

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2005 Legislative Session

Bill No. CB-1-2005
Chapter No. 1
Proposed and Presented by Council Members Bland, Dernoga, and Harrington
Introduced by Council Members Bland, Dernoga, Exum, Peters and Dean
Co-Sponsors _____
Date of Introduction December 7, 2004

ZONING BILL

1 AN ORDINANCE concerning

2 Rural Tier

3 For the purpose of developing new development standards and procedures, including the
4 establishment and imposition of temporary zoning regulations restricting development in the
5 Rural Tier, as established by the Approved General Plan for a period of time to expire on
6 December 30, 2005. This Ordinance provides for a limited validity period for building permits,
7 creates additional requirements for granting extensions to the validity periods of expired building
8 permits, establishes interim guidelines for residential development, and it precludes the
9 acceptance and processing of new applications for Preliminary Plans of Subdivision.

10 BY adding:

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

12 27-1806,

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

14 being also

15 SUBTITLE 27. ZONING.

16 The Prince George's County Code

17 (2003 Edition).

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

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 Rural Tier 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 Rural and Developing Tiers.

(3) To establish a permit management system that provides for a long-term rate of growth in the Rural Tier that is consistent with the policies of the General Plan; preserve its unique character, community design and high quality of life; 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.

(6) To provide demonstration programs and experience with transfers of development rights to ensure that the program is useable, realistic and administratively feasible, pending the completion of a market study for development rights transfers.

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

2 (a) The District Council finds and determines that:

3 (1) The Interim Development Ordinance is necessary to implement plans, planning
4 studies, and related documents, such as the Prince George's County Approved General Plan
5 (October 2002); Freilich, Leitner & Carlisle and Planning Works LLC, Rural Tier Planning
6 Study for Prince George's County, Maryland (December 23, 2003), and Agriculture in Prince
7 George's County, Prince George's County Planning Department (September 1995).

8 (2) Existing levels of service of public facilities are decreasing to a point of potential
9 harm to the health and safety of the residents of the Rural Tier, and the current rate of assessment
10 of impact fees and exactions is insufficient to recover the costs of additional infrastructure
11 needed to serve new development within the Rural Tier; and,

12 (3) Existing and planned public facilities are currently and will continue in the future
13 to be insufficient to provide adequate levels of service to meet the development pressure in the
14 Rural Tier; and,

15 (4) The cost of services to meet the demands of proposed development in the Rural
16 Tier is prohibitive for the county's taxpayers, and furthermore, the cost of expanding services in
17 the Rural Tier is not an efficient use of the County's limited resources;

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

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

29 (7) It is a matter of compelling public interest to establish interim development
30 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 Rural Tier as designated in the General Plan.

(b) Development Applications and Permits.

This Part applies to building permits issued 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.

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

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

5 • Building Materials – Front and side facades shall be finished with a combination of brick,
 6 stone, wood, stucco or cement-fiber planks. Rear facades may be finished in vinyl. Every
 7 building permit application shall include documentary evidence that either: (1) The contract
 8 purchaser has been offered the option of finishing all facades in brick or stone; or (2) The
 9 construction plans are capable of supporting brick or stone finishes on all facades.

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

12 • Garage – Each application shall include a minimum two-car garage, finished in the same
 13 materials as the main building.

14 • Building Walls – Every wall of the main building shall include some combination of at
 15 least three windows and/or doors.

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

19 • Chimney – A chimney located on a front or side wall shall be finished entirely with brick or
 20 stone beginning at ground level.

21 (2) Validity Period – All building permits, including those issued prior to January 11, 2005,
 22 shall remain valid for a period not to exceed four (4) months. The validity period of an expired
 23 building permit shall not be extended, unless the permittee provides documentary evidence that a
 24 contract purchaser has secured financing to complete construction of the dwelling described on
 25 the issued permit.

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

29 SECTION 2. BE IT FURTHER ENACTED that the Planning Director shall not
 30 recommend approval for any building permit in the Rural Tier for which an application is filed
 31 beginning January 11, 2005, unless the application fully complies with Part 18 of Subtitle 27.

SECTION 3. BE IT FURTHER ENACTED that the Director of the Department of Environmental Resources shall not issue any building permit in the Rural Tier for which an application is filed beginning January 11, 2005, unless the application fully complies with Part 18 of Subtitle 27. In addition, the Director shall not grant an extension to the validity period for any expired building permit in the Rural Tier, including those permits issued prior to January 11, 2005, unless the application fully complies with Part 18 of Subtitle 27.

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

SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall be abrogated and no longer effective January 2, 2006.

SECTION 6. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 11th day of January, 2005.

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: _____
Samuel H. Dean
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.