



**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

Legislative Session \_\_\_\_\_ 1990 \_\_\_\_\_

Bill No. \_\_\_\_\_ CB-50-1990 \_\_\_\_\_

Chapter No. \_\_\_\_\_ 48 \_\_\_\_\_

Proposed and Presented by \_\_\_\_\_ Council Member Castaldi \_\_\_\_\_

Introduced by \_\_\_\_\_ Council Members Castaldi, Bell, Casula, and  
\_\_\_\_\_ Mills \_\_\_\_\_

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

Date of Introduction \_\_\_\_\_ June 26, 1990 \_\_\_\_\_

**BILL**

AN ACT concerning

Building Permits

FOR the purpose of postponing the issuance of building permits and  
providing for the expiration of building permits under certain  
circumstances.

BY repealing and reenacting with amendments:

SUBTITLE 4. BUILDING.

Sections 4-110,

4-117,

4-118, and

4-230,

The Prince George's County Code

(1987 Edition, 1989 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 4-110, 4-117, 4-118, and 4-230 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 4. BUILDING.**

**DIVISION 1. BUILDING CODE.**

**Subdivision 2. Amendments to the BOCA Code.**

**Sec. 4-110. Same; Section 112.0, Permits.**

(a) The following amendments, additions and/or deletions are made to Section 112.0 of the BOCA Code:

(1) The text of Subsection 112.2, "Suspension of permit", is amended in whole to read as follows:

\* \* \* \* \*

(G) A permit issued for property within the area of a pending Sectional Map Amendment, as provided for in Subtitle 27 of this Code, that is rezoned to a less intense zone, shall expire if a completed building foundation for a use not permitted in the less intense zone has not been constructed pursuant to a validly issued permit prior to District Council approval of the Sectional Map Amendment. The determination of the Building Official made in accordance with Subsection 112.2.5 of this Subtitle shall not be appealable to the Board of Appeals.

(2) A new Subsection 112.2.5, titled "Expiration of Permit", is added to read as follows: Any permit issued for property within the area of a pending Sectional Map Amendment, as provided for in Subtitle 27 of this Code, that is rezoned to a less intense zone, shall expire on its own terms upon approval of the

Sectional Map Amendment by the District Council, if a completed building foundation for a use not permitted in the less intense zone has not been completed. The Building Official shall notify the permit holder of the expiration of the permit.

[ (2) ] (3) \* \* \* \*

**Sec. 4-117. Same; Section 124.0, Means of Appeals.**

(a) Section 124.0 of the BOCA Code is replaced in whole by a new Section 124.0, titled "Board of Appeals", to read as follows:

(1) 124.1 Appeals. The owner or occupant of a building or structure or any directly aggrieved person may appeal to the Board of Appeals from a final decision of the Building Official. Application for appeal may be made when it is claimed that the true intent of the Basic Code or of this Subtitle has been incorrectly interpreted or applied. Notice of such appeal shall be in writing and filed within thirty (30) days after the decision is rendered by the Building Official. Provided, however, that in the case of a structure or dwelling unit which is unsafe or dangerous, or where inadequate sediment control measures exist and sediment is leaving a site, and in any other situation when the Chief Building Inspector has determined that immediate corrective action is necessary, the Building Official may, in his order, limit the time for such appeal to a shorter period. The Board of Appeals shall not have the power or duty to hear and decide an appeal regarding the expiration of a permit pursuant to Subsection 112.2.5 of this Subtitle. Appeals hereunder shall be in accordance with Division 4, Board of Appeals, Subtitle 2, Administration, of the Prince George's County Code.

\* \* \* \* \*

**Sec. 4-118. Definitions; Section 201.0, General Definitions.**

\* \* \* \* \*

(3) The following definition shall apply to Section 112.0 of the Basic Code as set forth in Section 4-110 of this Code:

Building Foundation: The placement of footings that will adequately and safely support all superimposed live and special loads of the building or structure for which the building permit has been issued, and that complies with all requirements of Article 12 of the Basic Code.

**DIVISION 5. ADMINISTRATIVE PROVISIONS.**

**Sec. 4-230. Requirements for Grading, Building Construction, Removal, etc., generally.**

\* \* \* \* \*

(1) No building permit shall be recommended for approval by the Planning Board or its authorized representative, or issued by the Department of Environmental Resources, for any building or structure in Prince George's County on a lot or parcel of land that is located within the area of an adopted and approved Area Master Plan which includes a Zoning Proposal that has been prepared pursuant to the provisions of Section 27-225.1, or a Sectional Map Amendment which has been transmitted by the Planning Board to the District Council pursuant to the provisions of Section 27-225, if the lot or parcel is in a Commercial or Industrial Zone, was proposed by the Planning Board for a less intense zone in which the proposed use is not permitted, is undeveloped, and has been in the same zone for more than ten (10) years, until final action on the

Sectional Map Amendment by the District Council. This Subsection shall not apply to a lot or parcel of land for which a grading permit has been issued by Prince George's County, sediment and erosion control devices have been installed by the permittee, and site grading activities have been initiated by the permittee.

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are necessary:

a. To effectuate the purposes of comprehensive planning and zoning by ensuring that the recommendations made in the adopted and approved Master Plan may be implemented through the Sectional Map Amendment;

b. To protect the integrity of the newly approved Master Plan;

c. To provide an interim control of land for which a change in use has been recommended by the District Council through the Area Master Plan, following public hearing and debate;

d. To define a reasonable period of time and a sensible point in the comprehensive rezoning process in which building permits must be obtained and completion of construction must be diligently pursued;

e. To set forth an identifiable procedure for the vesting of rights for property for which a less intense use has been proposed during the Master Plan and Sectional Map Amendment processes;

f. And to protect the community from development that is inconsistent with the revised Master Plan and incompatible with surrounding land uses.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on January 1, 1991.

Adopted this 24th day of July, 1990.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Jo Ann T. Bell  
Chairman

ATTEST:

\_\_\_\_\_  
Jean M. Schmuhl, CMC  
Clerk of the Council

APPROVED:

DATE: August 10, 1990

BY: \_\_\_\_\_  
Parris N. Glendening  
County Executive

KEY:

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