

cases where dedication would be impractical, PROVIDED THAT WHEN, IN THE JUDGMENT OF THE COMMISSION, SUITABLE LAND IS NOT AVAILABLE FOR ACQUISITION TO SERVE THE SUBDIVISION FROM WHICH A FEE HAS BEEN EXPECTED, OR IF ADEQUATE OPEN SPACE HAS HERETOFORE BEEN ACQUIRED AND IS AVAILABLE TO SERVE THE SUBDIVISION, THEN THE COMMISSION MAY USE THE FEE COLLECTED IN LIEU OF DEDICATION TO DEVELOP OR OTHERWISE IMPROVE LAND OR RECREATIONAL FACILITIES THAT WILL ASSIST IN SUPPLYING THE OVERALL RECREATIONAL AND OPEN SPACE NEEDS OF THE SUBDIVISION, AND FURTHER PROVIDED THAT IF THE SUBDIVISION IS IN A MUNICIPALITY ~~THAT IS NOT WITHIN THE METROPOLITAN DISTRICT BUT IS WITHIN THE REGIONAL DISTRICT, ANY MANDATORY FEE IN LIEU OF DEDICATION REQUIRED SHALL BE PAID TO AND USED BY THE MUNICIPALITY EITHER TO PURCHASE OPEN SPACE FOR THE USE AND BENEFIT OF THE SUBDIVISION OR TO DEVELOP OR OTHERWISE IMPROVE LAND OR RECREATIONAL FACILITIES THAT WILL ASSIST IN SUPPLYING THE OVERALL RECREATIONAL AND OPEN SPACE NEEDS OF THE SUBDIVISION~~, AND FURTHER PROVIDED THAT IF THE SUBDIVISION IS IN A MUNICIPALITY IN PRINCE GEORGE'S COUNTY THAT IS NOT WITHIN THE METROPOLITAN DISTRICT BUT IS WITHIN THE REGIONAL DISTRICT AND WHEN REQUESTED BY THE MUNICIPALITY THE MANDATORY FEE IN LIEU OF DEDICATION RECEIVED BY THE COMMISSION SHALL BE PAID TO AND USED BY THE MUNICIPALITY EITHER TO PURCHASE OPEN SPACE FOR THE USE AND BENEFIT OF THE SUBDIVISION OR TO DEVELOP OR OTHERWISE IMPROVE LAND OR RECREATIONAL FACILITIES THAT WILL ASSIST IN SUPPLYING THE OVERALL RECREATIONAL AND OPEN SPACE NEEDS OF THE SUBDIVISION; (4) the reservation of lands for schools and other public buildings and for parks, playgrounds, and other public purposes, provided no reservation of land for traffic, recreation or any other public purposes as herein provided shall continue for longer than three years without the written approval of all persons holding or otherwise owning any legal or equitable interest in the property; and provided further that the properties reserved for public use shall be exempt from all State, county, and local taxes during the period; (5) the conservation of or production of adequate transportation, water drainage and sanitary facilities; (6) the preservation of the location of and the volume and flow of water in and other characteristics of natural streams and other waterways; (7) the avoidance of population congestion; (8) the avoidance of scattered or premature subdivision of land as would involve danger or injury to health, safety or welfare by reason of the lack of water supply, drainage, transportation or other public services or necessitate an excessive expenditure of public funds for the supply of services; (9) conformity of resubdivided lots to the character of lots within the existing subdivision with respect to area, frontage, and alignment to existing lots and streets; (10) control of subdivision or building (except for agricultural or recreational purposes) in flood plain areas or streams and drainage courses, and on unsafe land areas; (11) preservation of outstanding natural or cultural features and historic sites or structures; or (12) other benefits to the health, comfort, safety or welfare of the present and future population of the regional district.