

PRELIMINARY PLAN OF SUBDIVISION PPS-2023-019 (FORMERLY 4-23009) FOR AL KAREEM

NARRATIVE:

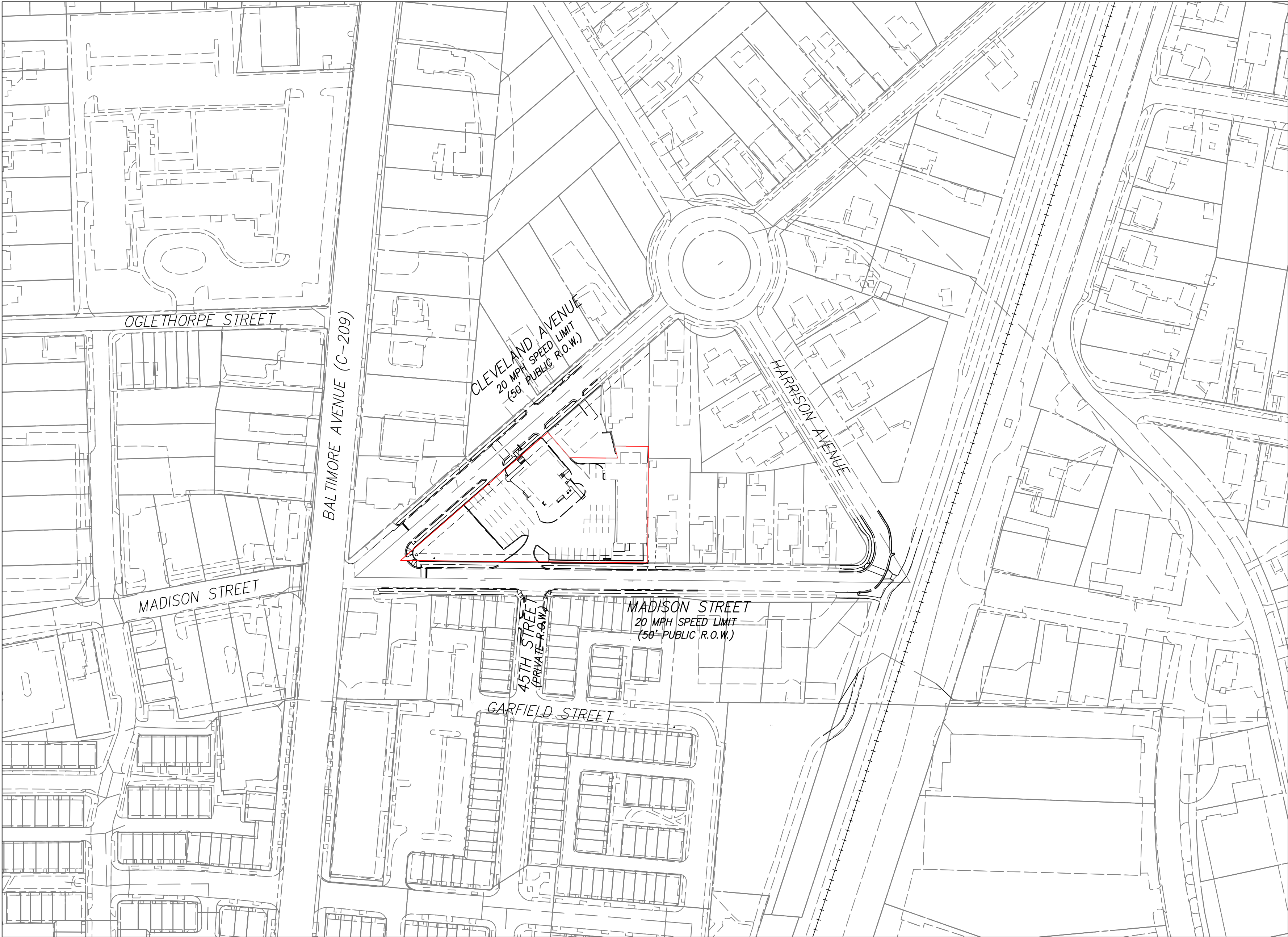
THE SUBJECT SITE IS LOCATED EAST OF THE INTERSECTION OF CLEVELAND AVENUE, MADISON STREET AND BALTIMORE AVENUE (US-1) IN PRINCE GEORGE'S COUNTY, MARYLAND. THE SITE IS CURRENTLY BEING USED AS A MORTUARY WITH 2 BUILDINGS AND ASSOCIATED PARKING. THE PROPOSED DEVELOPMENT WILL INCLUDE A SINGLE MULTI-LEVEL, MULTI-FAMILY, MIXED-USE BUILDING WITH APPROXIMATELY 146 RESIDENTIAL UNITS, APPROXIMATELY 3,000 SF OF RETAIL COMMERCIAL SPACE, SITE AMENITIES, AND ASSOCIATED SUBSURFACE PARKING AND DRIVES.

IN FINAL DEVELOPMENT, THE SITE WILL FEATURE A SAND FILTER TO PROVIDE WATER QUALITY AND QUANTITY TREATMENT FOR THE 100-YEAR STORM EVENT. FOLLOWING TREATMENT, ONSITE FLOW WILL DISCHARGE INTO AN EXISTING STORM DRAIN CONVEYANCE SYSTEM LOCATED APPROXIMATELY 315' EAST OF THE SITE IN MADISON STREET WHICH EVENTUALLY OUTFALLS INTO THE ANACOSTIA RIVER WATERSHED. NATURAL DRAINAGE COURSES WILL BE MAINTAINED AS PART OF THE PROPOSED DEVELOPMENT.

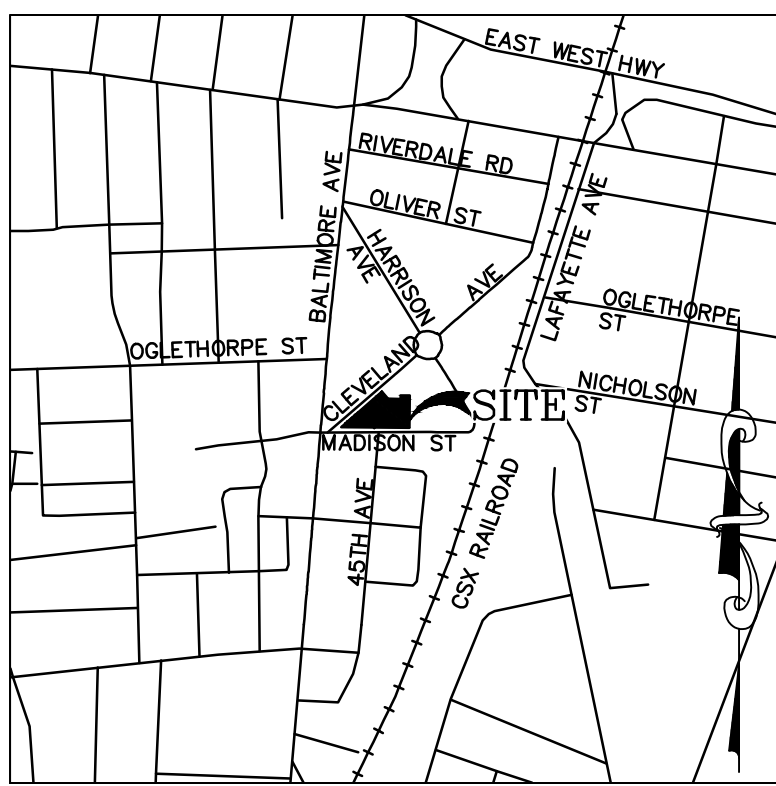
DURING CONSTRUCTION, A STABILIZED CONSTRUCTION ENTRANCE WILL BE PROVIDED TO REMOVE DEBRIS FROM TRAFFIC ENTERING AND EXITING THE SITE. ONSITE AND OFFSITE SEDIMENT CONTROL DEVICES WILL BE UTILIZED AS NECESSARY AND AS REQUIRED BY THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT TO CAPTURE SEDIMENT LADEN WATER AND PREVENT SURFACE RUNOFF FROM DISCHARGING ONTO ADJACENT PROPERTIES.

GENERAL NOTES:

- PROPOSED SUBDIVISION NAME: AL KAREEM
- LOT 24, PLAT #19117060, PLAT BOOK 117-60
- DEED REFERENCE: 48143/00090
- TAX MAP 42 GRID C4
- 200 FOOT MAP REFERENCE (WSSC): 207NE04
- PURPOSE OF SUBDIVISION: ONE PARCEL FOR 146 MULTIFAMILY DWELLING UNITS AND APPROXIMATELY 3,000 SF± OF COMMERCIAL DEVELOPMENT.
- PRIOR APPROVALS: N/A
- PROPERTY AREA
GROSS TRACT AREA: 0.9810 AC
NET TRACT AREA: 0.9810 AC
- NET DEVELOPMENT AREA OUTSIDE PMA: N/A
- ACREAGE OF ENVIRONMENTAL REGULATED FEATURES: N/A
- ACREAGE OF 100-YEAR FLOODPLAIN: N/A
- ACREAGE OF ROAD DEDICATION: N/A
- EXISTING ZONING/USE: LMUTC/MORTUARY, 42,738 SF
- PROPOSED ZONING/USE OF PROPERTY: LMUTC/MIXED-USE MULTIFAMILY, 42,738 SF
- BREAKDOWN OF PROPOSED DWELLING UNIT BY TYPE (RESIDENTIAL ONLY):
NUMBER OF DWELLING UNITS: 146
- DENSITY CALCULATION (RESIDENTIAL ONLY):
146 UNITS / 0.9810 AC = 148.83 UNITS/AC
- MINIMUM LOT SIZE REQUIRED AND PROPOSED: N/A
- SUSTAINABLE GROWTH TIER: TIER 1
- MILITARY INSTALLATION OVERLAY ZONE: NO
- CENTER OR CORRIDOR LOCATION: BALTIMORE AVENUE CORRIDOR AND RIVERDALE MARC (POSSIBLE FUTURE) NEIGHBORHOOD CENTER
- EXISTING AND PROPOSED GROSS FLOOR AREA (NON-RESIDENTIAL ONLY): APPROXIMATELY 3,000 SF OF RETAIL COMMERCIAL
- STORMWATER MANAGEMENT CONCEPT NUMBER AND APPROVAL DATE: 50899-2022-00
APPROVAL PENDING
- WATER/SEWER CATEGORY:
EXISTING: W-3/S-3
PROPOSED: W-3/S-3
- SEWAGE DISPOSAL METHOD: PROPOSED CONNECTION TO PUBLIC SEWER
- AVIATION POLICY AREA: N/A
- MANDATORY PARK DEDICATION AREA: PRIVATE RECREATIONAL FACILITIES PROVIDED ON-SITE
- CEMETERIES ON OR CONTIGUOUS TO PROPERTY: NO
- HISTORIC SITES: NO
- TYPE ONE CONSERVATION PLAN: NO
- WITHIN CHESAPEAKE BAY CRITICAL AREA: NO
- WETLANDS: NO
- STREAMS: NO
- SOILS: SEE NRCS WEB SOILS SURVEY SOILS TABLE THIS SHEET
- IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR ORGANIZATION: NO
- SITE IS IN CONFORMANCE TO "TOWN OF RIVERDALE PARK MIXED-USE TOWN CENTER ZONE DEVELOPMENT PLAN JANUARY 2004"
- THE 65 DBA LDN NOISE CONTOUR IS NOT APPLICABLE



0 50' 100' 200'
SCALE: 1" = 100'



VICINITY MAP

0 500' 1,000' 2,000'
SCALE: 1" = 1,000'

LEGEND

--- PROPERTY LINE
--- SITE

LOCATION

5801 CLEVELAND AVENUE
RIVERDALE, MARYLAND 20737
PRINCE GEORGE'S COUNTY

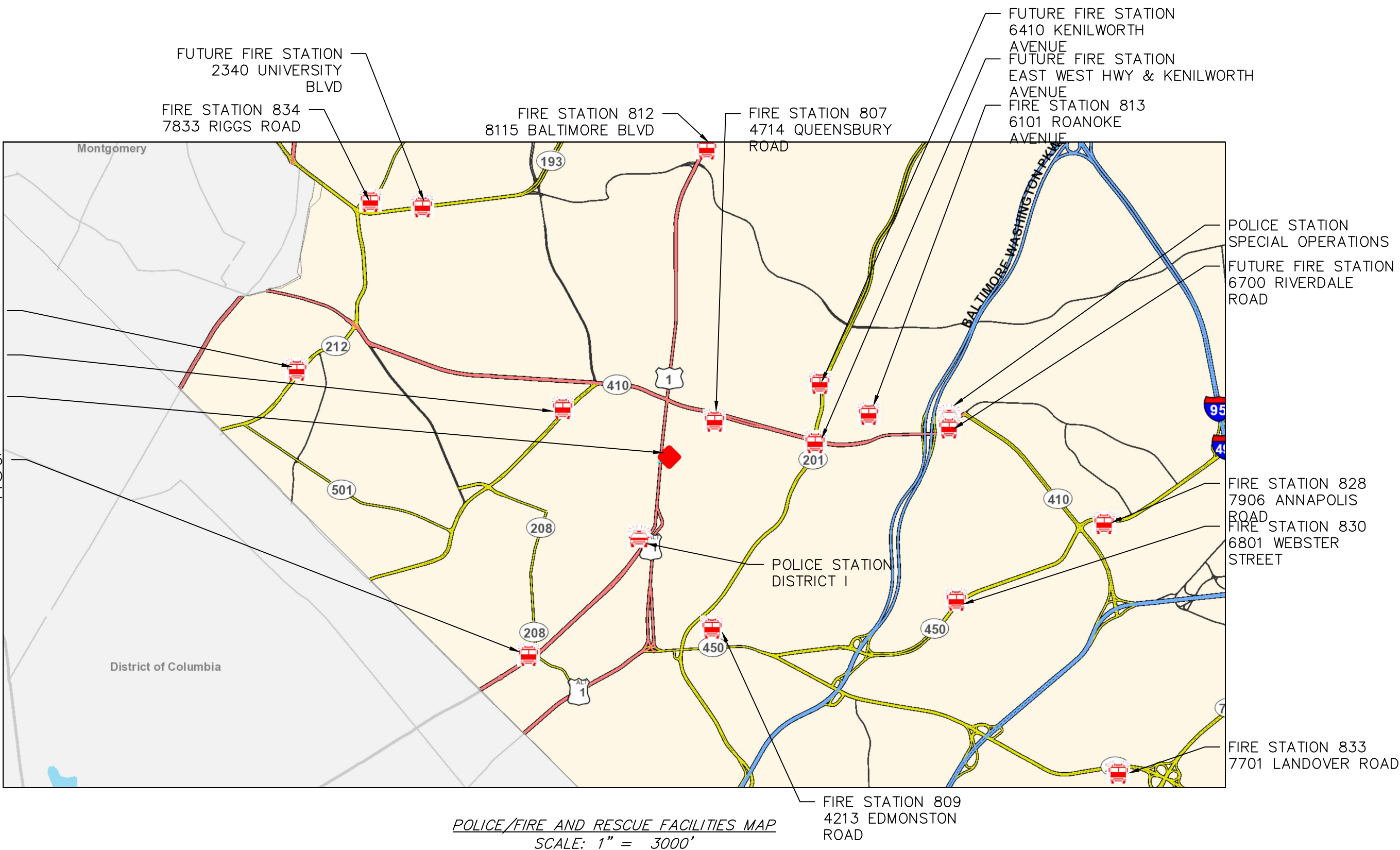
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OWNER/APPLICANT:
AL KAREEM PROPERTIES, LLC
ATTN: ZAK ELYASI
7939 NORFOLK AVE, SUITE 201
BETHESDA, MD 20814

SURVEYOR:
TAMI LENDX, LS
ATCS, P.L.L.C.
13861 SUNRISE VALLEY DRIVE,
SUITE 200
HERNDON, VA 20171

ENGINEER:
ANDREW BROWN, PE
ATCS, P.L.L.C.
9500 MEDICAL CENTER DR.
SUITE 370
LARGO, MD 20774

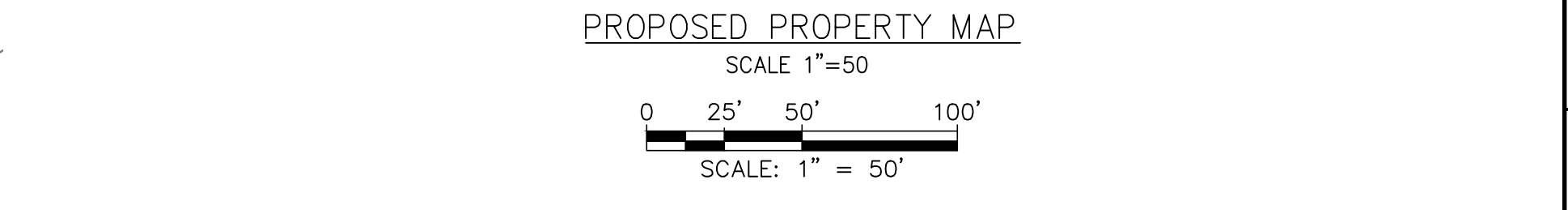
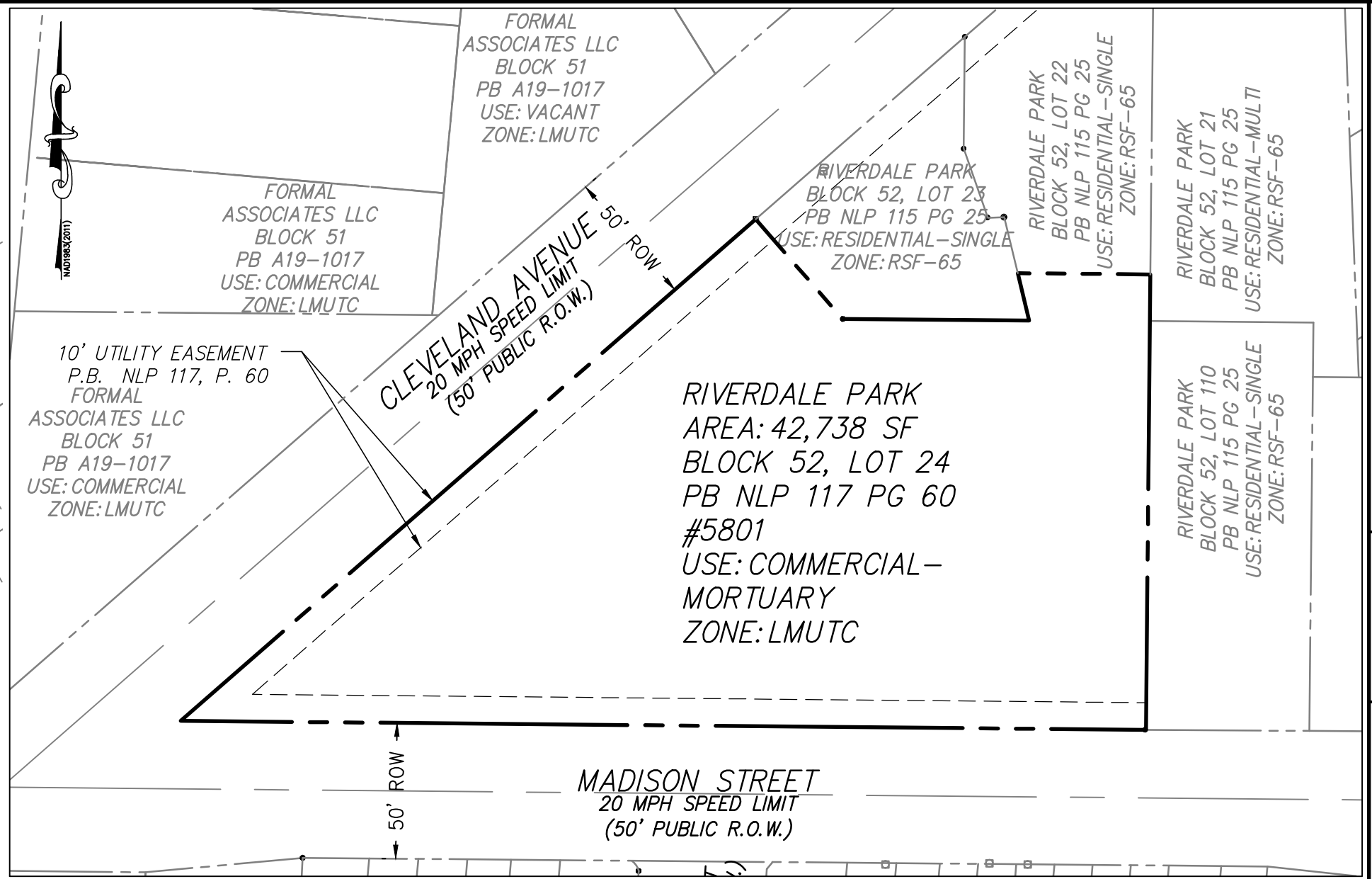
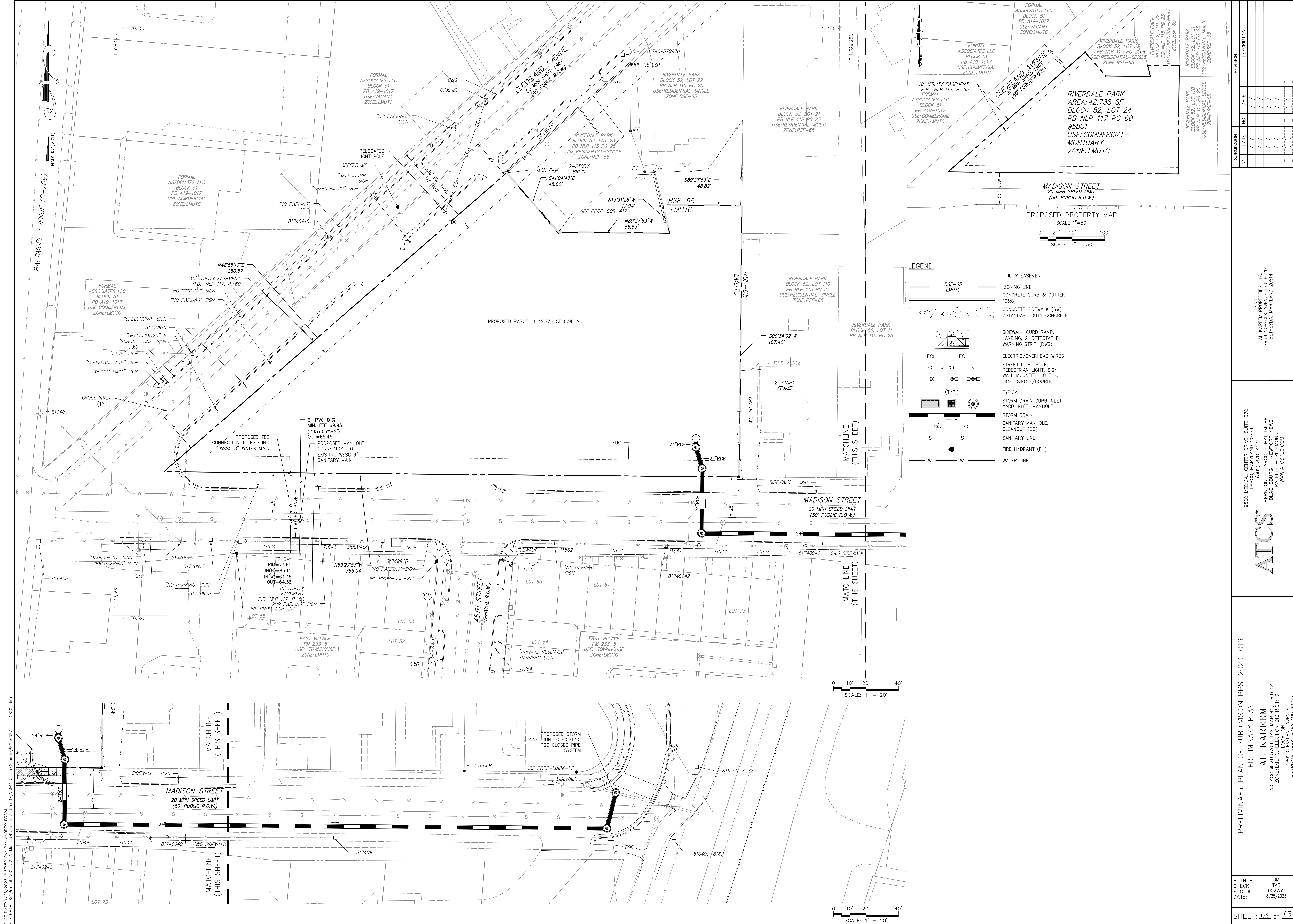


POLICE/FIRE AND RESCUE FACILITIES MAP
SCALE: 1" = 3000'

NRCS WEB SOILS SURVEY SOILS TABLE

MAP UNIT	MAP UNIT NAME	SOIL TYPES PERCENTAGE GROUP	K-FACTOR (WHOLE SOIL)	HYDROLOGIC SOIL GROUP	HYDRIC RATING	DRAINAGE CLASS
UrcD	URBAN LAND-CHRISTIANA-DOWNER COMPLEX	5 TO 15 PERCENT SLOPES	0.00	D	0	MODERATELY WELL DRAINED
UrbB	URBAN LAND-BELTSVILLE COMPLEX	0 TO 5 PERCENT SLOPES	0.00	D	0	MODERATELY WELL DRAINED





LEGEND	
	RSF-65 LMUTC
	UTILITY EASEMENT
	ZONING LINE
	CONCRETE CURB & GUTTER (C&G)
	CONCRETE SIDEWALK (SW) / STANDARD DUTY CONCRETE
	SIDEWALK CURB RAMP, LANDING, 2' DETECTABLE WARNING STRIP (DWS)
	ELECTRIC/OVERHEAD WIRES
	STREET LIGHT POLE, PEDESTRIAN LIGHT, SIGN WALL MOUNTED LIGHT, OH LIGHT SINGLE/DOUBLE
	TYPICAL STORM DRAIN CURB INLET, YARD INLET, MANHOLE
	STORM DRAIN SANITARY MANHOLE, CLEANOUT (CO)
	SANITARY LINE
	FIRE HYDRANT (FH)
	WATER LINE

PRELIMINARY PLAN OF SUBDIVISION PPS-2023-019

PRELIMINARY PLAN

AL KAREEM

TAX ACCT# 2165769, TAX MAP 42, GRID C4
ZONE: LMUTC, LOCATION: DISTRICT 19
5801 CLEVELAND AVENUE
RIVERDALE PARK, MARYLAND 20737

9500 MEDICAL CENTER DRIVE, SUITE 370
LARGO, MARYLAND 20774
(301) 870-4530
HERNDON - LARGO - BALTIMORE
BLACKSBURG - NEWPORT NEWS
TOWNSHIP - NEWPORT NEWS
WWW.ATCSL.COM

AL KAREEM PROPERTIES, LLC
7939 NORFOLK AVENUE, SUITE 201
BETHESDA, MARYLAND 20814

SUBMISSION		REVISION	
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AUTHOR: DM

CHECK: TAB

PROJ.#: 002732

DATE: 8/25/2023

SHEET: 03 OF 03

IN RE: PRELIMINARY PLAN OF SUBDIVISION
(PPS-2023-019)

APPLICANT: Al Kareem Properties, LLC

**AGENT/
CORRESPONDENT:** Lawrence N. Taub, Esquire
Nathaniel Forman, Esquire
O'Malley, Miles, Nylen & Gilmore, P.A.
7850 Walker Drive, Suite 310
Greenbelt, MD 20770

STATEMENT OF JUSTIFICATION

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I. REQUEST

The Applicant hereby requests approval of a Preliminary Plan of Subdivision ("PPS") in accordance with Subtitle 24 of the Current Prince George's County Subdivision Regulations to create Proposed Parcel 1 for Property located at 5801 Cleveland Avenue, which is within the Town of Riverdale Park, east of the intersection of Cleveland Avenue, Madison Street and Baltimore Avenue (US-1), and shown as Block 52; Lot 24 as shown on the Riverdale Park Subdivision, which is recorded in Plat Book 1176 at Plat 60 among the Land Records of Prince George's County ("Subject Property" or "Property"). The purpose of this application is to effectuate the future construction of a single, multi-level, multi-family mixed-use building with approximately 146 multifamily apartments above approximately 3,000 sq. ft. of retail commercial space in the LMUTC Zone. To the west and north are single-family homes in the RSF-65 Zone; to the northwest across Cleveland Avenue are various retail uses in the LMUTC Zone; and to the south are single-family attached homes in the LMUTC Zone.

The Subject Property is improved with two buildings that serve as the Chambers Funeral Home and Crematorium. Upon final development approval, these buildings will be razed and the site will be improved with the proposed mixed-use building.

II. CONFORMANCE WITH SUBDIVISION REGULATIONS

Pursuant to § 24-3402(e)(1)(D), certain specific findings must be made before the preliminary plan of subdivision can be approved. For the reasons stated below, this development conforms with these standards:

1. Complies with all applicable standards of these Regulations;

Subdivision regulations and this development's conformance thereto are

discussed in Appendix A, which is attached hereto.

2. Establishes in its layout a good and strong relationship between lots, the street(s), and open space set-asides that is consistent with the purposes of these Regulations and Subtitle 27: Zoning Ordinance, of the County Code;

The development conforms to these standards, which are discussed in greater detail in in Appendix A (Subdivision Regulations).

3. Complies with all other applicable requirements in Subtitle 27: Zoning Ordinance;

The Subject Property is located in the LMUTC Zone. Pursuant to § 27-4205(e) of the Current Zoning Ordinance, development within the LMTUC is exempt from the requirements of Subtitle 27. Instead, the development must conform with the applicable Mixed-Use Town Center Development Plan, this case the Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (“MUTC Plan”). It is premature to include an analysis of conformance with the MUTC Plan, as these standards concerns various design issues that are not appropriate for the Preliminary Plan of Subdivision stage.

4. Conforms with all the applicable Area Master Plan or Sector, and current Functional Plans; and

The Subject Property conforms with all applicable Area Master, Sector and Functional Plans. The Subject Property was zoned through adoption of the Countywide Map Amendment and enacted pursuant to CR-136-2021, and within the Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (“MUTC Plan”) the LMUTC Zone permits by-right dwelling units above first-floor commercial. The MUTC Plan does not include any specific recommendations for this Property on “Map 3: Town of Riverdale Park Town Center Concept”, which is found on page 19 of the MUTC Plan. The only recommendation is for a public space right at the corner of Cleveland Avenue and Madison Street. Nevertheless, the proposed application conforms with the overall goal of the LMUTC Plan, which is: “[t]o create a human-scale town center through attractive development that creates a sense of place and supports commercial and residential vitality”, as stated on page 26 of the LMUTC Plan. Moreover, it is anticipated that this application will conform with the overall design principles for the LMUTC, which include, but is not limited to: “[c]reate a comfortable pedestrian environment and an attractive streetscape”; “[p]rovide a sense of enclosure through development that abuts the sidewalk creating a street wall”; and “[c]reate an attractive town center by placing on-site parking behind, beside, or beneath buildings.”

5. Complies with all applicable requirements of the County Code of Ordinances.

The development will obtain all necessary approvals

III. CONCLUSION

For all of the above-stated reasons, the Applicant respectfully requests approval of the proposed Preliminary Plan of Subdivision in conformance with the requirements of Subtitle 24 of the Prince George's County Code.

Respectfully submitted,

O'MALLEY, MILES, NYLEN & GILMORE, P.A

By:



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7850 Walker Drive, Suite 310
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nforman@omng.com

Attorneys for the Applicant

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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 noted. This application complies with the zoning standards known at this time.

(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 24-3402(e) of this Subtitle.

The Subject Property conforms with all applicable Area Master, Sector and Functional Plans. The Subject Property was zoned through adoption of the Countywide Map Amendment and enacted pursuant to CR-136-2021, and within the Town of Riverdale Park Mixed-Use Town Center Zone Development Plan ("MUTC Plan") the LMUTC Zone permits by-right dwelling units above first-floor commercial. The MUTC Plan does not include any specific recommendations for this Property on "Map 3: Town of Riverdale Park Town Center Concept", which is found on page 19 of the MUTC Plan. The only recommendation is for a public space right at the corner of Cleveland Avenue and Madison Street. Nevertheless, the proposed application conforms with the overall goal of the LMUTC Plan, which is: "[t]o create a human-scale town center through attractive development that creates a sense of place and supports commercial and residential vitality", as stated on page 26 of the LMUTC Plan. Moreover, it is anticipated that this application will conform with the overall design principles for the LMUTC, which include, but is not limited to: "[c]reate a comfortable pedestrian environment and an attractive streetscape"; "[p]rovide a sense of enclosure through development that abuts the sidewalk creating a street wall"; and "[c]reate an attractive town center by placing on-site parking behind, beside, or beneath buildings."

- (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.

This is not applicable.

- (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 noted.

(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.

There is no evidence to believe the Subject Property is unsafe.

- (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 MNCPPC 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.

There is no evidence to believe the Subject Property is unsafe.

- (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.

There is no evidence to believe the Subject Property is unsafe.

- (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.

There is no evidence to believe the Subject Property is unsafe.

- (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.

There is no evidence to believe the Subject Property is unsafe.

(d) Land in Reservation

When indicated by an applicable Area Master Plan, Sector Plan, Functional Master Plan, or the General Plan, or when requested by a public agency, land may be placed in reservation, in accordance with Section 24- 3405, Reservations.

No land is held in reservation.

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).

The Subject Property conforms with the lot standards development in the LMUTC Zone.

(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. The primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);

This is not applicable.

(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.

This is not applicable.

- (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.

This is not applicable.

- (3) Adequate protection and screening from traffic nuisances shall be provided in accordance with the requirements of the Landscape Manual.

Pursuant to the MUTC Plan, the design standards replace those of the Landscape Manual. Nevertheless, landscaping will comply with the MUTC Plan for its intended purposes.

(d) Lot Design Standards

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

The subject application conforms.

- (2) A variety of lot sizes and lot widths are encouraged within groupings of dwellings in order to prevent visual monotony, when appropriate.

Only a single lot is proposed.

(e) Condominium Development

Condominium townhouses shall be designed to conform to the lot standards of these Regulations and

No condominiums are proposed.

(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.

No outlots or outparcels are proposed.

(g) Located Wholly Within County

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

The subject application conforms with this requirement.

24-4103. Layout Design Guidelines

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

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

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.

The development has been arranged in a manner deemed to be compatible with the existing neighborhood.

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

Only a single lot is proposed.

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

Only a single lot is proposed.

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

Only a single lot is proposed.

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

Only a single lot is proposed.

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

Only a single lot is proposed.

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

The subject application conforms.

- (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.

No cul-de-sacs 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.

The subject application conforms.

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

The subject application conforms.

- (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.

Not applicable.

- (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.

Lighting will be determined during the detailed site plan application, and will comply with the MUTC Plan.

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

The subject application conforms.

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.

The subject application conforms.

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.

There are no designated Prince George's County historic sites or resources; however, the Chambers Funeral Home (Maryland historic site number PG: 68-6) is considered a contributing resource to both the State Historic District for Riverdale Park (PG: 68-4) and a contributing resource for the Riverdale Park National Register Historic District.

(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.

An archaeology checklist has been submitted with this application. No historic resources or sites were identified as impacting this development application during the pre-application conference.

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.

No cemeteries exist on site or are impacted by this development application.

TRANSPORTATION, PEDESTRIAN, BIKEWAY AND CIRCULATION STANDARDS

24-4201. General Street Design Standards

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

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

Comment noted.

- (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.

No rights-of-way are proposed.

- (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.

No rights-of-way are proposed.

- (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.

No rights-of-way are proposed.

- (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.

No rights-of-way are proposed.

- (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.

No rights-of-way are proposed.

- (g) All private streets shall be of sufficient width to accommodate the requirements of the Landscape Manual.

No rights-of-way are proposed.

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.

The subject application is exempt from the design standards promulgated within Subtitle 27 of the Current Zoning Ordinance pursuant to § 27-4205(e).

- (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 noted.

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.

The subject application is exempt from design standards promulgated within Subtitle 27 of the Current Zoning Ordinance pursuant to § 27-4205(e).

- (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.

The subject application conforms.

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.

Not applicable.

(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.

Not applicable.

(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).

Not applicable.

(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.

Not applicable.

(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.

Not applicable.

- (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.

Not applicable.

- (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.

Not applicable.

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.

The subject application conforms.

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.

The subject application conforms.

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.

The subject application conforms.

- (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.

Not applicable.

- (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.

Not applicable.

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

Not applicable.

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

The subject application conforms.

- (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.

Not applicable.

- (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.

Not applicable

- (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.

Not applicable.

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.

Not applicable.

- (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.

SDCP No. 50898-2022 has been submitted to DPIE for approval. It is anticipated that it will be approved prior to action by the Planning Board.

- (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.

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

Not applicable as no streams are located on-site.

(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.

The subject application conforms.

- (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.

The subject application conforms.

- (3) Environmental site design (ESD) techniques are encouraged, where appropriate.

The subject application conforms.

- (4) Where land is partially or totally within an area subject to an adopted Watershed Plan, the subdivision conforms to such plan.

Not applicable.

- (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.

Not applicable.

- (6) All regulated environmental features shall be placed in a conservation easement and identified on the final plat.

Not applicable.

- (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.

We will receive CS approval prior to final approval of the preliminary plan.

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.

The subject application conforms.

- (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.

Not applicable.

PUBLIC FACILITY STANDARDS

24-4401. Public Facility Standards.

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:

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

The subject application conforms.

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.

The subject application conforms to this requirement.

24-4403.

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

The subject application conforms to this requirement.

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.

The proposed subdivision is in the Sustainable Growth Tier I and will be served by public sewer.

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.

The Subject Property is in the S-3/W-3 categories.

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.

No water storage tank is proposed.

PUBLIC FACILITY ADEQUACY

24-4501. Purpose

The purpose of this Section is to:

- (a) Ensure that infrastructure necessary to support proposed development is built at the same time as, or prior to, that proposed development;
- (b) Establish level of service (LOS) standards for public facilities including transportation, pedestrian and bikeway adequacy, parks and recreation, police, fire and rescue, and schools that provide clear guidance to the County and applicants about when facilities are considered adequate, and create guidance for future infrastructure investments needed to accommodate existing residents and anticipated growth;
- (c) Establish LOS standards that reflect policy guidance of the General Plan, applicable Area Master Plans or Sector Plans, and the applicable Functional Master Plan for each facility;
- (d) Establish LOS standards that encourage development in the transit-oriented/activity center zones; and
- (e) Re-evaluate approved development that has received adequate public facilities approvals prior to April 1, 2022 for projects that have not been built in a timely manner.

Comment noted.

24-4502. Applicability

(a) Applications/Approvals Subject to this Section

This Section applies to:

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

The subject application must conform to these standards.

(b) Applicability of Public Facility Adequacy Standards

- (1) This Section establishes public facility adequacy standards. They are summarized in Table 24-4502: Summary of Public Facility Adequacy Standards. The

standards are established in Sections 24-4504, Public Facility Adequacy- Generally, through Section 24-4510, Schools Adequacy, below.

Table 24-4502: Summary of Public Facility Adequacy Standards			
Facility	Area of Applicability	Level of Service	Impact Area
Transportation	RTO and LTO base and Planned Development (PD) zones	<p>“Edge” areas of RTO and LTO base and PD Zones: LOS “Transit Edge” (Critical Lane Volume of 1601-1800) “Core” areas of RTO and LTO base and PD Zones: LOS “Transit Core” (Critical Lane Volume of 1801-2000)</p> <p>In instances where CLV exceeds 1800 in the RTO and LTO base and PD zone “edge” or where CLV exceeds 2000 in the RTO and LTO base and PD zone “core,” refer to Section 24-4505(b)(4)</p>	See <i>Transportation Review Guidelines</i>
	Transportation Service Area 1 (<i>Plan Prince George’s 2035 Approved General Plan (Plan 2035, Map 14)</i>), excluding RTO and LTO base and PD zones; and NAC and TAC base and PD zones (regardless of location)	LOS “E” (Critical Lane Volume of 1451-1600)	See <i>Transportation Review Guidelines</i>
	Transportation Service Area 2 (<i>Plan 2035, Map 14</i>), excluding RTO, LTO, NAC, and TAC base and PD zones	LOS “D” (Critical Lane Volume of 1301-1450)	See <i>Transportation Review Guidelines</i>
	Transportation Service Area 3 (<i>Plan 2035, Map 14</i>)	LOS “C” (Critical Lane Volume of 1151-1300)	See <i>Transportation Review Guidelines</i>
Pedestrian and Bikeway Adequacy	RMF-20, RMF-48, NAC, TAC, LTO, RTO-L, RTO-H, CN, CGO, CS, NAC-PD, TAC-PD, LTO-PD, RTO-PD, LMXC, LMUTC, and LCD zones	Adequate pedestrian and bikeway facilities needed to serve the development exist or are constructed by the applicant	See <i>Transportation Review Guidelines</i>
Parks and Recreation	Transit-Oriented/Activity Center zones and Employment Areas	2.5 acres per 1,000 residents	See <i>Parks and Recreation Guidelines</i>
	All other zones	15 acres per 1,000 residents	

Table 24-4502: Summary of Public Facility Adequacy Standards			
Facility	Area of Applicability	Level of Service	Impact Area
Police	Residential development	Response times for service are within twenty-five (25) minutes total for non-emergency calls, and ten (10) minutes total for emergency calls in each police district.	See <i>Public Safety Guidelines</i>
Fire and Rescue	All locations	Seven (7) minutes travel time for any residential uses; Five (5) minutes response time for any nonresidential uses	See <i>Public Safety Guidelines</i>
Schools	Residential development	Students will not exceed 105 percent of state rated capacity or demonstration of mitigation in accordance with Sec. 24-4510(c).	School clusters

- (2) An application listed in Section 24-4502(a) above shall not be approved until a certificate of adequacy or conditional certificate of adequacy is approved in accordance with the procedures and standards of this Section. No certificate of adequacy or conditional certificate of adequacy shall be approved unless and until it is reviewed and approved in conjunction with one of the applications or subdivision reviews identified in Section 24-4502(a) above and Section 24-4503(a).
- (3) The governing body of the County may, by Resolution, waive any public safety facilities mitigation requirement imposed pursuant to Sections 24-4508 and 24-4509.

Comment noted.

24-4503. Certificate of Adequacy

(a) Applicability

- (1) Except for final plats of subdivision approved prior to October 27, 1970, all development approvals for which a determination of adequate public facilities was made prior to April 1, 2022 and which was still valid on that date shall automatically receive a certificate of adequacy or conditional certificate of adequacy in accordance with this Section, effective April 1, 2022, for a period of twelve (12) years. If all of the required public facilities have been constructed or permitted and bonded as of the effective date of this Subtitle, then adequacy shall remain throughout the development approved by the respective, prior-approved preliminary plan of subdivision. Development that has received a certificate in accordance with this Subsection shall be subject to the requirements of this Section.

- (2) Preliminary plans of subdivision (minor or major) proposed after April 1, 2022 shall receive approval of a certificate of adequacy or conditional certificate of adequacy for each public facility subject to this Section.
- (3) Pursuant to the requirement of final plats of subdivision approved prior to October 27, 1970, to obtain approval of a preliminary plan of subdivision (minor or major) prior to the issuance of a building permit under certain circumstances (see Section 24-3402(b)(1)(B)), such subdivisions shall also receive approval of a certificate of adequacy or conditional certificate of adequacy for each public facility subject to this Section.
- (4) Preliminary plans of subdivision (minor or major) reviewed and approved under the regulations of the Subdivision Regulations in effect immediately prior to the effective date of these Regulations pursuant to the “grandfathering” provisions of Section 24-1704(b) shall be granted a certificate of adequacy in accordance with this Section, effective upon the approval date of the preliminary plan of subdivision (minor or major), for a period of twelve (12) years. Development that has received a certificate in accordance with this Subsection shall be subject to the requirements of this Section.

(b) Review Procedure for Certificate of Adequacy or Conditional Certificate of Adequacy

- (1) An application for a certificate of adequacy or a conditional certificate of adequacy shall be initiated by submitting an application to the Planning Director, along with any draft documentation relating to the mitigation of inadequate public facilities, if applicable.
- (2) After determining the application is complete (see Section 24-3305, Determination of Completeness), the Planning Director shall forward the application to the appropriate departments for review and comment, and after receipt of their comments prepare a written report that:
 - (A) Identifies existing and planned capital improvements and any available capacity of the public facilities that serve the proposed development in accordance with the terms of this Section;
 - (B) Identifies capital improvements funded and assumed to be in place to serve the proposed development;
 - (C) Identifies any previously dedicated, constructed, or funded public facility that would mitigate the impacts of the proposed development;
 - (D) Sets forth findings and conclusions related to the impact of the proposed development on available capacity; and
 - (E) Determines whether there is available capacity for each public facility sufficient to accommodate the proposed development in accordance with the standards of this Section.

(3) Based on the evaluation and determination in Section 24-4503(b)(2) above, the Planning Director shall either:

(A) Issue a certificate of adequacy if all public facilities are adequate;

(B) Issue a conditional certificate of adequacy if:

(i) All or some of the public facilities are inadequate at the time of application; and

(ii) The applicant has agreed to provide mitigation, reduce project impact, or phase development so that the applicable public facilities will meet the adopted LOS standard for the appropriate public facility when the impacts of the development occur; or

(C) Deny the certificate of adequacy if the public facilities are inadequate, and the applicant has not agreed to conditions that would mitigate or reduce their impacts.

(4) A conditional certificate of adequacy shall incorporate conditions consistent with Section 24-4503(b)(3)(B)(ii) above, along with the applicant's consent to those conditions.

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

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

(B) Appeal the Planning Director's decision to the Planning Board.

(6) The period of validity for the certificate shall be twelve (12) years from the date of its approval.

(c) Expiration of Certificate of Adequacy or Conditional Certificate of Adequacy

(1) An approved certificate automatically expires if:

(A) The applicant fails to comply with the conditions of approval in the certificate; or

(B) The period of validity for the certificate expires and the certificate holder does not record a final plat or commence construction in accordance with all the requirements of Table 24-4503(c): Development Requirements Prior to Expiration of Period of Validity for Approved Certificate, below.

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

Table 24-4503(c): Development Requirements Prior to Expiration of Period of Validity for Approved Certificate	
The following has occurred with the preliminary plan for subdivision	Minimum Amount (Percent) of Development Activity Required
A final plat is recorded for at least the following percent of the lots or parcels, and	90%
Construction is completed for household living uses (except multifamily dwellings) on at least the following percent of the lots or parcels on the approved preliminary plan for subdivision, and	60%
Construction is completed on the following percent of gross floor area for all lots or parcels with nonresidential, multifamily, or group living uses.	75%

- (2) If a certificate expires in accordance with this Subsection, the development for which the certificate was approved shall no longer be determined to have adequate public facilities for the purposes of these Regulations, and shall be required to gain re-approval for a certificate in accordance with the procedures and standards of this Section before proceeding with development.

(d) Conformance

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

(e) Vested or Contractual Rights

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

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

the phasing schedule, the certificate of adequacy or conditional certificate of adequacy shall remain valid. Once all obligations have been satisfied, the certificate of adequacy shall be deemed satisfied per the conditions of approval.

(f) Extension of Expiration by Planning Board

One extension of the period of validity for a certificate may be granted by the Planning Board, for a period of up to six years, upon the certificate holder's submission of a written request for extension to the Planning Board before the expiration date (end of the period of validity), and demonstration that:

- (A) The certificate holder has reasonably pursued completion of the development;
- (B) The extension serves the public interest; and

(g) Amendment

(1) Requirement

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

(2) General

An amendment of a certificate may only be reviewed in accordance with the procedures and standards of this Section.

ADQ-2023-015 has been submitted as part of this application. It will be reviewed concurrently with this application.

24-4504. Public Facility Adequacy-Generally

(a) Measuring LOS Standard

- (1) Development subject to this Section shall comply with the LOS standard for each type of public facility that applies to the development.

- (2) The LOS standards for each public facility are summarized in Section 24-4502(b), and established in Sections 24-4504 through 24-4510 for each individual type of public facility.
- (3) The LOS standard for each proposed development subject to this Section shall be measured within the Impact Area for each type of public facility. The Impact Area may vary based on where the proposed development or the public facilities are located.
- (4) If the public facilities needed to meet the LOS standard are not in place and operational at the time of the proposed development, the Planning Director may include planned capacity in making the determination of adequacy (for each individual type of public facility).

Comment noted.

(b) Determining Whether Public Facilities are Adequate

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

- (1) Add capacity within the Impact Area based on the LOS standard for the individual type of public facility; and
- (2) Where allowed by Sections 24-4504 through 24-4510 below, as appropriate, and the applicable Guidelines, add planned capacity that will alleviate any inadequacy for the individual public facility; and
- (3) Subtract used capacity and reserved capacity.

Comment noted.

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

- (1) In areas of the County where public facilities are inadequate or a need to finance public facilities exists, the District Council may, by Resolution, establish a building permit limit prescribing the number of building permits to be issued in that area over a period of time.
- (2) In those areas, the Resolution shall:
 - (A) Determine the total number and type of building permits that may be issued each year and the number of building permits that may be allocated to each subdivision or development;

(B) Establish a time period, not to exceed six years, during which the building permit limitations will remain in place; and

(C) Initiate a planning process that identifies financing, efficiencies, or similar mechanisms to remedy or avoid the public facility inadequacy in the area.

Comment noted.

24-4505. Transportation Adequacy

(a) Applicability

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

(b) Adopted LOS Standard

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

- (1) Major intersections and major roadways within the Transportation Impact Area have sufficient capacity to accommodate the vehicular trips generated by the proposed development at or below the minimum peak-hour LOS standard identified in Section 24-4502(b) and this Subsection;
- (2) The applicant reduces project impacts to a level so that the adopted LOS standard is maintained by any combination of the following:
 - (A) Reducing the number of dwelling units or floor area;
 - (B) Incorporating alternative trip capture; or
 - (C) Incorporating a mix of uses that reduces trips through internal capture, as defined in the Transportation Review Guidelines.
- (3) Transportation improvements or trip reduction programs that are adequately funded by the applicant or an existing revenue source to alleviate any inadequacy in the adopted LOS standard within the Transportation Impact Area;

- (4) Any development in the RTO or LTO base and PD zones may also provide a financial contribution to implement a Transportation Demand Management program in accordance with Subtitle 20A, Transportation Demand Management, of this Code. A Transportation Demand Management District shall be established by the Council following any development in an RTO or LTO base zone and PD Zone that exceeds the LOS standards set forth above, unless the Council determines specific, appropriate alternative methods for addressing infrastructure needs; or
- (5) Any combination of the requirements listed above will ensure that the adopted LOS standard is met.

(c) Availability

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

- (1) Operational at the time the application for a certificate is submitted; or
- (2) Included on an adopted and approved Functional Master Plan, Area Master Plan, or Sector Plan, and construction scheduled with 100 percent of the construction funds allocated in the adopted County Capital Improvement Program (County CIP) or in the current State Consolidated Transportation Program (State CTP); or
- (3) Incorporated in a specific Public Facilities Financing and Implementation Program, including the County CIP or State CTP with construction scheduled with 100 percent of the construction funds allocated; or
- (4) Fully funded by the applicant, the County, and/or the State government (this includes transportation facilities that are part of the Surplus Capacity Reimbursement Procedure, as defined in the Transportation Review Guidelines); or
- (5) A proposal for a transportation facility on a plan being considered by the U.S. Department of Transportation and/or Federal Highway Administration or Federal Transit Administration, which is funded for construction within the next 10 years. (The Planning Director may condition the approval of the proposed development on a construction schedule that minimizes any inadequacy.); or
- (6) For property located wholly within the Brandywine Road Club, the applicant has entered into a Developer Participation Agreement with the County to share the costs of the improvements before construction of the improvements funded by the Brandywine Road Club; or
- (7) For property which had an approved subdivision application pursuant to the MD 202 Road Club, if the applicant either contributed all funds required as its

computed Road Club share or made transportation improvements equal to its computed Road Club share; or

- (8) For property zoned M-X-C prior to the effective date of these Subdivision Regulations, if a negotiated fee-in-lieu of required improvements was paid in full.

(d) Mitigation

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

Table 24-4505(d) Mitigation Standards	
Projected Traffic Above the Adopted LOS (1)	Mitigation
≥ 25 percent	<p>Shall require that any physical improvement or trip reduction programs participated in, or funded by the applicant shall fully abate the impact of all traffic generated by the proposed development in the Transportation Impact Area.</p> <p>Following the development authorized by the approved application and implementation of the approved mitigation action, the total traffic service will be reduced to no higher than 25 percent above the acceptable peak-hour service level threshold as defined in the <i>Transportation Guidelines</i>.</p>
< 25 percent	<p>Shall require that any physical improvements or trip reduction programs fully funded by the applicant shall fully abate the impact of 150 percent of all vehicular trips generated by the proposed development in the Transportation Impact Area.</p> <p>Following the development of the proposed development and implementation of the mitigation action, the total traffic service within the Transportation Impact Area will be reduced to no lower than the acceptable peak-hour service level threshold defined in the <i>Transportation Guidelines</i>.</p>
0-10 percent above the LOS + and proposed development generates less than 25 A.M. or P.M. peak-hour trips	<p>Shall require the applicant to provide the pro rata cost of the physical improvements necessary to alleviate the Inadequacy.</p>
<p>NOTES:</p> <p>(1) The adopted LOS is the acceptable peak-hour service level threshold as defined in the <i>Transportation Review Guidelines</i>.</p>	

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

(1) Generally

The applicant may reduce the number of vehicular trips generated by a proposed development in a traffic impact study by including alternative trip capture. Such features include integrated sidewalk, trail, and bikeway networks to divert as many trips as possible

from automobile travel and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services, and other destinations for all users. These concepts are further articulated in the "complete streets" principles and policies set forth in the *Approved Countywide Master Plan of Transportation*.

(2) Transit, Bike, and Pedestrian Infrastructure

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

- (A) Fixed rail transit stations, bus shelters, and other public transportation facilities;
- (B) Sidewalks and pedestrian crossings at intersections; and
- (C) Multi-use trails, bike paths, and/or pedestrian pathways and crossings.

(3) Planned Improvements-Alternative Trip Capture

If the proposed development incorporates transit, bicycle, or pedestrian facilities in its traffic impact study, the applicant shall demonstrate prior to the issuance of a building permit for development that all required adequate pedestrian and bikeway facilities are:

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

Transportation adequacy is being addressed in accordance with the required scoping agreements.

24-4506. Pedestrian Bikeway Adequacy

(a) Purpose

This Section establishes general criteria to ensure the adequacy of public pedestrian and bikeway facilities and sets forth the requirements for those who establish subdivisions within certain zoning districts to construct on-site and off-site pedestrian and bikeway facilities and other public streetscape improvements as part of any development project. Pedestrian and bikeway features include integrated sidewalk, trail, and bikeway facilities to divert automobile trips and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services, residences, and other destinations for all users. Pedestrian and bikeway facilities should be designed to increase safety for people walking, bicycling, and using transit, and offer the most direct routes to destinations for persons of all abilities.

(b) Applicability

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

(c) Adopted LOS Standard for Pedestrian and Bikeways Adequacy

- (1) As part of any development project requiring the subdivision or re-subdivision of land subject to the requirements of Section 24-4506(b)(3), above, the Planning Director shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist):
 - (A) Throughout the proposed subdivision; and
 - (B) Within one-half mile of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including but not limited to a public school, park, shopping center, multifamily residence, mixed-use activity centers, or line of transit within available public rights of way.
 - (i) The cost of the off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed nonresidential development in the application and three hundred dollars (\$300.00) per unit of proposed residential development in the application, indexed for inflation annually from calendar year 2013.
 - (ii) For purposes of this Subsection, one-half mile includes all areas within one-half mile measured from the outer limits of the

circumference of the smallest circle encompassing all the land area of the subdivision and includes the entire lot line of any property partially included within such distance; and "throughout the subdivision" includes all the land area within such circumference.

- (iii) No developer/property owner shall be required to acquire additional land not already owned by that developer/property owner in order to construct adequate pedestrian and bikeway facilities. All adequate pedestrian and bikeway facilities required under this Section shall be constructed within existing public easements and rights-of-way, or within land dedicated (or to be dedicated) by the applicant to public use.

(C) The finding of adequate public pedestrian facilities shall, at minimum, include the following criteria:

- (i) The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and the applicable Area Master Plan or Sector Plan have been constructed or implemented in the area; and
- (ii) The presence of elements that make it safer, easier, and more inviting for people to traverse the area.

(D) The finding of adequate public bikeway facilities shall, at minimum, include the following criteria:

- (i) The degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and the applicable Area Master Plan or Sector Plan have been constructed or implemented in the area;
- (ii) The presence of specially marked and striped bike lanes or buffered bike lanes in which people can safely travel by bicycle without unnecessarily conflicting with pedestrians or motorized vehicles;
- (iii) The degree to which protected bicycle lanes, on-street vehicle parking, medians, or other physical buffers exist to make it safer or more inviting for people to traverse the area by bicycle; and
- (iv) The availability of safe, accessible, and adequate bicycle parking at transit stops, commercial areas, employment centers, multifamily residential buildings, mixed-use activity centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.

(E) Examples of pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):

- (i) Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;
 - (ii) Installing protected bicycle facilities, using on-street parking or medians to separate bicycle traffic from motor vehicle traffic;
 - (iii) Installing or improving streetlights;
 - (iv) Building paved multi-use trails, bike paths, and/or pedestrian pathways and crossings;
 - (v) Building “bulb-out” curb extensions, pedestrian refuge medians, and pedestrian crossing signals at intersections;
 - (vi) Installing a bicycle share station that is operated by the Department of Public Works and Transportation or a municipality;
 - (vii) Installing covered bicycle parking;
 - (viii) Installing street furniture (benches, trash receptacles, bicycle repair stations, bus shelters, etc.);
 - (ix) Installing street trees and planted medians; and
 - (x) One hundred percent (100%) engineering or design plans for nearby pedestrian or bikeway improvements to be constructed by the Department of Public Works and Transportation or trail projects to be constructed by the Department of Parks and Recreation or a municipality.
- (F) The design of facilities for bicyclists and pedestrians shall be in accordance with generally recognized and commonly used transportation engineering and planning standards and practices, including but not limited to, those found in relevant guidance from the Maryland Department of Transportation (MDOT), the National Association of City Transportation Officials (NACTO) Urban Street Design Guide, the NACTO Urban Bikeway Design Guide, and the American Planning Association's and National Complete Streets Coalition's Complete Streets: Best Policy and Implementation Practices.
- (G) If a detailed site plan (minor or major) approval is required for any development within the subdivision, the developer/property owner shall include, in addition to all other required information in the site plan, a pedestrian and bikeway facilities plan showing the exact location, size, dimensions, type, and description of all existing and proposed easements and rights-of-way and the appurtenant existing and proposed pedestrian and bikeway facilities throughout the subdivision and within the designated walking or biking distance of the subdivision specified in this section, along with the location, types, and description of improvements, property/lot lines, and owners that are within 50 feet of the subject easements and rights-of-way.

- (H) Prior to the issuance of any building permit for development within the subdivision, the developer/property owner shall show that all required adequate pedestrian and bikeway facilities have full financial assurances, have been permitted for construction through the applicable operating agency's access permit process, and have an agreed-upon timetable for construction and completion with the appropriate operating agency.
- (I) Nothing contained within this Subsection shall be deemed to inhibit in any way the authority of the Planning Director to require a developer/property owner to construct pedestrian and bikeway facilities not otherwise listed in this Section, if such facilities relate to the implementation of "complete streets" principles on roadways required to be improved, constructed, or reconstructed to accommodate motor vehicle traffic that would be generated by proposed subdivisions. Any such pedestrian and bikeway facilities constructed off-site, shall be subject to the cost limitations set forth in Section 24-4506(c)(1)(B).

(d) Availability

Any pedestrian and bikeway improvements within one-half mile of the proposed subdivision to be counted as available capacity shall be:

- (1) Operational at the time the application for a certificate of adequacy is submitted;
or
- (2) Included on an adopted and approved Functional Master Plan, Area Master Plan, or Sector Plan and construction scheduled with 100 percent of the construction funds allocated in the adopted County Capital Improvement Program (County CIP) or in the current State Consolidated Transportation Program (State CTP);
or
- (3) Incorporated in a specific County Public Facilities Financing and Implementation Program, including the County CIP with construction scheduled with 100 percent of the construction funds allocated; or
- (4) Fully funded by the applicant, the County and/or the State government (this includes pedestrian and bikeway facilities that are part of the Surplus Capacity Reimbursement Procedure, as defined in the Transportation Review Guidelines).

(e) Mitigation

Pedestrian and bikeway improvements used to gain approval of the pedestrian and bikeways certificate of adequacy shall not contribute to transportation adequacy offsets for transit, bike, and pedestrian facilities otherwise required by Section 24-4505(e).

Pedestrian and bikeway improvements will conform to the MUTC Plan design requirements.

24-4507. Parks and Recreation Adequacy

(a) Applicability

- (1) A certificate for parks and recreation adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.
- (2) To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4507(b) below, provides adequate mitigation (if appropriate), and complies with all other relevant requirements of this Section.

(b) Adopted LOS Standard for Public Parks and Recreation

- (1) The adopted LOS standard for Parks and Recreation is:
 - (A) Within the Transit Oriented/Activity Center zones, and in the Employment Areas as identified in the General Plan: 2.5 acres of improved public parks per 1,000 residents. These lands shall consist of at least:
 - (i) 0.5 acres per 1,000 residents for small urban parks, including pocket parks, plazas, commons/ greens, squares, and neighborhood parks; and
 - (ii) One acre per 1,000 residents for larger urban parks, including parks at schools, community parks, resource parks, and waterfront parks; and
 - (iii) One acre per 1,000 residents for greenways, linear parks, and special facilities.
 - (B) Fifteen acres of improved public parks per 1,000 residents in all other areas.
- (2) The Department of Parks and Recreation, in consultation with the Planning Department, shall develop *Park and Recreation Facilities Guidelines*, approved by Resolution of the Council, that establish:
 - (A) A methodology for computing the number of residents or equivalent dwelling units for applications subject to this Subsection;
 - (B) A methodology for computing the Impact Areas of park facilities based upon anticipated walking distances and drive times; and
 - (C) Park facility typologies, including natural areas, community centers, and urban civic spaces consistent with *Formula 2040*. The typologies may assign credits to public parks and recreation facilities based upon their community value, anticipated development expenses, and proximity to new development.

(c) Availability and Mitigation

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

- (1) For proposed residential development/uses, mandatory dedication of parkland is provided by the applicant pursuant to Section [24-4601](#), Mandatory Dedication of Parkland;
- (2) Adequate improved public park lands are available and programed to serve the residents of the proposed development with 100 percent of the expenditures for the construction of the facility within the adopted County CIP as determined under the *Park and Recreation Facility Guidelines*;
- (3) That improvements participated in or funded by the applicant (either on or off-site), including pro rata participation in a specific Public Facilities Financing and Implementation Program, will alleviate any inadequacy as determined under the *Park and Recreation Facility Guidelines*; or
- (4) The applicant provides payment of an in-lieu fee for the purpose of providing monies for the provision of park and recreation facilities (either on or off-site) necessary to ensure the proposed development will served by adequate park and recreation facilities.

The Applicant is proposing private recreational facilities.

24-4508. Police Facility Adequacy

(a) Applicability

- (1) A certificate for police facilities shall be reviewed and approved, approved with conditions, or denied in accordance with Section [24-4503](#), Certificate of Adequacy.
- (2) To gain approval of a certificate for police facilities, the applicant shall demonstrate the proposed subdivision complies with the adopted LOS standards of Section 24-4508(b) below, provides adequate mitigation (if appropriate), and complies with all other requirements of this Section.

(b) Adopted LOS Standard-Police

- (1) The population generated by the proposed subdivision, at each stage, shall not exceed the service capacity of existing police stations, in accordance with the *Public Safety Guidelines*, approved by Resolution of the Council.
- (2) To demonstrate compliance with this LOS standard, the Chief of Police shall submit the following information, on an annual basis, to the Planning Director:

- (A) A statement reflecting adequate equipment pursuant to studies and regulations used by the County, or the *Public Safety Master Plan* for police stations in the vicinity of the area of the proposed subdivision; and
 - (B) A statement by the Police Chief that the rolling 12-month average, adjusted monthly, for response times in the vicinity of the proposed subdivision is a maximum of 25 minutes total for non-emergency calls and a maximum of 10 minutes total for emergency calls for service. For the purposes of this Subsection, response time means the length of time from the call for service until the arrival of Police personnel on-scene or other police response, as appropriate.
- (3) Section 24-4508(b)(2) above, does not apply to commercial or industrial applications for preliminary plans.

(c) Availability and Mitigation

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

- (1) The population generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time;
- (2) Adequate police facilities available to serve the population generated by the proposed subdivision are programmed with 100 percent of the expenditures for the construction of the facility in the adopted County CIP in accordance with the *Public Safety Guidelines*; or
- (3) That adequate police facilities and improvements are participated in or funded by the applicant on a pro-rata basis, including participation in a specific Public Facilities Financing and Implementation Program (as defined in Subtitle 27) that will alleviate any inadequacy in accordance with the *Public Safety Guidelines*.

Adequacy of this public facility will be determined through the Certificate of Adequacy application.

24-4509. Fire and Rescue Adequacy

(a) Applicability

A certificate for fire and rescue facilities shall be approved in accordance with Section 24-4503, Certificate of Adequacy. To gain approval of the certificate, the applicant shall demonstrate the proposed subdivision complies with the LOS standards of Section 24-4509(b), below, provides adequate mitigation (if appropriate), and complies with all other requirements of this Section.

(b) Adopted LOS Standard for Fire and Rescue

- (1) The population and/or employees generated by the proposed subdivision, at each stage of the proposed subdivision, will be within the adequate coverage area of the nearest fire and rescue station(s) in accordance with the *Public Safety Guidelines*.
- (2) The Fire Chief shall submit to the County Office of Audits and Investigations, County Office of Management and Budget, and the Planning Director:
 - (A) A statement reflecting adequate equipment in accordance with studies and regulations used by the County, or the *Public Safety Master Plan* for fire stations in the vicinity of the area where the subdivision is proposed to be located; and
 - (B) A statement by the Fire Chief that the response time for the first due fires and rescue station in the vicinity of the proposed subdivision is a maximum of seven minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.
- (3) Subsection (b)(2), above, does not apply to commercial or industrial applications.

(c) Availability and Mitigation

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

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

- (i) The installation and maintenance of a sprinkler system that complies with NFPA 13 Standards for the Installation of Sprinkler Systems. The installation of sprinklers shall not be waived by any party; and
 - (ii) The installation and maintenance of automated external defibrillators (AEDs) in accordance with COMAR 30.06.01-05, including a requirement for a sufficient number of AEDs to be installed so that no employee is more than 500 feet from an AED.
- (2) Before any preliminary plan for subdivision (minor or major) may be approved, if the location of the property proposed for subdivision is outside the appropriate service area of the Ten Year Water and Sewerage Plan or is in an Rural and Agricultural zone, the Planning Director shall require the applicant to provide water storage tanks, make water tanker trucks available, or ensure there will be other appropriate sources of water for fire extinguishing purposes.

Adequacy of this public facility will be determined through the Certificate of Adequacy application.

24-4510. School Adequacy

(a) Applicability

- (1) Unless exempted in accordance with Section 24-4510(a)(3) below, a certificate for schools adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.
- (2) To gain approval of the certificate for schools adequacy, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4510(b) below or provides adequate mitigation (if appropriate), and complies with all other relevant requirements of this Section.
- (3) The following are exempt from the requirements of this Section:
 - (A) A preliminary plan for subdivision (minor or major) which is a redevelopment project that replaces existing dwelling units;
 - (B) A preliminary plan for subdivision (minor or major) for elderly housing operated in accordance with the State and Federal Fair Housing laws;
 - (C) A preliminary plan for subdivision (minor or major) that consists of no more than three lots on less than five gross acres of land, whose lots, except for one to be retained by grantor, are to be conveyed to a son or daughter or lineal descendant of the grantor; and

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

(b) Adopted LOS Standard for Schools

- (1) The adopted LOS standard for schools is based on school clusters, which are groupings of elementary, middle, and high schools that are impacted by the preliminary plan for subdivision (minor or major).
- (2) The adopted LOS standard is that the number of students generated by the proposed subdivision at each stage of development will not exceed 105 percent of the state rated capacity, as adjusted by the School Regulations, of the affected elementary, middle, and high school clusters.
- (3) The number of elementary, middle, and high school students generated by the proposed subdivision shall be determined in accordance with the pupil yield factors for each dwelling unit type as determined by the Planning Director from historical information provided by the Superintendent of the Prince George's County Public Schools.
- (4) The Planning Director shall determine:
 - (A) The school cluster or clusters impacted by the proposed preliminary plan for subdivision (minor or major).
 - (B) The actual enrollment, which is the number of elementary, middle, and high school students, as reported by the Superintendent of the Prince George's County Public Schools as of September 30 of the prior year, and as calculated by the Planning Director that is effective in January of each year for use in that calendar year.
 - (C) The completion enrollment, which is the total number of elementary, middle, and high school students to be generated by the estimated number of residential completions, for each school cluster.
 - (i) Residential completions are estimated from the total of all substantially completed dwelling units added to the County's assessable tax base in the two previous calendar years.
 - (ii) In determining completion enrollment, the estimated number of residential completions in a given school cluster will not exceed the number of dwelling units shown on:
 - (aa) An approved preliminary plan of subdivision (minor or major) with no waiting period, or with a waiting period less than 24 months as of September 30 of each calendar year; and
 - (bb) All recorded plats not subject to an adequate public facilities test for schools at time of building permit issuance.

- (D) The subdivision enrollment, which is the anticipated number of elementary, middle, and high school students to be generated by all dwelling units shown on the proposed preliminary plan of subdivision (minor or major), multiplied by the pupil yield factor.
- (E) The cumulative enrollment, which is the total of all subdivision enrollments resulting from approved preliminary plans of subdivision (minor or major) in each school cluster for the calendar year in which an adequate public facilities test is being applied.
- (F) The Planning Director shall determine the subdivision's cluster enrollment by adding: the actual number of students in the cluster as of September 30; the number of students anticipated from residential completions in the cluster; the number anticipated from the subdivision; and the number of students anticipated from subdivisions already approved in the cluster within the calendar year. The Planning Director shall then determine the percent capacity by dividing the cluster enrollment by the state rated capacity (adjusted by the School Regulations) of schools in the cluster.

(c) Mitigation

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

Adequacy of this public facility will be determined through the Certificate of Adequacy application.

PARKLANDS AND RECREATION FACILITIES

24-4601. Mandatory Dedication of Parkland

(a) Purpose

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

(b) Applicability

(1) General

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

(2) Exemptions

The following are exempted from the standards of this Section:

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

(3) Amount of Park and Recreation Land Required

The amount of land to be dedicated shall be:

- (A) Five percent of land on which a density of one to four dwelling units per net acre is the maximum density allowed in Subtitle 27: Zoning Ordinance;
- (B) Seven and one-half percent of land on which a density of four to seven and one-half dwelling units per net acre is permissible;
- (C) Ten percent of land on which a density of seven and one-half to 12 dwelling units per net acre is permissible; and

- (D) Fifteen percent of land on which a density exceeding 12 dwelling units per net acre is permissible.

(4) Compliance Alternatives

As an alternative to the dedication of land in accordance with Section 24-4601(b)(3), Amount of Park and Recreation Land Required, above, any of the following, either singly or in combination, shall satisfy the requirements of this Section.

(A) Active and/or Passive Recreation Land

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

(B) Fees in-Lieu

- (i) If it is determined that the dedication of park and recreation land is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar circumstances, the subdivider shall provide a fee in-lieu of dedication in the amount of five percent of the total new market value of the land as stated on the final assessment notice issued by the State Department of Assessments and Taxation.
- (ii) The in-lieu fee shall be used for the sole purpose of purchasing or improving land to meet the park and recreation needs of, and benefit, the residents of the subdivision.

(C) Recreational Facilities

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

- (i) Such facilities will be equivalent or superior in value, to the land, improvements, or facilities that would have been provided under this Section; and

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

Private recreational facilities will be provided to satisfy mandatory parkland dedication given the proximity to existing parkland owned by Maryland-National Capital Park and Planning Commission.

CONSERVATION SUBDIVISION STANDARDS

This section does not apply since it is not located in a zone that permits a conservation subdivision.