

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2006 Legislative Session**

Bill No. \_\_\_\_\_ CB-41-2006  
 Chapter No. \_\_\_\_\_ 23  
 Proposed and Presented by \_\_\_\_\_ Council Member Dernoga  
 Introduced by \_\_\_\_\_ Council Members Dernoga, Peters and Harrington  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction \_\_\_\_\_ June 6, 2006

**ZONING BILL**

1 AN ORDINANCE concerning

2 O-S Zone

3 For the purpose of developing new development standards and procedures, including the  
 4 establishment and imposition of temporary zoning regulations restricting development of  
 5 properties classified in the O-S Zone and located within the Rural Tier for a period of time to  
 6 expire on December 31, 2006. This Ordinance provides for a limited validity period for building  
 7 permits, creates additional requirements for granting extensions to the validity periods of expired  
 8 building permits, and establishes interim guidelines for residential development.

9 BY adding:

10 Sections 27-1801, 27-1802, 27-1803, 27-1804, 27-1805 and  
 11 27-1806,

12 The Zoning Ordinance of Prince George's County, Maryland,  
 13 being also

14 SUBTITLE 27. ZONING.

15 The Prince George's County Code  
 16 (2003 Edition, 2005 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 18 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
 19 District in Prince George's County, Maryland, that Sections 27-1801, 27-1802, 27-1803, 27-  
 20 1804, 27-1805, and 27-1806 of the Zoning Ordinance of Prince George's County, Maryland,

being also Subtitle 27 of the Prince George's County Code, be and the same are hereby added:

**SUBTITLE 27. ZONING.**

**PART 18. INTERIM DEVELOPMENT ORDINANCE.**

**Sec. 27-1801. Title.**

This ordinance shall be known and cited as the "Interim Development Ordinance."

**Sec. 27-1802. Purpose and Intent.**

(a) The County finds that health, safety and the general public welfare of the residents of Prince Georges County will be promoted by establishing interim standards for development in the O-S Zone so as to ensure the availability of adequate public facilities for development, establish appropriate levels of service for facilities to protect the health and safety of current and future residents, equalize the cost of providing services so as not to unduly burden any segment of the community, and establish appropriate governance procedures to plan and oversee development to promote the interests and welfare of the community. Specifically, the purposes of the Interim Development Ordinance are:

(1) To apply interim regulations for development to protect the planning process for the Developed, Developing and Rural Tiers.

(2) To provide the County adequate time to develop effective and realistic standards for development in the O-S Zone.

(3) To preserve the unique character, community design and high quality of life in the O-S Zone; ensure that such growth proceeds in an orderly manner and does not exceed the availability of public facilities and urban services; and to minimize adverse environmental impact.

(4) To balance the goals of plan implementation with the property rights of landowners subject to this ordinance.

(5) To provide incentives for plan implementation while the ordinances are pending.

**Sec. 27-1803. Findings.**

(a) The District Council finds and determines that:

(1) The Interim Development Ordinance is necessary to implement plans, planning studies, and related documents, such as the Prince George's County Approved General Plan (October 2002); Freilich, Leitner & Carlisle and Planning Works LLC, Rural Tier Planning Study for Prince George's County, Maryland (December 23, 2003), and Agriculture in Prince

George's County, Prince George's County Planning Department (September 1995).

(2) Existing levels of service of public facilities are decreasing to a point of potential harm to the health and safety of the residents in the O-S Zone, and the current rate of assessment of impact fees and exactions is insufficient to recover the costs of additional infrastructure needed to serve new development within the O-S Zone; and,

(3) Existing and planned public facilities are currently and will continue in the future to be insufficient to provide adequate levels of service to meet the development pressure in the O-S Zone; and,

(4) The cost of services to meet the demands of proposed development in the O-S Zone is prohibitive for the county's taxpayers, and furthermore, the cost of expanding services in the O-S Zone is not an efficient use of the County's limited resources;

(5) Development pressures are causing the loss of prime agricultural lands, and impacting environmentally sensitive areas including, but not limited to, hillsides, wetlands, riparian corridors, woodlands, floodplains, critical area buffers and primary management areas; and

(6) Development pressures are causing growth to occur without regard to maintaining the rural character of the O-S Zone, as defined by small farms; dynamic natural systems, wildlife corridors and bird sanctuaries; scattered farm houses, historic houses and estate housing; narrow two-lane roads, some with tall embankments and heavily wooded edges, panoramic views of open fields punctuated with hedgerows, windbreaks, haul roads, barns, farm equipment and farm animals; and recreational opportunities such as kayaking, birding, hiking and biking; and

(7) It is a matter of compelling public interest to establish interim development regulations as set-out in this ordinance.

#### **Sec. 27-1804. Definitions.**

(a) The words and terms used in this Part are as defined in Section 27-107.01, unless a different meaning is provided in subsection (b), below.

(b) Words and terms in this Part are defined as follows:

(1) Interim Development Ordinance ("IDO"): means Subtitle 27, Part 18 of the Prince George's County Code.

#### **Sec. 27-1805. Applicability.**

(a) Affected Area.

This Part applies to the O-S Zone within the Rural Tier.

(b) Development Applications and Permits.

This Part applies to the review of building permits issued within the O-S Zone within the Rural Tier for the duration of this Part.

(c) Exemptions.

This Part does not apply to the following:

(1) Uses or developments for which only a use and occupancy permit is required; or

(2) Any addition to any single-family dwelling; or

(3) Home occupations, whether or not a use and occupancy permit is required; or

(4) Rehabilitation of an existing non-residential building, or structure which does not change the use or enlarge the building or structure; or

(5) Accessory uses; or

(6) Walls or fences; or

(7) Signs; or

(8) Temporary permits issued pursuant to Part 3, Division 7, Subdivision 3; or

(9) Reconstruction of a damaged or destroyed building or structure so long as the reconstruction includes no increase in the number of pre-existing residential dwelling units and/or no increase in the square footage of pre-existing non-residential development.

(10) A building permit for the construction of a single-family dwelling on a lot created through the conveyance to a son or daughter or lineal descendant or antecedent in accordance with Section 24-107(c)(3) of the Subdivision Regulations.

**Sec. 27-1806. Regulations.**

(a) Building Permits.

The issuance of building permits authorizing the construction of a single-family detached dwelling shall be subject to the following additional requirements:

(1) Architecture – The site plan prepared for each building permit application must demonstrate conformance with the following architectural requirements:

(A) Building Materials – Front and side facades shall be finished with a combination of brick, stone, wood, stucco or cement-fiber planks. Rear facades may be finished in vinyl.

Every building permit application shall include documentary evidence that either: (1) The contract purchaser has been offered the option of finishing all facades in brick or stone; or (2)

1 The construction plans are capable of supporting brick or stone finishes on all facades.

2 (B) Floor area – The gross floor area of each dwelling unit shall comprise a minimum  
 3 of three thousand (3,000) square feet, exclusive of garage and unfinished basement.

4 (C) Garage – Each application shall include a minimum two-car garage, finished in  
 5 the same materials as the main building.

6 (D) Building Walls – Every wall of the main building shall include some combination  
 7 of at least three windows and/or doors.

8 (E) Fencing – The maximum height of fences located in front and side yards shall be  
 9 four (4) feet tall. The use of stockade, board-on-board, chain link and grapestake fencing shall  
 10 not be permitted in the front and side yards.

11 (F) Chimney – A chimney located on a front or side wall shall be finished entirely  
 12 with brick or stone beginning at ground level.

13 (2) Validity Period – All building permits, including those issued prior to June 6, 2006,  
 14 shall remain valid for a period not to exceed four (4) months. The validity period of an expired  
 15 building permit shall not be extended, unless the permittee provides documentary evidence that a  
 16 contract purchaser has secured financing to complete construction of the dwelling described on  
 17 the issued permit.

18 (3) Reapplication – New applications for building permits shall not be accepted for  
 19 processing on the same lot where the validity period for a previous building permit was allowed  
 20 to expire and could not be extended in accordance with paragraph (2) above.

21 SECTION 2. BE IT FURTHER ENACTED that the Planning Director shall not  
 22 recommend approval for any building permit in the O-S Zone for which an application is filed  
 23 beginning June 6, 2006, unless the application fully complies with Part 18 of Subtitle 27.

24 SECTION 3. BE IT FURTHER ENACTED that the Director of the Department of  
 25 Environmental Resources shall not issue any building permit in the O-S Zone for which an  
 26 application is filed beginning June 6, 2006, unless the application fully complies with Part 18 of  
 27 Subtitle 27. In addition, the Director shall not grant an extension to the validity period for any  
 28 expired building permit in the O-S Zone, including those permits issued prior to June 6, 2006,  
 29 unless the application fully complies with Part 18 of Subtitle 27.

30 SECTION 4. BE IT FURTHER ENACTED that if any sentence, clause, section, provision,  
 31 or part of this Act is held illegal, invalid, unconstitutional, or unenforceable, such illegality,

1 invalidity, unconstitutionality, or unenforceability shall not affect or impair any of the remaining  
2 sentences, clauses, sections, provisions, or parts of the Act. It is hereby declared to be the intent  
3 of the District Council that this Act would have been adopted as if such illegal, invalid,  
4 unconstitutional, or unenforceable sentence, clause, section, provision, or part had not been  
5 included.

6 SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall be abrogated and no  
7 longer effective January 1, 2007.

8 SECTION 6. BE IT FURTHER ENACTED that this Ordinance shall take effect on the  
9 date of its adoption.

Adopted this 18th day of July, 2006.

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  
Chairman

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.