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

**SITTING AS THE DISTRICT COUNCIL**

Legislative Session

1992

Bill No. \_\_\_\_\_ CB-104-

1992 \_\_\_\_\_

Chapter No.

82

Proposed and Presented by           The Chairman (by request -

\_\_\_\_\_ County

Executive) \_\_\_\_\_

Introduced by           Council Members MacKinnon, Castaldi,  
          Casula,

\_\_\_\_\_ Del Giudice, and  
          Bell

Co-Sponsors

\_\_\_\_\_ Date of Introduction           October 27,  
          1992

**ZONING BILL**

AN ORDINANCE concerning

Chesapeake Bay Critical Area Overlay Zones

FOR the purpose of exempting certain properties in the

Chesapeake Bay Critical Area Overlay Zones from the requirement for a Special Exception, prohibiting the granting of a Special Exception for certain properties in these Zones and providing for a waiver from the requirement for a Conservation Plan and Conservation Agreement if certain conditions are met.

BY repealing and reenacting with amendments:

Sections 27-242, and  
27-384,

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

SUBTITLE 27. ZONING.

The Prince George's County Code

(1991 Edition, as amended by CB-30-1992).

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 27-242 and 27-384 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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 3. ADMINISTRATION.**

**DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES AND USES.**

**Subdivision 1. General Requirements and Procedures.**

**Sec. 27-242. Alteration, extension, or enlargement.**

\* \* \* \* \*

(b) Exceptions

\* \* \* \* \*

(6) One-family detached dwellings

(A) The alteration, extension, or enlargement of a nonconforming one-family detached dwelling may be permitted and does not require a Special Exception provided that:

(i) The modification conforms to the requirements of Subparagraph (a) (1) (A), above;

(ii) Development on the property (including the proposed modification) conforms to the lot coverage limitations of the zone in which the property is located; and

(iii) Within a Chesapeake Bay Critical Area Overlay Zone, development on the property (including the proposed modification) conforms to any applicable requirements concerning impervious surface ratios, except as provided in Paragraph 9, below.

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(9) Structures within a Chesapeake Bay Critical Area Overlay Zone

(A) Within a Chesapeake Bay Critical Area Overlay Zone, the alteration, extension, or enlargement of a nonconforming structure may be permitted and does not require a Special Exception, provided that all of the following provisions are met:

(i) Impervious surface coverage is the only nonconforming element of the subject property relative to the Chesapeake Bay Critical Area Overlay Zone in which it is located, and either all requirements of the underlying zone are met, or other provisions of Subsection (b) apply to the subject use.

(ii) All structures contributing to the nonconforming impervious surface coverage were in existence prior to December 1, 1985, and

(iii) Development on the property (including the proposed modification) does not result in a net increase in impervious surface coverage.

**PART 4. SPECIAL EXCEPTIONS.**

**DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.**

**Sec. 27-384. Nonconforming buildings, structures, and uses: alterations, enlargement, extension, or reconstruction.**

(a) The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in Paragraph 7 below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:

\* \* \* \* \*

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(7) In a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted where the existing impervious surface coverage exceeds that allowed by Section 27-548.17, and which would result in a net increase in the existing impervious surface coverage. In addition, a Special Exception shall not be granted which would result in converting a property which currently meets the impervious surface coverage requirements of Section 27-548.17 to a nonconforming status regarding impervious surface coverage, except if a finding of extenuating circumstances is made, such as the necessity to comply with other laws and regulations.

SECTION 2. BE IT FURTHER ENACTED that the Introduction of the Conservation Manual for the Chesapeake Bay Critical Area adopted and last revised by the County Council on July 25, 1989, is hereby repealed and reenacted with the following amendments:

**INTRODUCTION**

\* \* \* \*

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As noted above, an approved Conservation Plan and Conservation Agreement is mandatory prior to the approval of all new subdivisions and prior to the issuance of most building permits and grading permits. However, the Director of the Department of Environmental Resources may waive the requirement for a Conservation Plan and Conservation Agreement prior to the

issuance of permits if all of the following conditions are met:

\* \* \* \* \*

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8. The existing property is in conformance with the requirements of the [Zoning Ordinance] Chesapeake Bay Critical Area Overlay Zone and the proposed changes will retain this conformance. If, however, the impervious surface coverage is the only nonconforming element, a waiver may be issued if:

a. All existing impervious surface structures were existing prior to December 1, 1985, and

b. The proposed activity will not result in a net increase in impervious surface coverage.

\* \* \* \*

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SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on December 31, 1992, or when approved by the Chesapeake Bay Critical Area Commission, whichever later occurs.

Adopted this 24th day of November, 1992.

OF COUNTY, 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 MARYLAND

BY:

\_\_\_\_\_

Richard J. Castaldi  
Chairman

ATTEST:

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Joyce T. Sweeney  
Acting 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.