivity

COMMENT: This standard is not applicable to this application as the applicant is not proposing to create any new streets as part of the development.

(i) Continuation of Adjacent Streets

COMMENT: This standard is not applicable to this application as the applicant is not proposing to create any new streets as part of this development.

(j) Traffic-Calming Measures for Private Streets

COMMENT: This standard is not applicable as the applicant is not creating private streets with this development.

(i) Continuation of Adjacent Streets

COMMENT: This standard is not applicable as the applicant is not proposing any new streets with this development.

(j) Traffic-Calming Measures for Private Streets

COMMENT: This standard is not applicable as the applicant is not proposing any private streets with this development.

(k) Block Design

COMMENT: This standard is not applicable as the applicant is not proposing any new blocks with this development.

(l) Driveway Layout and Design

(1) Driveway Width

All driveways serving development, except single-family detached dwellings, two-family dwellings, and three-family dwellings, shall comply with the following minimum width standards:

- (A) One-way driveways shall be at least 11 feet wide, as measured between the edges of paving in a typical tangent section that does not include corner radii.

- (B) Two-way driveways shall be at least 22 feet wide, as measured between the edges of paving in a typical tangent section that does not include corner radii.
- (2) **Dead-End Driveway Length**  
 Driveways that do not connect back to a street shall be no longer than 150 feet unless they include adequate provision for fire trucks to turn around, as approved by the Fire Chief.
- (3) **Driveway Intersections**  
 Driveway intersections shall also comply with the following standards:
  - (A) **Alignment**  
 To the maximum extent practicable, driveway intersections along a street shall line up with existing or approved driveway, parking lot drive aisle, or roadway intersections on the opposite side of the street.
  - (B) **Proximity to Adjoining Land**  
 Except for shared driveways provided in accordance with Section 27-6206(d)(3), Shared Driveways, driveway intersections shall be spaced from an adjoining property line by at least two feet or such greater distance as is needed to avoid encroachment of the driveway radius onto the adjacent property or interference with safe use of a driveway on the adjoining property.
  - (C) **Medians in Driveway Entrances**  
 Medians may be incorporated at driveway entrances provided:
    - i. No signage is included within the median other than traffic signs and a single monument sign;
    - ii. Planted material within the median is limited to minor shade trees, shrubs, ground cover, and grass; and
    - iii. The minimum driveway width is maintained for each travel and turning lane.

COMMENT: The proposed driveway entrance to the site complies with these standards.

(m) **Vehicle Stacking Space**

COMMENT: The applicant is not proposing any standing spaces.

**27-6207. Pedestrian Access and Circulation**

- (a) **Required Pedestrian Access**
  - (1) **General Pedestrian Access**  
 All new development subject to this Section shall be served by an internal pedestrian circulation system (including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development, as well as between the adjoining parts of an existing or planned external, community-

wide pedestrian circulation system and any adjoining transit stops, bus stops, public parks, greenways, schools, community centers, and shopping areas:

- (A) The primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);
  - (B) Off-street parking bays;
  - (C) Any designated or planned transit stations or bus stops and shelters (on-site or on an adjacent street); and
  - (D) Recreation facilities and other common use areas and amenities.
- (2) Sidewalks Required
- (A) All new development subject to this Section, except for development fronting a rural road, or single-family subdivisions where the density is 1 dwelling unit per 2 acres or less, shall install sidewalks on both sides of all streets having curb and gutter construction within the development site and along the entire frontage of the development site with an existing street (unless an existing sidewalk meeting County standards is already in place).
  - (B) Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer shall install a sidewalk on the development site within a dedicated widening of the right-of-way or dedicated public easement running parallel and adjacent to the public street.
  - (C) The Planning Director may waive or modify the requirement for sidewalks where the applicant clearly demonstrates that such sidewalks are impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made without stairs.
- (b) Pedestrian Connectivity
- All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

COMMENT: The applicant is not proposing a residential or mixed-use development and therefore is not subject to this standard

## **27-6208. Bicycle Access and Circulation**

- (a) Required Bicycle Access
  - (1) Internal and Adjoining Bicycle Access

All new development subject to this Section shall provide for internal bicycle circulation such that bicycle access to the development's primary use is safe, convenient and intuitive, specifically by providing the following, in coordination with the Department of Public Works and Transportation, State Highway Administration, or a municipality with jurisdiction over the streets.
  - (A) Bicycle parking facilities required by Section 27-6309, Bicycle Parking Standards, in areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions) for bicycle storage;

- (B) Connections to any adjacent existing or planned (identified in the applicable Area Master Plan or Sector Plan, or in the Countywide Master Plan of Transportation) on-street or off-street bicycle facilities outside the development, or internal bicycle systems in adjacent developments.
  - (C) Connections to any designated or planned rail transit or bus stops and shelters (on-site or on an adjacent street); and
  - (D) Connections to any recreational amenities internal to the development, such as open space.
- (2) Required Bikeway Network Improvements
- (A) All new development subject to this Section shall be required to install bike lanes, bike paths, or other bicycle improvements. Additional bikeway network improvements are encouraged where appropriate, such as within large development sites and to provide additional connections to nearby bicycle routes. The facilities shall be established in part, through an agreement and/or easements which include assurances for their maintenance.
  - (B) The Planning Director may, for private streets or, when advised by the permitting agency, for public streets, waive or modify the requirement for bike lanes, bike paths, or other bicycle improvements where the applicant clearly demonstrates that the facilities are impractical or infeasible due to topographic conditions, natural features, or visual obstructions that create hazards.
  - (C) Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required bike path along the frontage, the applicant may install a bike path on the development site, within a public easement running parallel and nearby the public street. Such bicycle paths shall not be restricted from public use and shall allow physical passage at all times.

COMMENT: The applicant is providing a bike rack near the entrance to the commercial structure and will construct any bike lanes as part of its road frontage improvements if required by SHA.

(b) Bicycle Connectivity Between Developments

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

- (1) Any internal bicycle circulation system shall be designed and constructed to provide bicycle cross-access between it and any internal bicycle circulation system on adjoining parcels containing a multifamily, townhouse, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow townhouse, multifamily, nonresidential, or mixed-use development (including land in the Residential, Transit-Oriented/Activity Center, and Nonresidential base and PD zones).



- (2) The Planning Director may waive or modify the requirement for bicycle cross-access on determining that such cross-access is impractical or undesirable for typical bicyclists' use due to the presence of topographic conditions, natural features, or safety factors. Undesirable conditions shall be defined as those limiting mobility for bicycles as a form of transportation, such as steep grades, narrow connections bounded on both sides by walls or embankments, or limited visibility when straight-line connections are not achievable.
- (3) Easements allowing cross-access to and from lands served by a bicycle cross-access, along with agreements between owners of lands that provide and are served by the cross-access defining the owners' maintenance responsibilities, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development.

COMMENT: The applicant is providing a bike rack near the entrance to the commercial structure and will construct any bike lanes as part of its road frontage improvements if required by SHA.

(c) General Bikeway Layout and Design

(1) Off-Street Bicycle Facilities

Required bicycle paths shall:

- (A) Allow two-way bicycle circulation;
- (B) Be at least ten (10) feet wide and surfaced with a smooth-surface (such as hot-mix asphalt), durable, and dustless material;
- (C) Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals; and
- (D) Provide lighting similar to the lighting standards for residential streets established in the Prince George's County Specifications and Standards for Roadways and Bridges or other standards in Subtitle 23 of the County Code.

(2) On-Street Bicycle Facilities

Required bike lanes shall be designed and provided in accordance with the cross-section, paving, and other standards applicable to the roadways of which they are a part.

COMMENT: The applicant is providing a bike rack near the entrance to the commercial structure and will construct any bike lanes as part of its road frontage improvements if required by SHA.

**27-6301. Purpose and Intent**

The purpose of this Section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different zones and different uses allowed by this Ordinance. The standards in this Section are intended to provide for adequate off-street parking and loading while supporting transit-oriented development and

walkable areas in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions. The standards are also intended to achieve County policies of supporting redevelopment of commercial corridors, accommodating appropriate infill development, and avoiding excessive paved surface areas.

COMMENT: As will be demonstrated below, the applicant's concept plan complies with the purpose and intent of 27-6301.

### **27-6302. Applicability**

In addition to projects that may be subject to this Section pursuant to Section 27-6104, Applicability of Development Standards, existing development is subject to the following. In the event of conflict, the following provisions supersede:

- (a) Change in Use
  - (1) In addition, and except as identified in Section 27-6302(a)(2) below, any change in use of existing development shall be accompanied by provision of any additional off-street parking and loading spaces required for the changed use by this Section.
  - (2) A change in use in the Transit-Oriented/Activity Center base and PD zones and the Commercial base zones inside the Capital Beltway, where the change in use would increase the amount of required off-street parking by no more than 50 percent of that required for the original use or 40 spaces, whichever is greater, is exempted from the off-street parking requirements of this Section.
- (b) Expansion

If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, or seating capacity), any additional off-street parking and loading spaces that may be required shall be provided in accordance with the requirements of this Section as applied only to the expanded or enlarged part of the structure or use.
- (c) Upgrading of Nonconforming Parking

Nonconforming parking facilities on the site of an enlarged, expanded, or altered structure or use area shall comply with the requirements of this Section in accordance with the standards of PART 27-7, Nonconforming Buildings, Structures, Uses, Lots, and Signs.

COMMENT: Acknowledged.

### **27-6303. Parking Plan or Site Plan Required**

All development applications subject to review for compliance with the standards of this Section shall include a parking plan, unless a site plan meeting the requirements of this Section is submitted. A parking plan may be combined with the circulation plan required in Section 27-6204, Circulation Plan or Site Plan Required, for developments meeting the threshold required in that Section. A parking plan may also be combined with the alternative parking plan required by Section 27-6307(a), General; Alternative Parking Plan, should the applicant wish to seek off-street parking alternatives. The parking plan or site plan shall accurately designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the off-

street parking facilities to the development they are designed to serve, including how the parking facilities coordinate with the pedestrian, bicycle, transit, and vehicular circulation systems for the development. In addition, the parking plan or site plan shall accurately designate the location and design of sidewalks, bike paths, pedestrian or bicycle pavement striping, and any other pedestrian or bicycle pathways.

COMMENT: The applicant's concept plan for the commercial structure conforms to these standards.

#### **27-6304. General Standards for Off-Street Parking and Loading Areas**

- (a) Use of Parking and Loading Areas
  - (1) General

Off-street parking areas required by this Section shall be used solely for the parking of licensed motorized vehicles in operating condition. Required parking spaces and loading berths may not be used for the display of goods for sale (except for food truck hubs operating pursuant to Subtitle 5 of the County Code, farmers' markets, and flea markets), or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.
  - (2) Identified as to Purpose and Location

Except for single-family dwellings, off-street parking areas and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles. Specific dimensional and marking standards are defined in Section 27-6304(d), Markings.
- (b) Surfacing
  - (1) General
    - (A) Except as provided for in Section 27-6304(b)(1)(B) and Section 27-6304(b)(2) below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.
    - (B) Parking for uses in the Rural and Agricultural base zones may be allowed on non-engineered surfaces of grass, gravel, dirt or similar materials, provided, the following uses shall comply with Section 27-6304(b)(1)(A) above:
      - (i) Agricultural research facilities;
      - (ii) Farm supply sales or farm machinery/implement sales, rental, or repair; and
      - (iii) Cemeteries.
  - (2) Pervious or Semi-pervious Surfacing

The use of pervious or semi-pervious parking lot surfacing materials—including, but not limited to—pervious asphalt and concrete, open-joint pavers, and reinforced grass/gravel/shell grids, is encouraged. Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices (see Figure 27-6304(b)(2): Use of Pervious Materials in a Parking Lot).

(c) Location and Arrangement

(1) Safe and Convenient Access

- (A) Off-street parking and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles, and connect to a public street.
- (B) Except for off-street parking areas serving single-family detached, two-family, and three-family dwellings, off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.
- (C) Except for off-street parking areas serving single-family detached, two-family, and three-family dwellings, off-street parking areas shall be arranged so an automobile may be parked or un-parked without having to move another automobile, unless within an automated or mechanical parking deck or garage, or part of valet or tandem parking in accordance with Section 27-6307, Off-Street Parking Alternatives.
- (D) Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking lot.

COMMENT: The applicant acknowledges these standards and will demonstrate compliance during the permitting phase of the project.

(2) Backing onto Streets Prohibited

Except for parking areas serving single-family detached, townhouse, two-family, and three-family dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a street.

COMMENT: The proposed parking area associated with the applicant's commercial structure will comply with this standard.

(d) Markings

- (1) Each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for

orderly and safe loading, unloading, and parking of vehicles. Such markings—including striping, directional arrows, lettering on signs and in disabled-designated areas, and labeling of the pavement—shall be maintained so as to be readily visible at all times. The following uses are exempt from the requirements to mark parking and loading areas:

- (A) Single-family detached dwellings;
  - (B) Two-family dwellings;
  - (C) Three-family dwellings; and
  - (D) Uses in the Rural and Agricultural base zones, other than agricultural research facilities; farm supply sales or farm machinery/implement sales, rental, or repair; and cemeteries.
- (2) One-way and two-way accesses into parking facilities shall be identified by directional arrows. Any two-way access where parking is located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. This requirement does not apply to parking lot drive aisles.

COMMENT: The proposed parking area associated with the proposed commercial structure will comply with this standard.

(e) Exterior Lighting

Lighted off-street parking and loading areas shall comply with the standards of Section 27-6700, Exterior Lighting.

(f) Wheel Stop Requirements

- (1) Off-street parking areas, except for below-grade or completely enclosed garages, shall comply with the landscaping standards of the Landscape Manual.
- (2) Any parking space in a gravel, crushed stone, or similar material lot, at the edge of a parking lot where the parking surface is adjacent to a downward slope of more than five percent, or at the edge of a parking lot where the parking surface ends at a concrete curb or vertical divider, shall include a permanently anchored wheel stop installed at the end of the parking space opposite the drive aisle.
- (3) Wheel stops, when used, shall be made of concrete, metal, or other material of comparable durability, and shall be at least six feet long and at least six inches high.

(g) Accessible Parking for Persons with Physical Disabilities

Development providing off-street parking spaces shall ensure that a portion of the total number of off-street parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act Accessibility Guidelines.

COMMENT: The proposed parking area associated with the commercial structure will comply with this standard.

(h) Maintained In Good Repair



- (1) Maintained at All Times  
All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

COMMENT: Acknowledged.

- (i) Large Vehicular Use Areas (300 or More Spaces)  
Vehicular use areas containing 300 or more parking spaces, whether developed at one time or in phases, shall be configured in accordance with the following standards:

COMMENT: The applicant is not proposing a large vehicular use area.

### **27-6305. Off-Street Parking Space Standards**

- (a) Minimum Number of Off-Street Parking Spaces  
Except as otherwise provided for multiple use developments (see Section 27-6305(c) below), new development or a change in use or expansion shall provide the minimum number of off-street parking spaces in accordance with Table 27-6305(a), Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space standards for uses with variable parking demands or unlisted uses is provided in Section 27-6305(b), Unlisted Uses.

- (b) Unlisted Uses

COMMENT: The parking proposed is in accordance with the required parking for a private school which is the anticipated use for this commercial structure.

- (c) Mixed-Use Developments and Shared Parking

COMMENT: The applicant is not proposing a mixed-use development.

- (d) Maximum Number of Off-Street Parking Spaces  
The maximum number of off-street parking spaces allowed is listed in Table 27-6305(d): Maximum Number of Off-Street Parking Spaces. Existing parking areas in excess of this maximum shall not be required to remove excess parking.

COMMENT: The applicant will comply with Section 27-6305(d).

- (e) Electric Vehicle (EV) Charging Stations  
Parking spaces used as EV charging stations shall consist as one or more group(s) of contiguous spaces located where they can be readily identified by drivers of EV vehicles (e.g., through directional signage), but where their use by non-electric vehicles is

discouraged. EV charging for commercial purposes is prohibited at an EV charging station located at a residential development.

COMMENT: The applicant is not proposing any EV charging stations.

(f) Driveways Used to Satisfy Standards

For single-family detached dwellings, two-family dwellings, and three-family dwellings, driveways may be used to satisfy minimum off-street parking space standards, provided a minimum of 19 feet of driveway length is available outside a street right-of-way or sidewalk to store the length of a general purpose vehicle and satisfy the standards of this Section and this Ordinance.

COMMENT: Based on the applicant concept plan for the commercial structure and school use, the parking requirements will be satisfied.

(g) Visitor Parking

Visitor parking spaces shall be provided for all residential and mixed-use development of at least 20 dwelling units. Such visitor parking spaces shall be provided at a minimum ratio of 1 visitor parking space for every 20 dwelling units or fraction thereof, rounded up.

COMMENT: The applicant is not proposing a residential or mixed use development.

(h) Parking of Vehicles Owned or Used by the Occupants of the Premises or Their Bona Fide Guests

(1) Private passenger vehicles shall be permitted in all zones.

(2) The parking of the following vehicles shall be permitted in the ROS, AG, AR, RE, RR, RSF-65, RSF-95, and RMH Zones subject to the provisions of this Subsection:

(A) Boats;

(B) Boat trailers;

(C) Camping trailer (unoccupied), not to exceed one per lot or parcel; and/or

(D) Not more than 1 commercial vehicle:

(i) If parked on the premises, having a maximum manufacturer's gross vehicle weight specification of up to 8,500 pounds, no advertising (other than a firm name or similar designation not exceeding 4 inches high), and excluding vehicles exceeding 300 cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, and vehicles with dual rear axles; or

(ii) The commercial vehicle does not exceed a maximum manufacturer's gross vehicle weight specification of 17,000 pounds, and which may include unlimited advertising on the side of the vehicle, and shall be parked within a wholly enclosed private parking garage.

COMMENT: This standard is not applicable to the proposed use.

#### **27-6306. Dimensional Standards for Parking Spaces and Aisles**

- (a) General  
Except as otherwise provided in Section 27-6306(b) below, standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 27-6306(a), Minimum Dimensional Standards for Parking Spaces and Aisles. See Figure 27-6306(a).2: Measurement of Parking Space and Aisle Dimension.
- (b) Smaller Parking Spaces for Tandem Parking and Certain Uses  
The dimensions of off-street parking stalls may be reduced to a width of eight feet and a depth/length of 18 feet per vehicle where the parking stalls are:
  - (1) Used for tandem parking (see Section 27-6307(g), Valet and Tandem Parking); or
  - (2) Located within a development containing exclusively industrial services uses, manufacturing and production uses, or warehouse and freight movement uses.
- (c) Vertical Clearance  
All off-street parking spaces shall have a minimum overhead clearance of 7 feet for vehicle parking, with a minimum overhead clearance of 8.5 feet for van-accessible parking.
- (d) Compact Parking Spaces
  - (1) Up to one-half (1/2) of the required number of parking spaces in any parking lot may be compact car spaces. Any parking spaces provided in any lot, in excess of the number required, may also be compact car spaces.
  - (2) All compact car spaces shall be marked as such.

COMMENT: Based on the concept plan for the proposed commercial structure and school use, the proposed parking complies with 27-6306.

#### **27-6307. Off-Street Parking Alternatives**

COMMENT: The applicant is not proposing off-street parking alternatives.

#### **27-6308. Reduced Parking Standards for Parking Demand Reduction Strategies**

COMMENT: The applicant is providing parking in conformance with 27-6305

#### **27-6309. Bicycle Parking Standards**

COMMENT: The applicant is prepared to provide bicycle racks in accordance with 27-6309.

#### **27-6310. Loading Area Standards**

- (a) Minimum Number of Off-Street Loading Berths

Any new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 27-6310(a): Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses. For proposed uses not listed in Table 27-6310(a): Minimum Number of Off-Street Loading Berths, the requirement for a use most similar to the proposed use shall apply.

(b) Dimensional Standards for Loading Areas

Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is least 12 feet wide and 45 feet long in general industrial, distribution, or warehousing uses. For all other uses, a berth as short as 33 feet may be allowed. The Planning Director may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.

(c) Location of Loading Areas

- (1) To the maximum extent practicable, loading areas shall be placed away from a public street and screened from view in accordance with the Landscape Manual (see Figure 27-6310(c): Loading Area Configuration).
- (2) Loading areas shall be located adjacent to the building's loading doors, in an area that promotes their practical use.
- (3) Loading areas shall be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public rights-of-way, parking spaces, parking lot aisles, or pedestrian pathways.
- (4) Loading areas shall be set back a minimum of 50 feet from any residential use or vacant land in a Residential or Rural and Agricultural zone.

COMMENT: A loading space is not required for the proposed use of the property, a private school.

## **27-6400 Open Space Set Asides**

### **27-6401. Purpose and Intent**

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preserving natural, historical, and archeological resources, ensuring resident access to open areas and active recreation (incorporating land dedicated as parkland in accordance with Subtitle 24: Subdivision Regulations, Section 24-4600, Parklands and Recreation Facilities, as open space set-asides), reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing storm water management, and providing other public health benefits.

### **27-6402. Applicability**

- (a) In addition to the exemptions specified in Section 27-6103, General Exemptions, the following development shall be exempted from the standards in this Section:

- (1) Uses in the Agriculture/Forestry Uses, Agriculture/Forestry Related Uses, and Open Space Uses principal use categories; and
- (2) Any individual single-family detached dwelling or two-family dwelling on a single lot.

COMMENT: The applicant is required to provide 10% open space and the applicant is providing approximately 20% open space.

#### **27-6403. Amount of Open Space Set-Asides Required**

Development subject to the standards in this Section shall provide the minimum amounts of open space set-asides identified in Table 27-6403: Required Open Space Set-Asides, based on the use classification. Open space set-aside requirements shall not replace requirements for open spaces, mandatory dedication of parkland, stormwater management, or other similar requirements imposed by any other Subtitle of the County Code. However, such requirements may be counted toward open-space set asides pursuant to Section 27-6404(b), below.

#### **27-6404. Areas Counted as Open Space Set-Asides**

- (a) The features and areas identified in Table 27-6404(a): Open Space Set-Aside Features, shall be credited towards compliance with the open space set-aside standards of this Section for development in the areas indicated
- (b) Open spaces required by any other section in the County Code, such as, but not limited to, mandatory dedication of parkland, may be credited toward compliance with the open space set aside standards in Table 27-6403: Required Open Space Set-Asides, if they are located and designed in accordance with the standards in this Section.

COMMENT: The applicant is utilizing its landscape buffer yards to comply with the 10% requirement.

#### **27-6405. Areas Not Counted as Open Space Set-Asides**

The following areas shall not be counted as open space set-asides:

- (a) Private yards not subject to an open space or conservation easement;
- (b) Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;
- (c) Vehicular parking areas or lots (excluding the landscaped areas);
- (d) Driveways for dwellings;
- (e) Land covered by structures not designated for active recreational uses;
- (f) Designated outdoor storage areas; and
- (g) Stormwater management facilities and ponds, unless located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water-circulation device, and pedestrian access or seating).

COMMENT: The applicant acknowledges these restrictions and is not proposing to utilize any of the areas listed as its open space set aside.



## **27-6406. Design Standards for Open Space Set-Asides**

Land used as an open space set-aside shall comply with the following design standards:

(a) Location

Open space shall be located so as to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

COMMENT: The applicant is proposing to use its buffer areas for its open space set aside.

(b) Configuration

- (1) Open space set-asides shall be compact and contiguous unless a different configuration is needed to continue an existing trail or accommodate preservation of natural, historical, and archeological resources.
- (2) If the development site is adjacent to existing or planned public trails, parks, or other public open space area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public land (see Figure 27-6406(b).1: Example Open Space Set-Aside Configuration; Figure 27-6406(b).2: Example Open Space Set-Aside Configuration, Townhouse Development; and Figure 27-6406(b).3: Example Open Space Set Aside Configuration, Commercial Development).

COMMENT: The subject property is not located adjacent to any existing or proposed parks, trails or existing open space. Again, the applicant is proposing to utilize the proposed buffers to meet its open space set-aside requirement.

(c) Orientation of Adjacent Buildings

To the maximum extent possible, buildings adjacent to the required open space set-asides shall have at least one entrance facing the open space set-aside.

(d) Prioritization of Open Space Set-Aside

- (1) Except in the Transit-Oriented/Activity Center base and Planned Development (PD) zones, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:
  - (A) Natural features such as riparian areas, riparian buffers, shorelines, flood hazard areas, floodplains, wetlands, steep slopes, and wildlife habitat and woodland areas;
  - (B) Water features such as rivers, bays, lakes, creeks, canals, natural ponds, and retention and detention ponds;
  - (C) Protected trees and other mature trees;
  - (D) Parks and trails (regardless of public or private ownership);
  - (E) Lands with active agricultural uses and activities;
  - (F) Perimeter buffers or visual transitions between different types or intensities of uses;

- (G) Areas that accommodate multiple compatible open space set-aside uses rather than a single use; and
- (H) Historic and archeological features.

COMMENT: The perimeter buffers proposed for set-asides are the highest priority category remaining after the stabilization of unsafe slopes and the construction of the DPIE-mandates storm drains at the northern end of the property.

- (2) In the Transit-Oriented/Activity Center base and Planned Development (PD) zones, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, or enhance the open areas and features identified in Section 27-6406(d)(1) above, except that the establishment of squares, plazas, forecourts, civic greens, and similar urban open space amenities shall have the highest priority.

COMMENT: The subject property is not located in a Transit-Oriented/Activity Center base or Planned Development (PD) zone.

(e ) Open Space Set-Asides on Property in the Industrial, Heavy (IH) Zone

COMMENT: The subject property is not located in the IH Zone.

#### **27-6407. Development in Open Space Set-Asides**

Development within open space set-asides shall be limited to that appropriate to the purposes of the type(s) of open space set-asides. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, trash receptacles, and other picnic facilities; docks and other facilities for fishing; environmental education guides and exhibits; historic interpretive signage; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

COMMENT: Acknowledged.

#### **27-6408. Ownership, Management, and Maintenance of Open Space Set-Asides**

- (a) Open space set-asides required by this Ordinance or by Subtitle 24: Subdivision Regulations, shall be managed and maintained in compliance with all applicable provisions of Maryland law. To the extent not inconsistent with Maryland law, such open space set-asides shall be managed and maintained as permanent open space through one or more of the following options:
  - (1) Conveyance of open space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership;
  - (2) Conveyance of open space set-aside areas to a third party beneficiary such as an environmental, historical, or civic organization, a municipality, or M-NCPPC, that

- is organized for, capable of, and willing to accept responsibility for managing and maintaining the land;
- (3) Establishment of easements or covenants; or
  - (4) If public stormwater management facilities are treated as site amenities, through stormwater management easements.
- (b) All options involving private ownership of open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.
- (c) Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this Section and the development approval or permit shall be a violation of this Ordinance.

COMMENT: Acknowledged.

### **27-6500 Landscaping**

All development shall comply with the requirements of the Prince George's County Landscape Manual, which is incorporated herein by reference, and made a part of this Ordinance with the same force and effect as the regulations set forth herein.

COMMENT: The applicant has not prepared a landscape plan, but acknowledges these standards and will develop a landscape plan that complies with these standards.

### **27-6500 Fences and Walls**

#### **27-6601. Applicability**

(a) General

Unless exempted in accordance with Section 27-6601(b) below, the standards in this Section shall apply to all construction, reconstruction, or replacement of fences or walls.

(b) Exemptions

In addition to the exemptions specified in Section 27-6103, General Exemptions, the following fences and walls are exempt from the standards of this Section:

- (1) Fences and walls required for the physical support of a principal or accessory structure;
- (2) Fences and barricades around construction sites;
- (3) Replacement in-kind of an existing residential fence associated with a live/work, single-family detached, three-family, townhouse, or two-family dwelling;
- (4) Fences for wireless telecommunications towers, which shall instead follow the requirements of Section 27-5102(d)(1)(A);
- (5) Fences for outdoor storage (as a principal use), which shall instead follow the requirements of Section 27-5102(f)(4)(B);
- (6) Fences for junkyards or vehicle salvage yards, which shall instead follow the requirements of Section 27-5402(ii), Junk Yard.
- (7) Fences for tree protection (temporary and permanent);

- (8) Noise attenuation walls installed by a public agency within the right-of-way of a public roadway;
- (9) Fences and walls necessary for soil erosion and control;
- (10) Retaining walls, except for the standards of Section 27-6609, Retaining Walls;
- (11) Fences at parks and schools, where such uses are owned by public agencies or are subject to the County's Mandatory Referral process;
- (12) Specialized fences used for protecting livestock or for other similar agricultural functions if part of a use in the Rural and Agricultural Uses use classification; and
- (13) Fencing required or provided for medical cannabis uses.

COMMENT: The applicant is not proposing any fencing for the property.

### **27-6602. General Standards**

- (a) General
  - (1) Fences and walls shall be located outside of the public right-of-way.
  - (2) Fences and walls are allowed on the property line between two or more parcels of land held in private ownership.
  - (3) Fences and walls may be located within any required yard.
  - (4) Nothing in this Section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.
- (b) In Utility Easements
 

Fences located within utility easements shall receive written authorization from the easement holder or the County, as appropriate. The County shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access utility easements or facilities.
- (c) Within Required Landscaping Areas
 

Fences and walls may be installed within required landscaping areas, subject to an approved landscaping plan.
- (d) Avoidance of Traffic Hazards
 

Notwithstanding other provisions of this Subsection, fences and walls shall not be allowed within the triangle formed by the intersection of the street lines and points on the street lines 25 feet from the intersection, or in a location that is determined by an agency will create a traffic hazard.

COMMENT: The applicant is not proposing any fencing for the property.

### **27-6603. Height Standards**

- (a) General
 

Unless otherwise stated in Section 27-6600, Fences and Walls, fences and walls shall comply with the standards in Table 27-6603(a): Fence and Wall Height.

COMMENT: The applicant is not proposing any fencing for the property.

### **27-6604. Materials**

(a) General

Unless otherwise specified in Section 27-6604(b) below, fences and walls shall be constructed of any one or more of the following materials:

- (1) Masonry, concrete, or stone;
- (2) Ornamental metal, except that fencing shall not incorporate spiked tops within a residential zone without approval of a security exemption plan in accordance with Section 27-6610, Security Exemption Plan;
- (3) Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;
- (4) Composite materials designed to appear as wood, metal, or masonry;
- (5) Metal (wrought iron, welded steel; and/or electro-statically plated black aluminum, except chain-link fencing);
- (6) Vinyl;
- (7) Walls clad with substrate material intended to support living vegetation; and
- (8) Any material demonstrated by the applicant to have a similar or equal appearance and durability as a material listed in Subsections (1) through (7) above, as determined by the Planning Director (or decision-maker if the fence or wall is associated with a parent application).

COMMENT: The applicant is not proposing any fencing for the property.

(b) Transit-Oriented/Activity Center Zones

COMMENT: The property is not located in a Transit-Oriented/Activity Zone.

**27-6605. Perimeter Fences and Walls Abutting Street Right-of-Way**

COMMENT: The applicant is not proposing a perimeter fence or wall that abuts a street right-of-way.

**27-6607. Fence and Wall Construction**

Fences and walls shall comply with all applicable Building Code requirements.

COMMENT: Acknowledged.

**27-6608. Gates**

Gates shall comply with the following standards:

- (a) All gates shall have hardware to secure the gate in a closed position.
- (b) All unattended gates and gates opening onto a public sidewalk area shall be self-closing, self-latching, and locked when not in use.

COMMENT: The applicant is not proposing any fencing or gates for this development.



### **27-6609. Retaining Walls**

Retaining walls are to be used in appropriate locations to reduce the steepness of slopes and to provide planting pockets conducive to revegetation. They shall comply with the following standards:

- (a) A retaining wall may be permitted to support steep slopes but should not exceed six feet in height from the finished grade, except for:
  - (1) A structure's foundation wall, or
  - (2) As necessary to construct a driveway from the street to a garage or parking area, or
  - (3) As otherwise expressly allowed by this Ordinance.
- (b) In all exceptions identified in Subsection (a) above, a retaining wall shall not exceed ten feet in height.
- (c) Retaining walls greater than six feet in height shall comply with the building setbacks in the zone which they are located, unless it is constructed because grades are lower on the site where it is located.
- (d) The width of any terrace between any two six-foot vertical retaining walls should be at least three feet. Retaining walls higher than six feet should be separated from any other retaining wall by a minimum of five horizontal feet. Terraces created between retaining walls shall be permanently landscaped or revegetated with native vegetation.
- (e) Retaining walls used to support existing road cuts may exceed the height limits and other requirements in Subsections (a), (b), and (c) above.
- (f) Retaining walls shall be faced with stone, brick, or earth-colored materials similar to the surrounding natural landscape.
- (g) All retaining walls shall comply with the Building Code.

COMMENT: The applicant is not proposing a retaining wall.

### **27-6610. Security Exemption Plan**

COMMENT: The applicant is not proposing a wall or fence that exceed 6 feet in height.

### **27-6700 Exterior Lighting**

#### **27-6701. Purpose and Intent**

The purpose and intent of this Section is to regulate exterior lighting to:

- (a) Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;
- (b) Assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;
- (c) Curtail light pollution, reduce skyglow, and preserve the nighttime environment;
- (d) Conserve energy and resources to the greatest extent possible; and
- (e) Provide security for persons and land.

#### **27-6702. Exemptions**

In addition to the exemptions specified in Section 27-6103, General Exemptions, the following types of lighting are exempted from the standards of this Section:

- (a) Lighting exempt under State or Federal law;
- (b) FAA-mandated lighting associated with a utility tower or airport;
- (c) Lighting for public monuments and statuary;
- (d) Lighting solely for signage (see Section 27-61500, Signage);
- (e) Outdoor lighting fixtures that are necessary for worker safety at farms and other agricultural uses, but not including lighting of residential buildings or parking areas associated with a farm or agricultural use;
- (f) Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that:
  - (1) Maximum illumination at the property line is not brighter than two foot-candles; and
  - (2) Exterior lighting is extinguished no later than 11:00 p.m. except to complete an activity that is in progress prior to 11:00 p.m.
- (g) Temporary lighting for circuses, fairs, carnivals, theatrical and other performance areas, provided such lighting is discontinued upon completion of the activity;
- (h) Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;
- (i) Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;
- (j) Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
- (k) Underwater lighting in swimming pools, fountains, and other water features;
- (l) Holiday or festive lighting-provided such lighting does not create unsafe glare on street rights-of-way;
- (m) Lighting provided by the Federal, State, or a local government (including but not limited to the County and a municipality); and
- (n) Outdoor lighting fixtures that do not comply with provisions of this Section on April 1, 2022, provided they are brought into compliance with this Section when they become unrepairable and must be replaced.

### **27-6703. Lighting Plan**

To ensure compliance with the standards of this Section, a lighting plan demonstrating how exterior lighting will comply with the standards of this Section shall be included as part of a development application for a site plan or building permit, as appropriate.

COMMENT: The applicant will prepare and submit a photometric plan as part of the application package.

### **27-6704. Prohibited Lighting**

The following exterior lighting is prohibited:

- (a) Light fixtures that imitate an official highway or traffic control light or sign;
- (b) Light fixtures that have a flashing or intermittent pattern of illumination, except signage with an intermittent pattern of illumination allowed in accordance with Sec. 27-61500, Signage.

- (c) Privately-owned light fixtures located in the public right-of-way;
- (d) Searchlights, except when used by Federal, State, or local authorities, or where they are used to illuminate alleys, parking garages, and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding two foot-candles; and
- (e) Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights. Light sources shall be color-correct types such as Halogen, LED, or metal halide.

COMMENT: Acknowledged.

#### **27-6705. Private Street Lighting**

- (a) All private street lights shall be located inside full cut-off fixtures mounted on non-corrosive poles served by underground wiring.
- (b) The light fixture and light color of private street lights in an individual subdivision or development shall be consistent throughout the subdivision or development.
- (c) Correlated color temperature (CCT) of street lights shall not exceed 3000K

COMMENT: The applicant is not proposing any private streets.

#### **27-6706. General Standards for Exterior Lighting**

Development subject to this Section shall comply with the following standards:

- (a) **Hours of Illumination**  
Public, civic, and institutional uses, commercial uses, mixed-uses, and industrial uses that are adjacent to existing residential development shall extinguish all exterior lighting by 11:00 P.M. or within one hour of the closing of the establishment open latest, whichever occurs last. Lighting necessary for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses; lighting necessary for security as listed in Subsections 27-6702(e) and 27-6702(j) and Section 27-6709; or lighting necessary for emergency situations as listed in Subsection 27-6702(i), shall be exempt from this requirement. For the purposes of this paragraph, lighting "necessary for security" shall be construed to mean the amount of exterior lighting necessary to provide an average of 2.5 foot-candles of light, with a maximum of 3 foot-candles of light at any point, in the following areas: possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.
- (b) **Shielding with Full Cut-off Fixtures**  
All exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 27-6706(b).1: Full Cut-off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture (see Section 27-6706(b).2: Examples of Fully-Shielded Light Fixtures).
- (c) **Maximum Illumination Levels**
  - (1) Except for private street lighting (see Section 27-6705, Private Street Lighting), all exterior lighting and indoor lighting visible from outside shall be designed and

located so that the maximum illumination measured in foot-candles at ground level at a lot line shall not exceed the standards in Table 27-6706(c).1: Maximum Illumination Levels. See Figure 27-6706(c).2: Maximum Illumination Levels.

- (2) All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers specifications for the fixture.
- (d) **Maximum Height**  
Except for athletic field lighting fixtures, which shall not exceed 95 feet in height, and private street lighting (see Section 27-6705, Private Street Lighting), the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 27-6706(d): Maximum Height for Exterior Lighting.

COMMENT: The applicant acknowledges this standard.

### **27-6707. Lighting Design Standards for Specific Uses and Site Features**

In addition to complying with all applicable standards in Section 27-6706, General Standards for Exterior Lighting, the specific uses and site features identified in this Section shall comply with the standards established for that type of use or site feature.

- (a) **Awnings**  
Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.
- (b) **Canopies**  
Lighting under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:
  - (1) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides full cutoff or fully-shielded light distribution; or
  - (2) A surface-mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.
- (c) **Sports and Performance Venues**  
Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- (d) **Wall Pack Lights**  
Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low wattage (100 watts or lower).
- (e) **Pedestrian Lighting**  
Pedestrian light fixtures shall comply with the following:
  - (1) Light fixtures for sidewalks, walkways, trails, and bicycle paths shall provide at least 1.2 foot candles of illumination, but not exceed 2.0 foot candles.

- (2) Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp (see Figure 27-6707(e): Examples of Pedestrian Bollard Lamps)
- (f) Decorative Landscaping and Lighting
  - Outdoor light fixtures used for decorative effects shall comply with the following standards.
  - (1) Decorative lighting intended to enhance the appearance of a building and/or landscaping shall cast all light downward (rather than upward) against the building surface or onto a landscape feature, or shall be calibrated to illuminate features of the building or landscaping such that light spill-over and skyglow are avoided.
  - (2) Decorative lighting shall not exceed 100 watts of incandescent illuminance or the equivalent.

COMMENT: This applicant acknowledges this standard.

#### **27-6708. Measurement**

Light-level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Upon installation, the applicant shall demonstrate compliance with this Section by submitting measurements taken with a light meter to the Planning Director. The light meter shall have been calibrated within the prior two years.

COMMENT: Acknowledged.

#### **27-6709. Security Exemption Plan**

COMMENT: The proposed lighting will comply with these standards and the applicant is not proposing to request a waiver.

#### **27-6800 Environmental Protection and Noise Control**

##### **27-6801. Purpose and Intent**

The purpose of this Section is to ensure that development complies with County environmental protection regulations referenced in Sections 27-6802 through 27-6809 and the noise control standards of Section 27-6810, Noise Control, below.

##### **27-6802. Natural Resource Inventory (NRI)**

An approved NRI, in conformance with the Environmental Technical Manual, is required for applications for Subtitle 32, Division 2, Erosion and Sediment Control; Subtitle 32, Division 3, Stormwater Management; Subtitle 25, Division 2, Woodland and Wildlife Habitat

Conservation; Subtitle 5B, Chesapeake Bay Critical Area; Planned Development (PD) Zoning Map Amendment applications (Section 27-3602); special exception applications (Section 27-3604); detailed site plan applications (Section 27-3605); and preliminary plan of subdivision (minor or major) applications (Subtitle 24: Subdivision Regulations).

COMMENT: Acknowledged.

#### **27-6803. Trees and Vegetation**

As described in the applicability sections of Subtitle 25: Trees and Vegetation, development shall comply with the requirements of Subtitle 25, Division 1, General; Subtitle 25, Division 2, Woodland and Wildlife Habitat Conservation Ordinance; and Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, of the Prince George's County Code.

COMMENT: Acknowledged.

#### **27-6804. Floodplain Management**

As described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code, development shall comply with the requirements for floodplain management in accordance with Subtitle 32, Division 4, Floodplain Ordinance, of the Prince George's County Code

COMMENT: Acknowledged.

#### **27-6805. Erosion and Sedimentation Control**

An approved Grading, Erosion, and Sediment Control Plan is required as described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code. Development shall comply with the requirements for sedimentation and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sedimentation Control, of the Prince George's County Code.

COMMENT: Acknowledged.

#### **27-6806. Stormwater Management**

As described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code, development shall comply with the requirements for stormwater management in accordance with Subtitle 32, Division 3, Stormwater Management, of the Prince George's County Code.

COMMENT: Acknowledged.

#### **27-6807. Chesapeake Bay Critical Area**

For all land within the CBCAO Zone, see Section 27-3601, Zoning Map Amendment (ZMA), Section 27-3603, Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment, Section 27-4402(a), Chesapeake Bay Critical Area Overlay (CBCAO) Zones, and Subtitle 5B:

Chesapeake Bay Critical Area, of the County Code, for applicable regulations and submittal requirements.

COMMENT: Acknowledged.

**27-6808. Regulated Environmental Features**

All land located outside the CBCAO Zone is subject to the requirements of Section 24-4300, Environmental Standards, of Subtitle 24: Subdivision Regulations.

COMMENT: Acknowledged.

**27-6809. Unsafe Lands**

All applications shall conform to the requirements pertaining to unsafe land in Section 24-4300, Environmental Standards, of Subtitle 24: Subdivision Regulations.

COMMENT: Acknowledged.

**27-6810. Noise Control**

COMMENT: The applicant acknowledges the standards contained in 27-6810 but are not proposing any outdoor activity or plan areas that would generate noise in excess of these standards.

**27-6900 Multifamily, Townhouse, and Three-Family Use Form and Design Standards**

COMMENT: The Applicant is not proposing a residential project.

**27-61000 Nonresidential and Mixed Use Form and Design Standards**

**27-61101. Purpose and Intent**

The purpose and intent of these industrial form and design standards are to ensure a minimum quality of form and design for all types of industrial development in a way that results in greater predictability during the development review process. More specifically, the purposes of this Section are to:

- (a) Encourage the establishment of a stronger sense of place with vibrant commercial and mixed-use development;
- (b) Encourage a more pedestrian-friendly environment through attention to human-scale design and site features to limit large, bulky buildings with few architectural details;(c)
- (c) Foster greater compatibility between adjacent residential and nonresidential development;
- (d) Limit the impacts of automobile-oriented development in commercial and mixed-use areas; and
- (e) Improve the physical appearance of the County generally.

**27-61002. Nonresidential and Mixed-Use Form and Design Standards**

Development subject to this Section shall comply with the following standards.

- (a) Large Retail Establishments  
New large single-use retail buildings shall also comply with the standards in Section 27-61003, Large Retail Establishment Form and Design Standards.
- (b) Building Orientation
  - (1) Front Streets  
The front façade of all buildings, as defined by the primary entrance, shall be oriented on and front onto a street, a courtyard, or plaza. See Figure 27-61002(a): Example of Building Orientation.

COMMENT: The front façade will be oriented toward Marlboro Pike.

- (2) Single-Building Development  
To the maximum extent practicable, all single-building developments should be configured with the long axis of the building parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles.

COMMENT: The building will be consistent with existing development patterns.

- (3) Multi-Building Development
  - (A) The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas
  - (B) Developments totaling 120,000 or more square feet of floor area that are composed of multiple buildings shall be configured to accomplish any one or combination of the following:
    - (i) Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes, as appropriate;
    - (ii) Frame the corner of an abutting street intersection or entry point to the development;
    - (iii) Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site, if appropriate; and
    - (iv) Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.

COMMENT: This standard is not applicable.

- (c) Outparcel Development
  - (1) To the maximum extent practicable, outparcels and their buildings should be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings.



- (2) Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces. (see Figure 27-61002(c): Outparcel Development.

COMMENT: This standard is not applicable.

- (d) **Maximum Building Footprints for Single-Tenant Buildings**  
Maximum building footprints for single-tenant buildings featuring a use in the Retail Sales and Service Uses principal use category in the Transit-Oriented/Activity Center base and PD zones are listed according to the zone in which the building is located in Table 27-61002(d)(1): Maximum Building Footprints for Single-Tenant Retail Buildings in the Transit-Oriented/Activity Center Base and PD Zones.

COMMENT: This standard is not applicable to the proposed development as it is not in a Transit-Oriented/Activity Center base or PD zone.

- (e) **Façade Articulation**
  - (1) **Offsets Required**  
Street-facing front building façades that are greater than 60 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least one foot deep, at least ten feet wide, and spaced no more than 50 feet apart (see Figure 27-61002(e)(1): Example of Front Façade Offsets).
  - (2) **Offset Alternatives**  
The following techniques may be used (alone or in combination with other techniques and/or wall offsets) as an alternative to the required front façade offsets (see Figure 27-61002(e)(2): Façade Massing):
    - (A) Changes in façade color or material that follow the same dimensional standards as the offset requirements;
    - (B) Columns or pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the façade's height; or
    - (C) Roofline changes that vertically align with a corresponding wall offset or change in façade color or material, including changes in roof planes and changes in the height of a parapet (such as extending the top of pilasters above the top of the parapet).
  - (3) **Side and Rear Façades**  
Any street-facing side or rear façades of buildings shall be articulated with the same façade details as provided on the building's front façade, or be screened from off-site views through fences, walls, or landscaping.
  - (4) **Outbuildings**  
Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building, as well as exterior materials and colors that are compatible with the primary building in the development.

COMMENT: This standard is not applicable to the proposed development as the proposed building is not greater than 60 feet wide.

### **27-61200 Neighborhood Compatibility Standards**

COMMENT: This development is not subject to the Neighborhood Compatibility Standards.

### **27-61300 Agriculture Compatibility Standards**

COMMENT: This development is not subject to the Agriculture Compatibility Standards.

### **27-61400 Urban Agriculture Compatibility Standards**

COMMENT: This development is not subject to the Urban Agriculture Compatibility Standards.

### **27-61500 Signage**

#### **27-61502. Applicability**

- (a) General
  - (1) Unless exempted in accordance with Subsection 27-61502(b) below or in Subsection 27-61502(c), Exemptions from Sign Permits, no sign shall be erected, installed, constructed, altered, or moved except in accordance with the requirements of this Section and approval of a Sign Permit (Section 27-3606).
  - (2) Any sign authorized by this Section may contain noncommercial copy, whether or not it is related to the subject property, or commercial copy as long as the sign complies with the requirements of this Section. The placement of noncommercial copy on an authorized sign does not make the sign an outdoor advertising sign.

COMMENT: Acknowledged.

#### **27-61504. General Standards**

- (a) Illumination
  - (1) Static Illumination

Static illumination of signs is allowed in all zones except the Rural and Agricultural base zones, for all sign types except canopy signs, provided any external light source shall be directed toward the sign and shall not cast direct light or create glare upon adjacent lands or streets.
  - (2) Animated Illumination
    - (A) Animated sign illumination is prohibited, except in accordance with Subsection 27-61504(a)(2)(B) below.
    - (B) Signs on which the only copy that changes is the electronic indication of time, temperature, stock market, or similar information are permitted in all districts except the Rural and Agricultural and Residential base zones and the R-PD Zone. Changes in copy shall be spaced at least eight seconds

apart and shall be accomplished without the use of animation, movement, or scrolling.

COMMENT: The proposed building mounted signs will comply with 27-61504(a)(1).

(b) Materials

Permanent signs shall not be made of plywood, corrugated plastic sheets, cardboard, paper, cloth, vinyl banners, or other similar materials.

COMMENT: The proposed signs will comply with this standard.

(c) Digital Display

Digital displays shall comply with the standards in this Subsection.

(1) Location and Sign Type

(A) In the Rural and Agricultural and Residential base zones and the R-PD Zone, digital displays shall be permitted only on freestanding signs for uses in the Community Service Uses and Educational Uses Principal Use Categories.

(B) In the Transit-Oriented/Activity Center base and PD zones, digital displays shall be permitted only on building wall or roof signs.

(C) In all other base and PD zones, digital displays shall be permitted only on building wall or roof signs or freestanding signs.

(2) Standards

(A) A digital display shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign or its supporting structure. Each static message shall not include flashing or the varying of light intensity.

(B) Automatic changes in display are permitted for digital displays, provided such changes shall be:

(i) Spaced at least 8 seconds apart;

(ii) Accomplished in 0.25 seconds or less; and

(iii) Accomplished without the use of animation, movement, or scrolling.

(C) Except when part of a digital billboard (see Subsection 27-61506(g)), the luminance of a digital display during daylight hours shall be no greater than 1500 nits. At all other times, luminance shall be no greater than 150 nits. Automatic dimming is required to maintain the appropriate illumination levels at all times.

COMMENT: The applicant is not proposing signage that utilizes digital display.

(d) Signs Within Proposed Right-of-Way

(1) Sign permits may be issued for signs on land located within the right-of-way, property, or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid

transit route, or rapid transit facility as shown on the General Plan or other County plans (e.g., Area Master Plans, Sector Plans, or Functional Master Plans) only if such signs are placed on:

- (A) Land which:
  - (i) Was in reservation but is now not in reservation; and
  - (ii) Has not been acquired and is not being acquired; or
- (B) Land which was subdivided after the adoption of the General Plan or other County plans (e.g., Area Master Plans, Sector Plans, or Functional Master Plans), but was not reserved or required to be dedicated for a street or rapid transit route or facility shown on the General Plan or other County plan.

COMMENT: The applicant is not proposing to install signage within a proposed right-of-way.

### **27-61505. Standards for Specific Sign Types**

Unless exempted in accordance with Section 27-61502(b), Exemptions, all signs except special purpose signs (see Section 27-61506, Standards for Special Purpose Signs) and temporary signs (see Section 27-61507, Standards for Temporary Signs) shall comply with the standards in Table 27-61505: Standards for Specific Sign Types, based on the zone in which the sign is located.

COMMENT: The applicant acknowledges this standard.

### **27-61506. Standards for Special Purpose Signs**

COMMENT: The applicant is not proposing a special purpose sign.

### **27-61600 Green Building Techniques**

#### **27-61601. Purpose and Intent**

The purpose of this Section is to ensure development in the County includes a minimum degree of green building features as a means of protecting and conserving resources, supporting a healthy lifestyle for citizens, reducing greenhouse gas emissions, and ensuring a high quality of life for County residents. Specifically, this Section is intended to ensure development practices:

- (a) Support walkable areas in appropriate places;
- (b) Support multiple modes of mobility;
- (c) Conserve energy;
- (d) Promote the use of alternative energy;
- (e) Conserve water resources;
- (f) Protect water quality;
- (g) Promote a healthy landscape;
- (h) Support urban agriculture;
- (i) Encourage innovation in green building practices;
- (j) Reduce landfill wastes; and
- (k) Promote healthy and safe lifestyles.

## **27-61602. Exemptions**

In addition to the exemptions specified in Section 27-6103, General Exemptions, the following development is exempt from the standards of this Section:

- (1) New residential development that contains less than 10 dwelling units;
- (2) New non-residential development with a gross floor area of less than 25,000 square feet;
- (3) New buildings that have achieved requirements necessary to receive certification from the U.S. Green Building Council at the LEED® gold level or above or an equivalent level of sustainable development performance under an alternative rating system such as the National Green Building Standard™/NGBS Green or the International Code Council's *International Green Construction Code*, as determined by the Planning Director;
- (4) Expansion of vehicular parking lots where it is the only development or redevelopment occurring; and
- (5) Changes or addition of landscaping where it is the only development or redevelopment occurring

## **27-61603. Green Building Standards**

### **(a) Minimum Amount of Points Required**

Development subject to the standards of this Section shall achieve the following minimum number of points from the menu of options shown in Table 27-61603(b): Green Building Point System.

#### **(1) Minimum Requirements for Residential Development**

- (A) 10 to 25 units: 3 points.
- (B) 25 or more units: 4 points.

#### **(2) Minimum Requirements for Non-Residential Development**

- (A) 25,000 to 75,000 square feet: 3 points.
- (B) More than 75,000 square feet: 4 points.

### **(b) Green Building Point System**

Development subject to the standards of this Section shall use Table 27-61603(b): Green Building Point System, to determine compliance with this Section.

### **(c) Documentation Required**

Applicants shall provide documentation of techniques that will be used to satisfy the green building standards of this Section at the time of submittal of a development application.

COMMENT: The applicant acknowledges these standards and will demonstrate compliance as part of the permitting phase.

## **IV. 24-4 SUBDIVISION STANDARDS COMPLIANCE**

### **24-4100 Planning and Design**

#### **24-4101. General**

##### **(a) Zoning Ordinance Standards**

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

COMMENT: This statement demonstrates compliance with the standards in Subtitle 27, Part 6.

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

- (1) Preliminary plans of subdivision (minor and major) and final plats shall be consistent with the General Plan and shall conform to all applicable Area Master Plans, Sector Plans, or Functional Master Plans, and as referenced in Sections 24-3402(d) and 24-b3402(e) of this Subtitle.

COMMENT: The General Plan classifies the subject property in the Established Communities area. This is an area described by the General Plan as, “most appropriate for context-sensitive infill and low- to medium-density development.” The proposed Superior Martial Arts Center will occupy a small commercial building which matches the character and scale of the abutting development to the east and south. The December, 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* classified the area of the subject property for Mixed Use future land use, and more specifically describes the subject property as being a part of “Development Bay 5” in the Greater Upper Marlboro section of the Living Areas component of the Plan. The Plan’s recommendation for Development Bay 5 is that, “this parcel would best be served by extending the existing commercial development into it.” This is exactly what is being proposed.

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

COMMENT: No new Area Master Plan is currently being prepared. As such, this provision will not be relevant to the instant application.

- (3) Should an Area Master Plan, Sector Plan, and/or Functional Master Plan affecting the subject property be in direct 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).

COMMENT: The discussion under subsection (1) above indicates that this provision will not be relevant to the instant application.

**(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.

COMMENT: The subject property does contain unsafe land in the form of the Marlboro Clay soil stratum. A geotechnical study accompanies this application, and lays out the conditions under which the subject property and its physical development as proposed by the approved Site Development Concept Plan can occur.

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

COMMENT: As discussed immediately above, the subject property does contain unsafe land in the form of the Marlboro Clay soil stratum. A geotechnical study prepared by a registered professional engineer who specializes in geotechnical engineering accompanies this application, and lays out the limits of the unsafe land, as well as the conditions under which the subject property and its physical development as proposed by the approved Site Development Concept Plan can occur.

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

COMMENT: As discussed immediately above, the submitted geotechnical study lays out the mitigations which will make a suitable portion of the site safe for building construction, as proposed by the approved Site Development Concept Plan.

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

COMMENT: As discussed immediately above, the submitted geotechnical study proposes mitigations to alleviate unsafe soil conditions. DPIE's review of the geotechnical study is reflected in the approved Site Development Concept Plan.

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

COMMENT: This requirement is understood.

#### **24-4102. Lot Standards**

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

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

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

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

- (c) **Minimum Lot Depth**

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



- (2) Lots or parcels used for residential purposes adjacent to existing or planned streets classified as expressways or freeways shall be platted with a minimum depth of 300 feet.
  - (3) Adequate protection and screening from traffic nuisances shall be provided in accordance with the requirements of the Landscape Manual.
- (d) **Lot Design Standards**
  - (1) Buildings and driveways shall be sited to maintain the existing grade as much as possible.
  - (2) A variety of lot sizes and lot widths are encouraged within groupings of dwellings in order to prevent visual monotony, when appropriate.
- (e) **Condominium Development**

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

Provision shall be made for the eventual ownership of outlots and outparcels by incorporating them into platted lots or into adjacent parcels, or by other appropriate means.
- (g) **Located Wholly Within County**

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

COMMENT: The applicant's preliminary plan complies with 24-4102.

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

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

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

COMMENT: No internal streets are proposed.

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

COMMENT: The proposed subdivision only involves the recordation of a single parcel of deeded acreage; as such, there will be no change in the existing relationship between the parcel and the street (except for the dedication of additional right-of-way width), but the existing relationships are the most beneficial for the residents and occupants of the subdivision and abutting properties.

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

COMMENT: The proposed subdivision only involves the recordation of a single parcel of deeded acreage for commercial use; as such, no stacked dwelling units are proposed.

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

COMMENT: The proposed subdivision only involves the recordation of a single parcel of deeded acreage for commercial use; as such, no dwelling units are proposed.

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

COMMENT: The proposed subdivision only involves the recordation of a single parcel of deeded acreage; as such, there will be no common ownership parcels created.

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

COMMENT: The proposed subdivision only involves the recordation of a single parcel of deeded acreage; as such, there will be no change in the existing lotting pattern in the established neighborhood.

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

COMMENT: The proposed subdivision only involves the recordation of a single parcel of deeded acreage; as such, the existing views of the site characteristics from streets and abutting lands will be maintained.

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

COMMENT: The proposed subdivision only involves the recordation of a single parcel of deeded acreage with frontage on an existing road, Marlboro Pike; no internal streets are proposed. Development which has been proposed on an abutting property known as Marlboro Gateway proposed to provide an easement for shared access on their private interior street on Detailed Site Plan DSP-22019, but that plan has not yet been certified and the development appears to have since stalled. Accordingly, this development will propose access to the Marlboro Gateway development if it becomes available in a timely manner, but reserves the right to build its own connection to existing Marlboro Pike if the shared access is unavailable.

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

COMMENT: No culs-de-sac are proposed.

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

COMMENT: No retaining walls are proposed.

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

COMMENT: Because of the presence of Marlboro Clays, the mitigation measures necessary to stabilize existing unsafe slopes will require the removal of the existing woodlands on the property's existing unsafe steep slopes. Further, DPIE has required that an ephemeral drainage channel at the northern part of the site must be pipes. The combination of these two factors and the presence of planned development on the abutting property mean that no dimensionally-appropriate areas will remain for woodland preservation after the drain construction and slope stabilization. As such, offsite preservation is proposed.

- (l) Locate noise fencing or walls within common areas or within homeowners' association easements on private lots when homeowners' association land is not proposed. A 10-foot-wide clear zone for maintenance and inspection around the fence or wall shall be provided. The minimum net lot area shall be provided outside the easement area.

COMMENT: No noise fencing or walls are proposed.

- (m) Lighting techniques shall comply with Section 27-6700, Exterior Lighting, of Subtitle 27: Zoning Ordinance. In addition, lighting should be designed to decrease adverse impacts on the adjoining and abutting lands.

COMMENT: This requirement is understood.

- (n) Avoid public use easements for infrastructure, including sidewalks.

COMMENT: No public use easements are proposed.

#### **24-4104. Grading**

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

COMMENT: The applicant submitted a grading plan and Type I Tree Conservation Plan with the PPS package.

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

##### **(a) Purpose**

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

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

##### **(b) General Standards**

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

COMMENT: There are no historic sites or resources within ½ mile of the subject property.

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

- (a) A proposed preliminary plan for subdivision (minor or major) which includes a cemetery within the site, when there are no plans to relocate the human remains to an existing cemetery, shall comply with the following standards:
- (1) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.
  - (2) The layout shall promote the long-term maintenance and access to the cemetery.
  - (3) Fence or walls constructed of stone, brick, metal, or wood shall delineate the cemetery boundaries.

- (4) If the cemetery is not conveyed and accepted into public ownership, it shall be protected by agreements sufficient to assure its future maintenance and protection. This shall include but not be limited to a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants or other agreements shall include a determination of the following:
  - (A) Current and proposed land ownership;
  - (B) Responsibility for maintenance;
  - (C) A maintenance plan and schedule;
  - (D) Adequate access; and
  - (E) Any other specifications deemed necessary to assure its future maintenance by the Planning Director.
- (5) Appropriate measures shall be provided to protect the cemetery during the development process.
- (6) The Planning Director shall maintain a registry of cemeteries identified during the subdivision review process.
- (b) Any cemetery approved in accordance with this 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.

COMMENT: The property that is the subject of this preliminary plan does not contain a cemetery and does not adjoin a cemetery.

## **24-4200 Transportation, Pedestrian, Bikeway and Transportation**

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

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

- (a) A subdivision may be served by public and private streets, and in rural areas, access easements.
- (b) The rights-of-way of all highways, streets, trails, and transit facilities shown on the General Plan, Functional Master Plans, and the applicable Area Master Plan or Sector Plan shall be shown on the preliminary plan of subdivision and, when reserved or dedicated, shown on the final plat.
- (c) All streets proposed for dedication to public use shall comply with the standards in:
  - (1) Section 27-6200, Roadway Access, Mobility, and Circulation, and all other applicable standards in Subtitle 27: Zoning Ordinance;
  - (2) Subtitle 23: Roads and Sidewalk, of the County Code;
  - (3) These Regulations;
  - (4) The Specifications and Standards for Roadways and Bridges;
  - (5) The standards of the State Highway Administration for state facilities; and
  - (6) Applicable regulations of municipalities having jurisdiction.
- (d) All proposed streets shall comply with the standards in 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 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.

- (e) The topography and drainage of land shall be considered in the design of streets. If necessary to demonstrate such consideration, rough street grading plans may be required.
- (f) All internal subdivision streets shall be wholly within the County and shall not be designed to directly connect to an adjacent county unless the applicant has obtained the prior written approval of the District Council and the appropriate land use authority of the adjacent county.
  - (1) An applicant shall file a written request for such approval with the Clerk of the District Council. The District Council shall either approve or disapprove the request within 45 days from the date of filing. Failure of the District Council to act within the 45-day period shall constitute an approval of the request. For purposes of this provision, an internal subdivision street shall be deemed to be a public street having a right-of-way width of 80 feet or less.
  - (2) The District Council shall not allow the proposed street connection to an adjacent county unless it finds that delivery of public safety services, utility services, and tax collection will be timely and adequate for the lots in Prince George's County.
- (g) All private streets shall be of sufficient width to accommodate the requirements of the Landscape Manual.

COMMENT: The applicant is not proposing to create any public streets as part of this PPS.

#### **24-4202. Vehicular Access and Circulation**

- (a) A preliminary plan of subdivision (minor or major) shall comply with the street connectivity, access, traffic calming, block design, and all other applicable standards in Section 27-6206, Vehicular Access and Circulation, of Subtitle 27: Zoning Ordinance.
- (b) As used in this Section, a planned street or transit right-of-way shall mean a street or right-of-way shown in a currently approved State Highway Plan, the General Plan, the County's Master Plan of Transportation, or the applicable Area Master Plan or Sector Plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least 200 feet away from the intersection of any street or collector or higher classification.

COMMENT: The applicant is not proposing to create any public streets as part of this PPS.

#### **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.
- (b) Sidewalks and crosswalks shall comply with the Prince George's County Specifications and Standards for Roadways and Bridges, the standards of the State Highway Administration for state facilities, or applicable regulations of municipalities having jurisdiction.

COMMENT: Acknowledged.

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

### **(a) General**

Unless exempted in accordance with Section 24-4204(b) below, no subdivision shall be approved with a private street, right-of-way, or easement as the means of vehicular access to any lot, unless the private street, right-of-way, or easement is built to conform to the standards in Subtitle 23: Roads and Sidewalks, of the County Code.

### **(b) Exemptions**

- (1)** A preliminary plan of subdivision (minor or major) containing private streets, rights-of-way, alleys, and/or easements that do not conform to the standards of Subtitle 23: Roads and Sidewalks may be approved under the following conditions:

**(A)** In the AG, AR, RE, and RR zones, a private right-of-way easement that does not conform to the standards in Subtitle 23: Roads and Sidewalks may connect up to seven lots and a remainder agricultural parcel to a public road in Sustainable Growth Tier IV, provided:

**(i)** The lots are not served by public water and sewerage;

**(ii)** The right-of-way width shall be at least 22 feet;

**(iii)** The easement shall be adequate to serve the proposed uses in accordance with Section 24-4500, Public Facility Adequacy.

**(iv)** Each lot served by the easement shall have a net lot area of at least two acres; and

**(v)** The use of lots served by the easement shall be restricted to detached single-family dwellings or agricultural uses.

**(B)** In the AG, AR, and RE zones and in the 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:

**(i)** Private streets shall be constructed in accordance with the Department of Public Works and Transportation specifications and standards;

**(ii)** The right-of-way width shall be at least 22 feet;

**(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

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

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

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

**(ii)** Points of access to public streets shall be approved by the Planning Board, or the Planning Director for a minor subdivision, and by

the DPIE Director, the State Highway Administration, the Department of Public Works and Transportation, the Public Works Department of the municipality in which the property is located, or other appropriate roadway authority, as applicable;

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

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

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

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

**(ii)** The pavement width of private alleys shall not be less than eighteen (18) feet in width; and

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

**(E)** In the Transit-Oriented/Activity Center base and Transit-Oriented/Activity Center Planned Development zones, private alleys that do not conform to the standards in Subtitle 23: Roads and Sidewalks, may only be provided if:

**(i)** They connect at each end to a street;

**(ii)** The pavement width of an alley provides safe vehicular access to individual lots; and

**(iii)** The alleys provide vehicular access only to lots with frontage on a public street.

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

**(i)** The right-of-way or easement shall have a minimum right-of-way width of 22 feet connecting the lots to a public street;

**(ii)** The right-of-way or easement shall be:

(aa) Adequate to serve the extent of the development proposed;

(bb) Consistent with the requirements in Section 27-6206, Vehicular Access and Circulation, of Subtitle 27: Zoning Ordinance; and



- (cc) Not result in any adverse impact on the access and use of other lots or parcels within the subdivision.
  - (iii) The development shall comply with all other applicable requirements of these Regulations; and
  - (iv) Approval of a right-of-way or easement in accordance with this Subsection shall be deemed the creation of a driveway, in accordance with Section 27-6206(b), Vehicular Accessway Classifications, in Subtitle 27: Zoning Ordinance.
- (G) Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Section 27-6206(d) of Subtitle 27: Zoning Ordinance, in order to provide vehicular access, when deemed appropriate by the Planning Board.
- (2) Upon petition of the owner of an existing lot having its sole frontage on, or its only direct vehicular access to, a private right-of-way or easement that cannot be approved in accordance with Section 24-4204(b)(1) above, and upon the recommendation of the County Executive, the County Council, by resolution, may approve the issuance of a building permit for any building or other structure on such lot on finding that the private right-of-way or easement is adequate to serve the lot and its proposed development, provided:
- (A) Any single-family detached dwelling and its accessory structures shall comply with all other applicable requirements of these Regulations, Subtitle 27: Zoning Ordinance, and all other applicable requirements of the County Code of Ordinances;
  - (B) For any other building or structure, the owner shall submit:
    - (i) Documentary evidence demonstrating the inability to obtain access for use of the parcel by any other means, including dedication to public use of the right-of-way; and
    - (ii) Detailed construction plans demonstrating that the private street shall be constructed in accordance with the provisions governing the standard paving sections and Fire Department access in Subtitle 11: Fire Safety, and Subtitle 23: Roads and Sidewalks, of the County Code.
  - (C) Detailed construction plans submitted in accordance with Section 24-4204(b)(2)(B) above shall be reviewed by DPIE for adequacy, and a performance bond shall be posted by the land owner in an amount determined by DPIE. If appropriate, DPIE shall inspect all work for conformance with the approved plans.
  - (D) No private right-of-way or easement across land in a Residential zone shall be deemed adequate access to serve any development other than a single-family detached dwelling and its accessory structures, including a detached garage, or a nonprofit group residential facility where the private right-of-way or easement is owned by a governmental entity.

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

COMMENT: The applicant is not proposing to create any public/private streets as part of this PPS.

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

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

COMMENT: Acknowledged.

#### **24-4300 Environmental Standards**

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

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

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

- (a) To ensure land is platted in a manner that protects the public against loss of life or property due to the 100-year flood, while minimizing the public and private costs of flood control measures, all subdivisions shall comply with the following standards:
  - (1) Except as provided in Sections 24-4302(a)(2) and 24-4302(a)(3) below, lots shall comply with the minimum net lot area required in PART 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 may be used, if necessary, for utility lines and/or stormwater drainage facilities, open-type fencing, or passive recreation, provided that no structures are built that would interfere with the flood conveyance capacity of such easement area.
- (c) The 100-year floodplain associated with a watercourse having less than 50 acres of watershed upstream may be excluded from the floodplain area computation, subject to approval in accordance with the requirements of Subtitle 32, Division 4, the Floodplain Ordinance, of the County Code.

COMMENT: The property that is the subject of this PPS does not contain 100 year floodplain.

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

- (a) Subdivisions shall be designed to minimize the effects of development on land, streams, and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys.
- (b) A preliminary plan of subdivision (minor or major) shall not be approved until evidence is submitted that a stormwater management concept has been approved by DPIE or the municipality having approval authority, if the municipality has approval authority. Submittal materials shall include evidence that the applicable site development concept has been approved. Regulated buffers in Environmental Strategy Areas shall comply with the requirements in Table 24-4303(c): Regulated Stream Buffers in Environmental Strategy Areas.
- (c) Regulated stream buffers in Environmental Strategy Areas shall comply with the requirements in Table 24-4303(c): Regulated Stream Buffers in Environmental Strategy Areas.
- (d) To ensure the purpose and intent of this Section is advanced, a proposed subdivision (minor or major) shall comply with the following:
  - (1) The preliminary plan of subdivision (minor or major) shall demonstrate adequate control of increased run-off.
  - (2) Stormwater control shall be provided on-site unless, upon recommendation from the County, it is demonstrated equally effective stormwater controls can be provided off-site.
  - (3) Environmental site design (ESD) techniques are encouraged, where appropriate.

- (4) Where land is partially or totally within an area subject to an adopted Watershed Plan, the subdivision conforms to such plan.
- (5) Where land is located outside the Chesapeake Bay Critical Area Overlay (CBCAO) zones, the preliminary plan of subdivision (minor or major) and all plans associated with the application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state, to the fullest extent possible, consistent with the Environmental Technical Manual established in accordance with Subtitle 25: Trees and Vegetation, of the County Code. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required in accordance with Subtitle 27: Zoning Ordinance, of the County Code, for the reasonable development of the lot outside the regulated feature.
- (6) All regulated environmental features shall be placed in a conservation easement and identified on the final plat.
- (7) The approval of a Concept Grading, Erosion, and Sediment Control Plan (CS) by the Soil Conservation District, shall be required prior to final approval of the preliminary plan of subdivision (minor or major) if required by Subtitle 32: Water Resources Protection and Grading Code, of this Code.

COMMENT: There is no 100-year floodplain located on the subject property.

#### **24-4304. Woodland and Wildlife Habitat Conservation, Tree Preservation, Clearing, and Replacement**

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

COMMENT: Acknowledged.

#### **24-4400 Public Facilities Standards**

##### **24-4401.**

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

##### **24-4402.**

Land for public facilities shown on the General Plan, a Functional Master Plan, the

applicable Area Master Plan or Sector Plan, or a watershed plan shall be reserved, dedicated, or otherwise provided for.

**24-4403.**

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

**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:

- (a) A subdivision in the Sustainable Growth Tier I in the General Plan or applicable Functional Master Plan shall be served by public sewer.
- (b) A subdivision in the Sustainable Growth Tier II in the General Plan or applicable Functional Master Plan shall be served by public sewer, except for a minor subdivision which may be served by on-site sewerage disposal systems.
- (c) A subdivision in the Sustainable Growth Tier III in the General Plan or applicable Functional Master Plan shall be served by on-site sewerage disposal systems.
- (d) A subdivision in the Sustainable Growth Tier IV in the General Plan or applicable Functional Master Plan shall be served by on-site sewerage disposal systems. A residential major subdivision served by on-site sewer disposal systems is not permitted.

**24-4405.**

For purposes of determining whether water and sewerage complies with the standards of this Section, the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage and compliance with the standards for the provision of public sewer and water.

**24-4406.**

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

**24-4500 Public Facility Adequacy**

**24-4503. Certificate of Adequacy**

COMMENT: The applicant acknowledges this standard and will submit an application for a certificate of adequacy.

**24-4600 Parklands and Recreation Facilities**

COMMENT: These standards are not applicable to this development as it is not proposing residential uses.

V. JUSTIFICATION OF WOODLAND PRESERVATION METHODS WITH RESPECT TO THE PRIORITIES OF SECTION 25-122(c)(1)

**Sec. 25-122. - Methods for Meeting the Woodland and Wildlife Conservation Requirements.**

(c) Conservation Method Priorities.

- (1) The required priorities for woodland conservation methods are as follows in the order listed:
  - (A) On-site preservation of connected woodland and wildlife habitat areas using woodlands in good condition with limited amounts of invasive or exotic plants.

COMMENT: Because of the adjacent approved development, DPIE-required storm drains, and the necessary Marlboro Clay mitigation measures, no sufficiently-dimensioned areas or connected areas of woodlands will remain.

- (B) On-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas.
- (C) On-site afforestation/reforestation of connected planting areas using native whip and seedling stock.

COMMENT: Because of the adjacent approved development, and DPIE-required storm drain easements no sufficiently-dimensioned areas for reforested woodlands will remain.

- (D) On-site specimen, champion, and historic trees in good condition when the plan has been designed to ensure long-term survival.

COMMENT: Because of the adjacent approved development, DPIE-required storm drains, and the necessary Marlboro Clay mitigation measures, there will be too much impact to the critical root zones of the specimen trees outside of the building and parking areas to preserve them.

- (E) On-site natural regeneration of connected areas in appropriate locations containing sufficient seed sources with appropriate protection mechanisms and long term management.

COMMENT: Because of the adjacent approved development, DPIE-required storm drains, and the necessary Marlboro Clay mitigation measures, no connected areas will remain for natural regeneration to connect to.

- (F) Off-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas, in an approved woodland conservation bank.
- (G) Off-site afforestation/reforestation of connected planting areas using native whip and seedling stock in an approved woodland conservation bank.
- (H) Off-site preservation of connected woodlands in an approved woodland conservation bank.

COMMENT: The TCP1 shows off-site preservation of woodlands in an approved woodland bank. The specific method of meeting the requirement, whether it be through afforestation/reforestation with transplanted stock or native whip and seedling stock or preservation of connected woodlands, will depend on the bank and its available credits.

- (I) On or off-site habitat enhancement projects of connected areas of existing woodlands that result in improved wildlife habitat and forest vigor through the removal of invasive or exotic plant species and/or planting of native plant species.
- (J) Off-site natural regeneration of connected areas in appropriate locations containing sufficient seed sources with appropriate protection mechanisms and long-term management in an approved woodland conservation bank.
- (K) On-site landscaping using native species of field grown nursery stock that establish landscaped areas a minimum of 35 feet wide and 5,000 square feet in area. At least 50 percent of the plants in the landscaped area must be trees.
- (L) Street trees on or adjacent to the site when located in the following areas as designated by the Prince George's County General Plan: Transportation Service Area 1, Regional Transit Districts, or Local Centers; or in conformance with a municipality's street tree planting plan or program, where the trees have been provided sufficient root zone space to ensure long-term survival and sufficient crown space is provided that is not limited by overhead utility lines that are existing or proposed.
- (M) Fee-in-lieu may be used to meet the requirements of this Division, when all other options have been exhausted, as determined by the Planning Director or designee. Refer to Section 25-122(d)(8) for criteria relating to the use of fee-in-lieu.

COMMENT: Priorities I-M are not applicable, as a higher-priority method of meeting the woodland preservation requirement will be used.

## VI. CONCLUSION

The applicant contends that PPS complies with the Subdivision Regulations, that the

proposed development of the subject property with a school will comply with the standards contained in Part 6 of the Zoning Ordinance, and finally that the woodland preservation requirement will be met with the highest-priority method which is available to the proposed development.

Respectfully submitted,

**MCNAMEE HOSEA**



---

Daniel F. Lynch