

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2010 Legislative Session**

Bill No. CB-62-2010

Chapter No. _____

Proposed and Presented by Council Member Campos

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Architectural Conservation Overlay Zone

3 For the purpose of amending the provisions of the Zoning Ordinance relating to Architectural
4 Conservation Overlay Zones in the County.

5 BY adding:

6 Sections 27-213.18.01, 27-548.32, 27-548.33,
7 27-548.34, 27-548.35, and 27-548.36,

8 The Zoning Ordinance of Prince George's County, Maryland,
9 Being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code
12 (2007 Edition, 2009 Supplement).

13 BY repealing and reenacting with amendments:

14 Sections 27-213.19, 27-213.20, and 27-548.31,

15 The Zoning Ordinance of Prince George's County, Maryland,
16 being also

17 SUBTITLE 27. ZONING.

18 The Prince George's County Code
19 (2007 Edition, 2009 Supplement).
20

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
3 District in Prince George's County, Maryland, that Sections 27-213.18.01, 27-548.32, 27-548.33,
4 27-548.34, 27-548.35 and 27-548.36 of the Zoning Ordinance of Prince George's County,
5 Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are
6 hereby added:

7 **SUBTITLE 27. ZONING.**

8 **PART 3. ADMINISTRATION.**

9 **DIVISION 2. ZONING MAP AMENDMENTS.**

10 **Subdivision 7. Architectural Conservation Overlay Zone.**

11 **Sec. 27-213.18.01. Definitions.**

12 As used in this Subdivision, the following definitions shall apply:

13 (a) **Alteration** : Any exterior change that would affect the architectural features of a
14 structure, any portion of which is visible or intended to be visible from a public way including,
15 but not limited to, construction, reconstruction, moving or demolition.

16 (b) **Architectural Conservation District Permit**: A document approved by application to
17 authorize alteration to an exterior feature within an Architectural Conservation District
18 that is not otherwise covered by building permit requirements in the County Code.

19 (c) **Exterior Features**: The architectural style, design, and general arrangement of the
20 exterior of a structure, including the nature and texture of building material, and the type and
21 style of all windows, doors, light fixtures, signs or similar items found on or related to the
22 exterior of a structure within an Architectural District.

23 (d) **Limited Architectural Conservation District**: An architectural conservation district
24 and plan approved and administered in accordance with this Subdivision that regulates
25 only residential projects whose scope of work exceeds ten percent (10%) of the gross
26 floor area of the existing residential structure on the property, including projects
27 proposing new construction for a property.

28 (e) **New Construction**: Construction of a substantial portion of a structure, whether
29 rebuilding a structure after damage or demolition or building a structure on vacant
30 property within the Architectural Conservation District.

31 (f) **Ordinary Maintenance**: Work that does not alter the exterior fabric or features of a

1 structure and has no material effect on the architectural significance of the site or structure.

2 **(g) Sketch Plan:** A visual rendering of proposed alteration(s) on a site depicting
 3 elevation, placement and visible details of the alteration(s) as required by the Architectural
 4 Conservation District Plan. For purposes of this Subdivision, this rendering shall not necessarily
 5 be drawn to scale.

6 **PART 10A. OVERLAY ZONES.**

7 **DIVISION 4. A-C-O (ARCHITECTURAL CONSERVATION OVERLAY)**

8 **ZONE.**

9 **Sec. 27-548.32. Requirements for Architectural Conservation District Permit.**

10 (a) An Architectural Conservation District Permit for work on publicly- or privately-
 11 owned property within an Architectural Conservation District shall be obtained pursuant to the
 12 provisions of this Subtitle before:

13 (1) Making exterior alterations; or

14 (2) Performing any grading, excavating, construction, or substantially modifying,
 15 changing, or altering the appurtenances and environmental setting.

16 (3) Erecting or causing to be erected any sign or other advertisement. Those signs or
 17 advertisements exempted from sign permit requirements by Division 32 of the Zoning Ordinance
 18 are generally exempt from requirements for an Architectural Conservation District Permit,
 19 except for signs of architectural interest; murals, paintings, or other artistic displays; name or
 20 location of cities, towns, villages, and the like; regulatory signs other than those mandated by
 21 State or local law; signs on windows, other than temporary signs; memorial signs or tablets; and
 22 gateways.

23 (B) Nothing in this Section shall be construed to require the issuance of an Architectural
 24 Conservation District Permit for any ordinary maintenance, repair of exterior features, customary
 25 farming operations, or landscaping which will have no material effect on the architectural
 26 features of the structure or value of the property. For purposes of clarification of this
 27 Subsection, each Architectural Conservation District plan shall include guidelines regarding
 28 what activities constitute ordinary maintenance.

29
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 31 **Sec. 27-548.33. Application for Architectural Conservation District Permit.**

1 (a) Application for issuance of an Architectural Conservation District Permit shall be filed
 2 with the Department of Environmental Resources. The application shall provide such
 3 information as is deemed necessary by the Architectural Conservation Design Review
 4 Committee for its proper evaluation and action upon the application in accordance with the
 5 provisions of this Subtitle.

6 (b) Within seven (7) working days after the filing of a completed permit application, the
 7 Department of Environmental Resources shall forward the application and all attachments to the
 8 Architectural Conservation Design Review Committee for its review.

9 **Sec. 27-548.34. Architectural Conservation Design Review Committee Procedure for**
 10 **Review of Architectural Conservation District Permit not Requiring Detailed Site Plan**

11 (a) Upon receipt of an application, the Architectural Conservation Design Review
 12 Committee shall schedule a public appearance within thirty (30) calendar days to
 13 consider the application.

14 (b) After scheduling a public appearance, the Architectural Conservation Design Review
 15 Committee shall forward a notice of the public appearance to the applicant, the
 16 Director, the Planning Board, a municipality if located therein, adjoining property
 17 owners, and those citizens or organizations which the Architectural Conservation
 18 Design Review Committee determines may have an interest in the proceedings.

19 (c) During the public appearance, the Architectural Conservation Design Review
 20 Committee shall review the permit site plan and any other materials provided by the
 21 applicant along with any written comments provided by other interested parties,
 22 including those of any municipality in which the property is located.

23 (d) At the public appearance, the procedures shall be informal and formal rules of
 24 evidence shall not be applicable. Interested persons shall be encouraged to comment
 25 and minutes of the proceedings shall be kept.

26 (e) At the conclusion of the public appearance, the Architectural Conservation Design
 27 Review Committee shall by majority vote decide whether to recommend approval,
 28 approval with conditions, or denial of the Architectural Conservation District Permit.
 29 Rather than take a formal vote, the committee may by majority vote decide to continue
 30 the proceedings for up to fourteen (14) days; however, the Architectural Conservation
 31 Design Review Committee must make a public appearance to make a final decision.

- 1 (f) Within seven (7) working days after the Architectural Conservation Design Review
 2 Committee takes the final vote on the application, it shall publish its findings,
 3 conclusions, and decision.
- 4 (g) The Architectural Conservation Design Review Committee's decision shall instruct
 5 the permitting authority to:
- 6 (1) Issue the permit;
 7 (2) Issue the permit upon the satisfaction of any conditions necessary to ensure
 8 conformance with the provisions and purposes of this Subdivision; or
 9 (3) Deny the permit.
- 10 (h) The Architectural Conservation Design Review Committee's findings, conclusions,
 11 and decision shall be mailed to the applicant and sent to the Planning Department, any
 12 appropriate municipality and, upon request, any other interested person.
- 13 (i) The failure of the Architectural Conservation Design Review Committee to act on an
 14 application within the time periods specified in this Section shall be considered
 15 authorization for the permitting authority to issue the permit. The time period for
 16 Committee action may be extended with the written consent of the applicant.

17 **Sec. 27-548.35. Procedure for Architectural Conservation Design Review Committee to**
 18 **Review Architectural Conservation District Permit Requiring a Detailed Site Plan**

- 19 (a) When a Detailed Site Plan is required for a proposed project in the Architectural
 20 Conservation District, the Detailed Site Plan process is followed, but the process will
 21 allow the Architectural Conservation Design Review Committee to review and consider
 22 the application in order to make recommendations to the Planning Board. The Planning
 23 Director shall forward copies of the application, and all attachments thereto, to the
 24 Committee, and any appropriate municipality for their review and comments. Any
 25 comments which the municipality may wish to make shall be submitted, in writing, to
 26 the Committee prior to the public appearance.
- 27 (b) Upon receipt of an application, the Architectural Conservation Design Review
 28 Committee shall schedule a public appearance within twenty-one (21) days to consider
 29 the application.
- 30 (c) After scheduling a public appearance, the Architectural Conservation Design Review
 31 Committee shall forward a notice of public appearance to the applicant, the Director, a

1 municipality if located therein, adjoining property owners, and those citizens or
 2 organizations which the Architectural Conservation Design Review Committee
 3 determines may have an interest in the proceedings.

4 (d) At the public appearance, the procedures shall be informal and formal rules of
 5 evidence shall not be applicable. Interested persons shall be encouraged to comment
 6 and minutes of the proceedings shall be kept.

7 (e) At the conclusion of the public appearance, the Architectural Conservation Design
 8 Review Committee shall, by majority vote, decide whether to recommend approval,
 9 approval with conditions, or denial of the Detailed Site Plan. Rather than take a final
 10 vote, the Committee may by majority vote decide to continue the proceeding for up to
 11 Fourteen (14) days to acquire more information. The Committee shall make a public
 12 appearance to make a final decision.

13 (f) Within seven (7) working days after the Architectural Conservation Design Review
 14 Committee takes the final vote on the application, it shall publish its findings,
 15 conclusions, and decision.

16 (g) The Architectural Conservation Design Review Committee's decision shall
 17 recommend that the Planning Board:

- 18 (1) Approve the application;
- 19 (2) Approve the application with conditions; or
- 20 (3) Disapprove the application.

21 (h) The Architectural Conservation Design Review Committee's findings, conclusions,
 22 and decision shall be mailed to the applicant, the Planning Board, adjoining property
 23 owners, any appropriate municipality, and, upon request, to any other interested person.

24 (i) Failure of the Architectural Conservation Design Review Committee to act on an
 25 application within the time periods prescribed in this Section shall be considered
 26 authorization for the Planning Board to proceed on the application for a Detailed Site
 27 Plan without comment.

28 (j) Notwithstanding the provisions of Subsections (a) through (i) of this Section, an
 29 application that is subject to the requirements for a Detailed Site Plan that has already
 30 been reviewed is not subject to Design Review committee review at the time of permit.

31 **Sec. 21-548.36. Municipal Enforcement of Architectural Conservation District Permits.**

1 For areas of an Architectural Conservation District within the boundaries of a municipal
2 corporation, municipalities shall enforce the provisions of Architectural Conservation District
3 Permits. Further, the municipality shall adopt appropriate ordinances for the enforcement of
4 architectural conservation district permits.

5 SECTION 2. BE IT FURTHER ENACTED that Sections 27-213.19, 27-213.20, and 27-
6 548.31 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of
7 the Prince George's County Code, be and the same are hereby repealed and reenacted with the
8 following amendments:

9 **SUBTITLE 27. ZONING.**

10 **PART 3. ADMINISTRATION.**

11 **DIVISION 2. ZONING MAP AMENDMENTS.**

12 **Subdivision 7. Architectural Conservation Overlay Zone.**

13 **Sec. 27-213.19. Initiating the Designation of an Architectural Conservation District.**

14 (a) Designation of an Architectural Conservation District may be initiated by resolution of
15 the District Council if it finds that the Architectural Conservation District will include ten (10)
16 or more contiguous acres; will follow property lines, streets, or permanent natural features; will
17 not exclude part of an included property; does not include property in more than one
18 municipality; and will meet [at least one of] the following requirements:

19 (1) [More than 20% of the residents and business] At least seventy-five percent
20 (75%) of the residential property owners in a proposed District that includes SOLELY property
21 in the unincorporated area of the County have signed a petition requesting the designation within
22 a 365-day period ; or

23 (2) The municipality in which the proposed District is located requests designation,
24 by resolution of the city or town council [.] , and at least fifty percent (50%) of the residential
25 property in a proposed District have signed a petition requesting the designation with a 365-day
26 period.

27 [(3) A citizens' association whose members include at least 30% of the residents of the
28 proposed District requests the designation.]

29 [(4) Other evidence, such as letters from residents or businesses, indicates that 30% or
30 more of the residents and businesses in the proposed District are in favor of designation.]

31 * * * * *

1 (d) An application for a Limited Architectural Conservation District may be considered
 2 and approved as provided in this Section.

3 **Sec. 27-213.20. Planning Board Procedures.**

4 (a) The Planning Board shall prepare an Architectural Conservation Plan for each
 5 proposed Architectural Conservation District within eight (8) months from the time of initiation.

6 (b) [If the District Council so directs in the authorizing resolution or otherwise, the
 7 planning department in a municipality may prepare the Architectural Conservation Plan, with the
 8 advice and consent of the Planning Director.]

9 [(c)] If the Council so directs in the authorizing resolution, the final designation of the
 10 boundaries of the District may be deferred while a draft Architectural Conservation Plan is
 11 prepared and approved by the Planning Board. After preparation of a draft Plan, the Planning
 12 Board may approve a proposed Plan with District boundaries, subject to final Plan and
 13 boundaries approval by the District Council.

14 [(d)] (c) After receiving authorization to prepare an Architectural Conservation Plan, the
 15 Planning Board shall prepare a proposed Zoning Map and Architectural Conservation Plan text
 16 consistent with the District Council's authorizing resolution. The proposed Architectural
 17 Conservation Plan shall include at least the following information:

18 (1) A description of the area included. The proposed boundaries shall be described
 19 on a map by lot, block, and subdivision designation or by streets, roads, streams, or other
 20 landmarks or topographic features.

21 (2) A history of the neighborhoods within the District and the evolution of uses and
 22 structure types.

23 (3) A land use inventory.

24 (4) An inventory of the built environment, including a description of the residential
 25 structure types, and a description of current and proposed commercial development and any
 26 residential and commercial revitalization.

27 (5) [Public capital improvement needs.]

28 [(6)] An architectural survey identifying architectural and urban design patterns that
 29 distinguish the District from other areas of the County.

30 [(7)] (6) Proposed design regulations which address building height and massing,
 31 building materials, facade treatments and architectural expression, siting, setbacks, landscaping,

1 fences and walls, accessory structures, lighting, paving materials, and signs, as applicable.

2 Acceptable materials lists shall include energy efficient materials where possible, and regulations
 3 for exterior features shall encourage the use of green or sustainable building practices.

4 [(8)] (7) An applicability section defining exemptions from the design regulations ,
 5 including guidelines defining what constitutes ordinary maintenance.

6 (8) A section setting forth guidelines for approval of residential building projects
 7 whose scope of work results in an increase of the gross floor area of the existing structure of ten
 8 percent (10%) or less or alterations exclusive of maintenance to the exterior features of existing
 9 residential structures.

10 [(e)] (d) The Planning Board and District Council shall hold a joint public hearing on the
 11 proposed Architectural Conservation Plan.

12 (1) The public hearing shall be advertised in the newspapers of record at least two
 13 weeks before the date of the hearing. The notice shall contain the date, time, place, and purpose
 14 of the hearing.

15 (2) The Planning Board shall obtain from the Office of Assessments and Taxation a
 16 listing of the owners of land within the boundaries of the proposed Architectural Conservation
 17 District. The Board shall mail written notice [fifteen (15)] thirty (30) days before the hearing of
 18 the proposed Architectural Conservation Plan to all listed property owners. The notice shall
 19 include proposed boundaries of the area involved; the date, time, and place of the Planning
 20 Board's hearing; and ways to obtain additional information. The notice shall also advise the
 21 owners that approval of the Architectural Conservation Plan by the District Council could affect
 22 property values and property taxes. The mailing is for informational purposes only, and failure
 23 of the Planning Board to send or property owners to receive a mailing shall not invalidate an
 24 Architectural Conservation Plan.

25 [(f)] (e) Within thirty (30) days after the public hearing, the Planning Board shall adopt
 26 and recommend a proposed Architectural Conservation Plan to the District Council. The
 27 Planning Board shall transmit it to the District Council and to the municipality in which the
 28 proposed Architectural Conservation District is located.

29
 30 **PART 10A. OVERLAY ZONES.**

31 **DIVISION 4. A-C-O (ARCHITECTURAL CONSERVATION OVERLAY) ZONE.**

1 **Sec. 27-548.31. Building permits within Architectural Conservation Districts; Detailed Site**
2 **Plans ; Sketch Plans.**

3 (a) In each Architectural Conservation District, the Architectural Conservation Plan's
4 requirements as to building height and massing, building materials, facade treatments and
5 architectural expression, siting, setbacks, landscaping, fences and walls, accessory structures,
6 lighting, paving materials, and signs shall constitute the design regulations for development.
7 Properties and development shall comply with all zoning regulations not modified by the design
8 regulations. Properties or development exempted from the design regulations shall meet all
9 regulations in the underlying zone or zones.

10 (b) Before issuance of a building or grading permit for non-residential structures on
11 property in an Architectural Conservation District , a Detailed Site Plan for Architectural
12 Conservation shall be approved by the Planning Board in accordance with requirements in this
13 [Section] Division and in Part 3, Division 9. The Planning Board shall also approve a Detailed
14 Site Plan for Architectural Conservation for residential projects in Architectural Conservation
15 Districts whose scope of work exceeds ten percent (10%) of the gross floor area of the existing
16 residential structure on the property. This requirement shall include projects proposing new
17 construction for a property.

18 (c) A Detailed Site Plan application for one or more adjoining lots may be filed by the
19 property owner or the owner's authorized representative. The application shall give all
20 information required in Part 3, Division 9, and the following:

21 (1) The location, floor area, and building type of each existing and proposed building
22 on the property and on each adjoining property.

23 (2) Elevations for each facade for existing and proposed buildings or additions or
24 alterations on the property.

25 (3) A schedule of exterior finishes for existing and proposed buildings or additions or
26 alterations on the property.

27 (4) A statement describing the architectural character of the proposed buildings and
28 the reasons for the applicant's choices.

29 (d) Before it approves a Detailed Site Plan for Architectural Conservation, the Planning
30 Board shall consider the recommendations of the Architectural Conservation Design Review
31 Committee and find that the site plan meets all requirements in Part 3, Division 9, and complies

1 with recommendations in the Architectural Conservation Plan for the District.

2 (e) Proposed residential building or redevelopment projects that require a building or
3 grading permit whose scope of work alters the gross floor area of the existing structure on the
4 property by ten percent (10%) or less or proposes alterations to the exterior features exclusive of
5 maintenance to the existing residential structure on the property may be approved
6 administratively by the Department of Environmental Resources with the advice and consent of
7 the Planning Director based on the recommendation of the Architectural Conservation Design
8 Review Committee.

9 (f) The Architectural Conservation Design Review Committee is advisory to the Planning
10 Director and is assisted by staff from the Planning Department. The Architectural Conservation
11 Design Review Committee is composed of either five (5) or seven (7) members. Each member
12 of the Committee serves for a two-year term. For an Architectural Conservation Overlay Zone
13 located within the boundaries of a municipal corporation in the County, the Architectural
14 Conservation Design Review Committee membership shall be recommended by the respective
15 municipal body to the Planning Board for approval. Further, a municipality may designate
16 certain experts or occupations' representatives for membership on the Architectural Conservation
17 Design Review Committee. Municipalities shall provide staff assistance to the Architectural
18 Conservation Design Review Committee located within its boundaries. If other design review
19 committees, such as a Mixed-Use Town Center Design Review Committee, already exist, the
20 same members of the existing committee(s) may serve concurrently on an Architectural
21 Conservation Design Review Committee. For an Architectural Conservation Overlay Zone
22 located outside the boundaries of a municipal corporation in the County, the respective County
23 Councilmember shall nominate the members of the Architectural Conservation Design Review
24 Committee to be approved by the Planning Board.

25 (g) Architectural Conservation District permit applications for projects altering ten percent
26 (10%) or less of the gross floor area or proposing alterations exclusive of maintenance to the
27 exterior features of the existing structure in an Architectural Conservation District shall contain
28 the following:

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30 (1) A scaled Sketch Plan showing the footprint of all buildings and other site
31 features such as trees, shrubs, fences, etc.:

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(2) A statement of the nature of the work and that it comports with all of the zoning requirements of the underlying zone;

(3) Sketches or drawings of the proposed work including the dimensions, design, color and materials.

(4) Other submittals deemed necessary by the Architecture Design Review Committee in order to complete a review.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

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