

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

**2001 Legislative Session**

Bill No. CB-27-2001

Chapter No. 21

Proposed and Presented by Council Member Hendershot

Introduced by Council Member Hendershot

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

Date of Introduction June 5, 2001

**ZONING BILL**

1 AN ORDINANCE concerning

2 Architectural Conservation Overlay Zone

3 For the purpose of creating the Architectural Conservation Overlay (A-C-O) Zone, establishing  
 4 procedures for designation of Architectural Conservation Districts, and providing for approval of  
 5 Architectural Conservation Plans and regulation of construction within the Districts.

6 By repealing and reenacting with amendments:

7 Sections 27-109, 27-223(a), and 27-229(b),

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 (1999 Edition, 2000 Supplement).

13 BY adding:

14 Sections 27-213.18, 27-213.19, 27-213.20, 27-213.21, 27-213.22,

15 27-548.27, 27-548.28, 27-548.29, 27-548.30, and 27-548.31,

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

17 being also

18 SUBTITLE 27. ZONING.

19 The Prince George's County Code

20 (1999 Edition, 2000 Supplement).

SECTION 1. BE IT ENACTED by the 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, that Sections 27-109, 27-223(a), and 27-229(b) 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 27. ZONING.**

**PART 2. GENERAL.**

**DIVISION 3. ZONES AND MAPS.**

**Sec. 27-109. Classes of zones.**

(a) The Regional District is divided into the following classes of zones:

\* \* \* \* \*

(7) Overlay.

T-D-O Zone (Transit District Overlay)

R-C-O Zone (Chesapeake Bay Critical Area Resource Conservation Overlay)

L-D-O Zone (Chesapeake Bay Critical Area Limited Development Overlay)

I-D-O Zone (Chesapeake Bay Critical Area Intense Development Overlay)

D-D-O Zone (Development District Overlay)

A-C-O Zone (Architectural Conservation Overlay)

(b) For the purposes of Sections 27-129(i), 27-157(d), 27-176(e), 27-195(e), 27-213(d), and 27-233(d), the order of intensity of zones is listed as follows, beginning with the least intense zone and progressing to the most intense:

(1) R-O-S, O-S, R-A, R-E, V-L, R-L, V-M, R-R, R-S, R-80, R-55, R-M-H, R-35, R-20, R-M, R-T, R-30, R-30C, R-18, R-18C, R-U, R-10A, R-10, R-H, C-A, C-O, M-X-C, M-U-TC, C-R-C, C-S-C, C-1, C-C, C-G, C-2, C-W, C-M, C-H, L-A-C, M-A-C, I-3, I-4, U-L-I, I-1, I-2, E-I-A, M-X-T, R-P-C.

(2) A T-D-O, R-C-O, L-D-O, I-D-O, [or] D-D-O, or A-C-O Zone superimposed over any of the above zones shall not be construed to affect the intensity of the zone.

(c) The Residential, Commercial, and Industrial Zones and the R-M-H Zone are known as "conventional zones."

**PART 3. ADMINISTRATION.**

**DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).**

**Subdivision 1. General.**

**Sec. 27-223. Limitations on zoning.**

(a) In a Sectional Map Amendment, property may be reclassified to any zone established in the Zoning Ordinance, except the Architectural Conservation Overlay Zone, the Transit District Overlay Zone, and the Chesapeake Bay Critical Area Overlay Zones; and except for property located in the Resource Conservation Overlay Zone, which may not be reclassified to a Commercial or Industrial Zone, any Comprehensive Design Zone except the V-M and V-L Zones, or Mixed Use Zones. No Transit District Overlay Zone or Chesapeake Bay Critical Area Overlay Zone may be established or amended through the Sectional Map Amendment procedures; however, Transit District Overlay Zoning Map Amendment or Chesapeake Bay Critical Area Zoning Map Amendment procedures and Sectional Map Amendment procedures may occur simultaneously for the same area, if so authorized by the District Council.

**DIVISION 5. APPEALS AND VARIANCES.**

**SUBDIVISION 2. BOARD OF ZONING APPEALS.**

**Sec. 27-229. Powers and duties.**

(b) The Board of Zoning Appeals shall not have the power or duty to:

\* \* \* \* \*

(19) Grant a variance from any provisions of this Subtitle applicable to development within an Architectural Conservation Overlay Zone, a Transit District Overlay Zone, or a Development District Overlay Zone;

\* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED that Sections 27-213.18, 27-213.19, 27-213.20, 27-213.21, 27-213.22, 27-548.27, 27-548.28, 27-548.29, 27-548.30, and 27-548.31 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 as follows:

**SUBTITLE 27. ZONING.**

**PART 3. ADMINISTRATION.**

**DIVISION 2. ZONING MAP AMENDMENTS.**

**SUBDIVISION 7. ARCHITECTURAL CONSERVATION OVERLAY ZONE.**

1 **Sec. 27-213.18. Applicability.**

2 This Subdivision contains the procedures for classifying property in the Architectural  
 3 Conservation Overlay Zone, by designating an Architectural Conservation District, and for  
 4 approving an Architectural Conservation Plan. Unless otherwise indicated, these procedures  
 5 take the place of any other Zoning Map Amendment provisions contained in this Subtitle.

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

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

12 (1) More than 20% of the residents and business owners in a proposed District have  
 13 signed a petition requesting the designation.

14 (2) The municipality in which the proposed District is located requests designation,  
 15 by resolution of the city or town council.

16 (3) A citizens' association whose members include at least 30% of the residents of the  
 17 proposed District requests the designation.

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

20 (b) After it makes the findings required in Subsection (a), the District Council may adopt a  
 21 resolution authorizing the Planning Board to prepare an Architectural Conservation Plan for the  
 22 District. The resolution shall define the boundaries of the proposed District, subject to  
 23 redefinition after a joint public hearing with the Planning Board.

24 (c) The authorizing resolution shall be advertised in the County newspapers of record. It  
 25 shall be available for inspection at the offices of the Planning Board, the Clerk of the Council,  
 26 and the public libraries within one mile of the proposed District.

27 **Sec. 27-213.20. Planning Board procedures.**

28 (a) The Planning Board shall prepare an Architectural Conservation Plan for each  
 29 proposed Architectural Conservation District.

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

4        (c) If the Council so directs in the authorizing resolution, the final designation of the  
 5        boundaries of the District may be deferred while a draft Architectural Conservation Plan is  
 6        prepared and approved by the Planning Board. After preparation of a draft Plan, the Planning  
 7        Board may approve a proposed Plan with District boundaries, subject to final Plan and  
 8        boundaries approval by the District Council.

9        (d) After receiving authorization to prepare an Architectural Conservation Plan, the  
 10       Planning Board shall prepare a proposed Zoning Map and Architectural Conservation Plan text  
 11       consistent with the District Council's authorizing resolution. The proposed Architectural  
 12       Conservation Plan shall include at least the following information:

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

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

18       (3) A land use inventory.

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

22       (5) Public capital improvement needs.

23       (6) An architectural survey identifying architectural and urban design patterns that  
 24       distinguish the District from other areas of the County.

25       (7) Proposed design regulations which address building height and massing, building  
 26       materials, facade treatments and architectural expression, siting, setbacks, landscaping, fences  
 27       and walls, accessory structures, lighting, paving materials, and signs, as applicable.

28       (8) An applicability section defining exemptions from the design regulations.

29       (e) The Planning Board and District Council shall hold a joint public hearing on the  
 30       proposed Architectural Conservation Plan.

31       (1) The public hearing shall be advertised in the newspapers of record at least two

1 weeks before the date of the hearing. The notice shall contain the date, time, place, and purpose  
 2 of the hearing.

3 (2) The Planning Board shall obtain from the Office of Assessments and Taxation a  
 4 listing of the owners of land within the boundaries of the proposed Architectural Conservation  
 5 District. The Board shall mail written notice fifteen (15) days before the hearing of the proposed  
 6 Architectural Conservation Plan to all listed property owners. The notice shall include proposed  
 7 boundaries of the area involved; the date, time, and place of the Planning Board's hearing; and  
 8 ways to obtain additional information. The notice shall also advise the owners that approval of  
 9 the Architectural Conservation Plan by the District Council could affect property values and  
 10 property taxes. The mailing is for informational purposes only, and failure of the Planning  
 11 Board to send or property owners to receive a mailing shall not invalidate an Architectural  
 12 Conservation Plan.

13 (f) Within thirty (30) days after the public hearing, the Planning Board shall adopt and  
 14 recommend a proposed Architectural Conservation Plan to the District Council. The Planning  
 15 Board shall transmit it to the District Council and to the municipality in which the proposed  
 16 Architectural Conservation District is located.

17 **Sec. 27-213.21. Planning Board and Department of Environmental Resources procedures.**

18 (a) After the District Council approves an authorizing resolution, the Clerk of the Council  
 19 shall advise the Planning Director and the Director of the Department of Environmental  
 20 Resources.

21 (b) When the Planning Board gives notice of the joint public hearing, the Planning  
 22 Director and the Director of the Department of Environmental Resources shall also be given  
 23 notice. Until approval of the proposed Architectural Conservation Plan or passage of 90 days  
 24 after the notice of hearing, whichever first occurs, no building or grading permit may be  
 25 approved by the Planning Department or issued by the Department of Environmental Resources  
 26 for property within the proposed Architectural Conservation District, except permits for interior  
 27 or other work not significantly affecting a building or site's exterior appearance.

28 (c) After the District Council approves an Architectural Conservation Plan, all permit  
 29 applications for property in the Architectural Conservation District shall meet the Plan's design  
 30 regulations. All applications shall be processed under normal building or grading permit  
 31 procedures.

**Sec. 27-213.22. District Council procedures.**

(a) The District Council shall take action on the Architectural Conservation Plan within sixty (60) days after the Planning Board's transmittal.

(b) Before final action, the District Council may propose amendments to the Architectural Conservation Plan transmitted by the Planning Board.

(1) A notice that amendments to the Architectural Conservation Plan have been proposed shall be sent to all property owners, in accordance with the procedures in Section 27-225(e)(2).

(2) All proposed amendments shall be referred to the Planning Board for the Board's written comments.

(c) The District Council by ordinance or resolution may approve the proposed Architectural Conservation Plan, with or without amendments. In its final action, the Council may contract but may not expand the boundaries proposed by the Planning Board. Notice of the District Council's final action shall be sent to all property owners, in accordance with the procedures in Section 27-225(e)(2) and (3).

**PART 10A. OVERLAY ZONES.****DIVISION 4. A-C-O (ARCHITECTURAL CONSERVATION OVERLAY) ZONE.****Sec. 27-548.27. Introduction.**

The Architectural Conservation Overlay Zone is intended to ensure that development and redevelopment of land within each designated Architectural Conservation District maintains the District's architectural character. The Architectural Conservation Overlay Zone is a mapped zone superimposed over other zones within each District. Development in a District is subject to Planning Board approval of a Detailed Site Plan, to show compliance with design regulations in an approved Architectural Conservation Plan for the District.

**Sec. 27-548.28. Purposes.**

(a) The purposes of the Architectural Conservation Overlay Zone are:

(1) To preserve and protect the architectural or design character of neighborhoods;

(2) To retain affordable housing;

(3) To promote appropriate new construction;

(4) To preserve and stabilize neighborhoods and their property values;

(5) To protect desirable and unique physical features of existing residential and commercial properties;

(6) To promote economic revitalization and maintain continued economic vitality of neighborhoods;

(7) To attract quality investment and encourage land development which complements and enhances the character of neighborhoods; and

(8) To ensure that development within designated Architectural Conservation Districts maintains well-planned urban design relationships with their neighborhoods and adjoining areas.

**Sec. 27-548.29. Relationship to other zones; uses and regulations.**

(a) The Architectural Conservation Overlay Zone imposes design regulations within other zones on the Zoning Map, to modify requirements in those zones in each designated Architectural Conservation District. Zoning regulations modified by Architectural Conservation Plan design regulations must be designated specifically in each District's Architectural Conservation Plan. Other regulations are not affected.

(b) The Architectural Conservation Overlay Zone may not be superimposed over the R-O-S, O-S, R-A, R-E, V-L, R-L or V-M Zones.

(c) Uses permitted on property in an Architectural Conservation District are the same as those permitted in the property's underlying zone.

**Sec. 27-548.30. Criteria for Designating an Architectural Conservation District.**

(a) Each Architectural Conservation District shall have properties with distinct, unifying elements or characteristics, design or other physical features which mark or identify the properties making up the District.

(b) Before it designates an Architectural Conservation District, the District Council shall find:

(1) At least 75% of the developable lots within the District have been developed.

(2) More than 50% of the structures in the District exhibit characteristics or contain features unique to the District, characteristics or features identified in the Architectural Conservation Plan.



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

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

(b) Before issuance of a building or grading permit for property in an Architectural Conservation District, a Detailed Site Plan for Architectural Conservation shall be approved by the Planning Board in accordance with requirements in this Section and in Part 3, Division 9.

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

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

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

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

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

(d) Before it approves a Detailed Site Plan for Architectural Conservation, the Planning Board shall find that the site plan meets all requirements in Part 3, Division 9, and complies with recommendations in the Architectural Conservation Plan for the District.

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

Adopted this 10th day of July, 2001.

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: \_\_\_\_\_  
Ronald V. Russell, Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
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.