

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2012 Legislative Session**

Bill No. CB-5-2012

Chapter No. 4

Proposed and Presented by Council Member Campos

Introduced by Council Members Campos and Davis

Co-Sponsors _____

Date of Introduction March 20, 2012

ZONING BILL

1 AN ORDINANCE concerning

2 Architectural Conservation Overlay Zone

3 For the purpose of amending the provisions of the Zoning Ordinance relating to Architectural
4 Conservation Overlay Zones in the County.

5 BY adding:

6 Sections 27-213.18.01, 27-548.31.01, 27-548.31.02,
7 27-548.31.03, 27-548.31.04, and 27-548.31.05,
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 (2007 Edition, 2010 Supplement).

13 BY repealing and reenacting with amendments:

14 Sections 27-213.19, 27-213.20, and 27-548.31,
15 The Zoning Ordinance of Prince George's County, Maryland,
16 being also
17 SUBTITLE 27. ZONING.
18 The Prince George's County Code
19 (2007 Edition, 2010 Supplement).

20

1 SECTION 1. BE IT FURTHER ENACTED by the County Council of Prince George's
2 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
3 Regional District in Prince George's County, Maryland, that Sections 27-213.18.01, 27-
4 548.31.01, 27-548.31.02, 27-548.31.03, 27-548.31.04 and 27-548.31.05 of the Zoning Ordinance
5 of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County
6 Code, be and the same are hereby added:

7 **SUBTITLE 27. ZONING.**

8 **PART 3. ADMINISTRATION.**

9 **DIVISION 2. ZONING MAP AMENDMENTS.**

10 **Subdivision 7. Architectural Conservation Overlay Zone.**

11 **Sec. 27-213.18.01. Definitions.**

12 (a) As used in this Subdivision, the following definitions shall apply:

13 (1) Architectural Conservation District An area of land designated by action of the
14 District Council for the purpose of protecting the character of single-family neighborhoods.

15 (2) Architectural Conservation District Authorization: A document approved by
16 application to authorize alteration to the exterior of an existing building within an Architectural
17 Conservation District that is not otherwise covered by building permit requirements in the
18 County Code.

19 (3) Architectural Sketch Plan: A visual rendering of proposed alteration(s) on a site
20 depicting elevation, placement and visible details of the alteration(s) as required by the
21 Architectural Conservation District Plan. For purposes of this Subdivision, this rendering shall
22 not necessarily be drawn to scale.

23 (4) Limited Architectural Conservation District: A form of an Architectural
24 Conservation District, administered in accordance with this Subdivision, that regulates only
25 residential projects of a limited nature, as established by the Plan.

26 (5) Ordinary Maintenance: Work that does not alter the facade of a building or
27 structure, or has no material effect on the architectural significance of the building or structure.
28 This definition applies to properties within an Architectural Conservation Overlay Zone.

29 **PART 10A. OVERLAY ZONES.**

30 **DIVISION 4. A-C-O (ARCHITECTURAL CONSERVATION OVERLAY)**
31 **ZONE.**

1 **Sec. 27-548.31.01. Requirements for Architectural Conservation District Authorization.**

2 (a) An Architectural Conservation District Authorization for work on privately-owned
 3 single family dwellings, duplexes, and three-family dwellings within an Architectural
 4 Conservation District shall be obtained pursuant to the provisions of this Subtitle before making
 5 exterior alterations.

6 (b) Exemptions. Nothing in this Section shall be construed to require the issuance of an
 7 Architectural Conservation District Authorization for any ordinary maintenance, repair of
 8 architectural elevations, customary farming operations, or landscaping which will have no
 9 material effect on the architectural features of the structure or property. For purposes of
 10 clarification of this Subsection, each Architectural Conservation District plan shall include
 11 guidelines regarding what activities constitute ordinary maintenance.

12 **Sec. 27-548.31.02. Application for Architectural Conservation District Authorization.**

13 Application for issuance of an Architectural Conservation Authorization shall be filed with
 14 the municipality in which the Architectural Conservation District is located. The application
 15 shall provide such information as is deemed necessary by the Architectural Conservation Design
 16 Review Committee for its proper evaluation and action upon the application in accordance with
 17 the provisions of this Subtitle. Completed applications shall be submitted to the Design Review
 18 Committee within the municipality in which the Architectural Conservation District is located.

19 **Sec. 27-548.31.03. Architectural Conservation Design Review Committee Procedure for**
 20 **Review of Architectural Conservation District Authorization not Requiring Detailed Site**
 21 **Plan.**

22 (a) Upon receipt of an application, the Architectural Conservation Design Review
 23 Committee shall schedule and advertise a public appearance within thirty (30) calendar days to
 24 consider the application.

25 (b) After scheduling a public appearance, the Architectural Conservation Design Review
 26 Committee shall forward a notice of the public appearance to the applicant, the Director of
 27 Environmental Resources, adjoining property owners, and those citizens or organizations which
 28 the Architectural Conservation Design Review Committee determines may have an interest in
 29 the proceedings.

30 (c) The Architectural Conservation Design Review Committee shall review the
 31 application for an authorization and any other materials provided by the applicant along with any

1 written comments provided by other interested persons, including those of any municipality in
2 which the property is located.

3 (d) At the public appearance, the procedures shall be informal and formal rules of
4 evidence shall not be applicable. Interested persons shall be encouraged to comment and
5 minutes of the proceedings shall be kept.

6 (e) At the conclusion of the public appearance, the Architectural Conservation Design
7 Review Committee shall find that the proposed application is in conformance with the Plan,
8 guidelines, standards, and preserves the character of the neighborhood and shall recommend
9 approval, approval with conditions, or denial of the Architectural Conservation District
10 Authorization by majority vote. Rather than take a formal vote, the committee may by majority
11 vote decide to continue the proceedings for up to fourteen (14) days beyond the initial thirty (30)
12 day review period; however, with consent of the applicant, the Architectural Conservation
13 Design Review Committee may grant additional continuances of the public appearance before
14 making its final decision.

15 (f) Within seven (7) working days after the Architectural Conservation Design Review
16 Committee takes a final vote on the application, it shall publish its findings, conclusions, and
17 decision.

18 (g) The Architectural Conservation Design Review Committee's decision shall instruct
19 the municipality to:

20 (1) Issue the authorization;

21 (2) Issue the authorization upon the satisfaction of any conditions necessary to ensure
22 conformance with the provisions and purposes of this Subdivision; or

23 (3) Deny the authorization, giving reasons and notify the applicant in writing stating
24 what changes are required for approval.

25 (h) The Architectural Conservation Design Review Committee's findings, conclusions,
26 and decision shall be mailed to the applicant and sent to the Director of Environmental
27 Resources, any appropriate municipality and, upon request, any other interested person.

28 (i) The failure of the Architectural Conservation Design Review Committee to act on an
29 application within the time periods specified in this Section shall be construed as approval for the
30 municipality to issue the authorization without comment. The time period for Committee action
31 may be extended with the written consent of the applicant.

1 **Sec. 27-548.31.04. Procedure for Architectural Conservation Design Review Committee to**
2 **Review Architectural Conservation District Authorization Requiring a Limited Detailed**
3 **Site Plan.**

4 (a) When a Limited Detailed Site Plan is required for a proposed project in the
5 Architectural Conservation District pursuant to Section 27-548.31 of this Subtitle, the Limited
6 Detailed Site Plan process set forth in Section 27-286 of this Subtitle is followed, but the process
7 will allow the Architectural Conservation Design Review Committee to review and consider the
8 application in order to make recommendations to the Planning Board. The Planning Director
9 shall forward copies of the application, and all attachments thereto, to the Architectural
10 Conservation Design Review Committee, and any appropriate municipality for their review and
11 comments. Any comments which the municipality may wish to make shall be submitted, in
12 writing, to the Committee prior to the public appearance.

13 (b) Upon receipt of an application, the Architectural Conservation Design Review
14 Committee shall schedule a public appearance within twenty-one (21) days to consider the
15 application.

16 (c) After scheduling a public appearance, the Architectural Conservation Design Review
17 Committee shall forward a notice of public appearance to the applicant, the Planning Director,
18 adjoining property owners, and those citizens or organizations which the Architectural
19 Conservation Design Review Committee determines may have an interest in the proceedings.

20 (d) At the public appearance, the procedures shall be informal and formal rules of
21 evidence shall not be applicable. Interested persons shall be encouraged to comment and
22 minutes of the proceedings shall be kept.

23 (e) At the conclusion of the public appearance, the Architectural Conservation Design
24 Review Committee shall find that the proposed application is in conformance with the Plan,
25 guidelines, standards, and preserves the character of the neighborhood and shall recommend
26 approval, approval with conditions, or denial of the Limited Detailed Site Plan by majority vote.
27 Rather than take a formal vote, the committee may by majority vote decide to continue the
28 proceedings for up to fourteen (14) days beyond the initial thirty (30) day review period;
29 however, with consent of the applicant, the Architectural Conservation Design Review
30 Committee may grant additional continuances of the public appearance before making its final
31 decision.

1 (f) Within seven (7) working days after the Architectural Conservation Design Review
2 Committee takes the final vote on the application, it shall publish its findings, conclusions, and
3 decision.

4 (g) The Architectural Conservation Design Review Committee’s decision shall
5 recommend that the Planning Board:

6 (1) Approve the application;

7 (2) Approve the application with conditions; or

8 (3) Disapprove the application, giving reasons and notify the applicant in writing
9 stating what changes are required for approval.

10 (h) The Architectural Conservation Design Review Committee’s findings, conclusions,
11 and decision shall be mailed to the applicant, the Planning Board, adjoining property owners, any
12 appropriate municipality, and, upon request, to any other interested person.

13 (i) Failure of the Architectural Conservation Design Review Committee to act on an
14 application within the time periods prescribed in this Section shall be construed as approval for
15 the Planning Board to proceed on the application for Limited Detailed Site Plan without
16 comment.

17 (j) Notwithstanding the provisions of Subsections (a) through (i) of this Section, an
18 application that is subject to the requirements for a Limited Detailed Site Plan that has already
19 been reviewed by the final reviewing authority is not subject to Design Review Committee
20 review at the time of permit.

21 **Sec. 27-548.31.05. Municipal Enforcement of Architectural Conservation District**
22 **Authorization.**

23 The provisions of all Architectural Conservation District Authorizations within
24 Architectural Conservation Districts shall be enforced by the municipal corporations in which the
25 Architectural Conservation District is located. As such, the municipality shall adopt appropriate
26 ordinances for the establishment of Architectural Conservation District Authorizations, as well as
27 the municipal enforcement of Architectural Conservation District Authorizations.

28 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
29 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
30 District in Prince George's County, Maryland, that Sections 27-213.19, 27-213.20, and 27-
31 548.31 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of

1 the Prince George's County Code, be and the same are hereby repealed and reenacted with the
2 following amendments:

3 **SUBTITLE 27. ZONING.**

4 **PART 3. ADMINISTRATION.**

5 **DIVISION 2. ZONING MAP AMENDMENTS.**

6 **Subdivision 7. Architectural Conservation Overlay Zone.**

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

8 (a) Designation of an Architectural Conservation District may be initiated by resolution of
9 the District Council if it finds that the Architectural Conservation District will include [ten (10)
10 or more contiguous acres] twenty (20) or more adjacent developed or undeveloped residential
11 lots or parcels in a single family residential zone; will follow property lines, streets, or permanent
12 natural features; will not exclude part of an included property; falls completely within the
13 corporate boundaries of a municipality, but does not include property in more than one
14 municipality; and [will meet at least one of the following requirements:

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

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

19 [(3) A citizens' association whose members include at least 30% of the residents of the
20 proposed District requests the designation.]

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

23 * * * * *

24 (d) An application for a Limited Architectural Conservation District may be considered
25 and approved as provided in this Section.

26 **Sec. 27-213.20. Planning Board Procedures.**

27 (a) The Planning Board shall prepare an Architectural Conservation Plan for each
28 proposed Architectural Conservation District within eight (8) months from the time of initiation.

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

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

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

10 (1) A summary physical description of the area [included] to be included in the plan,
 11 as well as a graphic representation of the area's [. The] proposed boundaries [shall be described
 12 on a map] delineated by lot, block, parcel, and subdivision [designation] or by streets, roads,
 13 streams, or other [landmarks or] natural or topographic features.

14 (2) A history of the neighborhood or neighborhoods within the [District] plan
 15 boundaries and the development and evolution of [uses and] structure types and uses. The
 16 history should also summarize the character of adjacent development not regulated by the plan.

17 (3) A land use and zoning inventory including the requirements of each underlying
 18 zone for the following:

19 Net Lot Area (Minimum in Square Feet)

20 Lot Coverage

21 Green Area

22 Lot/Width Frontage (Minimum in Feet)

23 Yards (Minimum Depth/Width in Feet)

24 Building Height (Maximum in Feet, Main Building)

25 Density (Maximum Dwelling Units Per Net Acre of Net Lot/Tract Area)

26 Accessory Buildings

27 If requested by a municipality and approved by the District Council, an Architectural
 28 Conservation District Plan may further restrict zoning densities, minimum lot sizes, setback and
 29 other zoning regulations established in the base zone.

30 (4) [An] A detailed inventory of the built environment, including a description of [the
 31 residential structure types, and a description of current and proposed commercial development

1 and any residential and commercial revitalization.] all structure types including both primary
 2 buildings and secondary buildings such as garages, shed, and accessory structures.

3 (5) [Public capital improvement needs.]

4 [(6)] An architectural survey identifying architectural and urban design patterns that
 5 distinguish the District from other areas of the County.

6 [(7)] (6) Proposed design regulations which address building height and massing,
 7 building materials, facade treatments and architectural expression, siting, setbacks, landscaping,
 8 fences and walls, accessory structures, lighting, paving materials, and signs, as applicable.

9 Acceptable materials lists shall include energy efficient materials where possible, and regulations
 10 for architectural elevations shall encourage the use of green or sustainable building practices.

11 [(8)] (7) An applicability section defining exemptions from the design regulations,
 12 including guidelines defining what constitutes ordinary maintenance.

13 (8) If requested by a municipality and approved by the District Council, a section
 14 setting forth guidelines for approval of single family residential building projects whose scope of
 15 work results in an increase of the gross floor area of the existing structure of twenty percent
 16 (20%) or less or alterations exclusive of maintenance to the architectural elevations of existing
 17 residential structures.

18 (9) The application for an Architectural Conservation District shall contain an
 19 analysis of the requirements of any homeowners' association that exists within the proposed
 20 boundaries of the District.

21 [(e)] (c) The Planning Board and District Council shall hold a joint public hearing on the
 22 proposed Architectural Conservation Plan.

23 (1) The public hearing shall be advertised in the newspapers of record at least [two
 24 weeks] thirty (30) days before the date of the hearing. The notice shall contain the date, time,
 25 place, and purpose of the hearing.

26 (2) The Planning Board shall obtain from the Office of Assessments and Taxation a
 27 listing of the owners of land within the boundaries of the proposed Architectural Conservation
 28 District. The Board shall mail written notice [fifteen (15)] thirty (30) days before the hearing of
 29 the proposed Architectural Conservation Plan to all listed property owners and the affected
 30 municipality. The notice shall include proposed boundaries of the area involved; the date, time,
 31 and place of the Planning Board's hearing; and ways to obtain additional information. The notice

1 shall also advise the owners that approval of the Architectural Conservation Plan by the District
 2 Council could affect property values and property taxes. The mailing is for informational
 3 purposes only, and failure of the Planning Board to send or property owners to receive a mailing
 4 shall not invalidate an Architectural Conservation Plan.

5 [(f)] (d) Within thirty (30) days after the public hearing, the Planning Board shall adopt
 6 and recommend a proposed Architectural Conservation Plan to the District Council. The
 7 Planning Board shall transmit [it] the Adopted Architectural Conservation Plan to the District
 8 Council and to the municipality in which the proposed Architectural Conservation District is
 9 located.

10 **PART 10A. OVERLAY ZONES.**

11 **DIVISION 4. A-C-O (ARCHITECTURAL CONSERVATION OVERLAY) ZONE.**

12 **Sec. 27-548.31. Building permits within Architectural Conservation Districts; Limited** 13 **Detailed Site Plans.**

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

21 (b) [Before issuance of a building or grading permit for property in an Architectural
 22 Conservation District a] A Limited Detailed Site Plan for Architectural Conservation shall be
 23 approved by the Planning Board in accordance with requirements in this [Section] Division and
 24 in Part 3, Division 9 for single family, duplex, or three-family residential projects in
 25 Architectural Conservation Districts whose scope of work exceeds twenty percent (20%) of the
 26 gross floor area of the existing residential structure on the property. This requirement shall
 27 include projects proposing new construction for a property.

28 (c) A Limited Detailed Site Plan application for one or more adjoining residential lots may
 29 be filed by the property owner or the owner's authorized representative. The application shall
 30 give all information required [in Part 3, Division 9, and the following] by the approved
 31 Architectural Conservation District Plan, which shall include, at a minimum, the following:

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

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

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

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

9 (d) Before it approves a Limited Detailed Site Plan for Architectural Conservation, the
10 Planning Board shall consider the recommendations of the Architectural Conservation Design
11 Review Committee and find that the site plan meets all requirements [in Part 3, Division 9, and
12 complies with] and recommendations in the Architectural Conservation Plan for the District.

13 (e) Proposed single family residential building or redevelopment projects that require a
14 building or grading permit whose scope of work alters the gross floor area of the existing
15 structure on the property by twenty percent (20%) or less, or proposes alterations to the
16 architectural elevations exclusive of maintenance to the existing residential structure on the
17 property may be approved by the Department of Environmental Resources with the advice and
18 consent of the Architectural Conservation Design Review Committee.

19 (f) The Architectural Conservation Design Review Committee is advisory to the Planning
20 Director and is assisted by staff from the Planning Department. The Architectural Conservation
21 Design Review Committee is composed of either five (5) or seven (7) members. Each member
22 of the Committee serves for a two-year term. For an Architectural Conservation District located
23 within the boundaries of a municipal corporation in the County, the Architectural Conservation
24 Design Review Committee membership shall be recommended by the respective municipal body
25 to the Planning Board for approval. Further, a municipality may designate certain experts or
26 occupations' representatives for membership on the Architectural Conservation Design Review
27 Committee. Municipalities shall provide staff assistance to the Architectural Conservation
28 Design Review Committee located within its boundaries. If other design review committees,
29 such as a Mixed-Use Town Center Design Review Committee already exist, the same members
30 of the existing committee(s) may serve concurrently on an Architectural Conservation Design
31 Review Committee.

1 (g) Architectural Conservation District Authorizations for projects altering twenty percent
2 (20%) or less of the gross floor area or proposing alterations exclusive of maintenance to the
3 architectural elevations of the existing structure in an Architectural Conservation District shall
4 contain the following:

5 (1) An Architectural Sketch Plan showing the footprint of all buildings and
6 other site features such as trees, shrubs, fences, etc.;

7 (2) A statement of the nature of the work and that it comports with all of the
8 zoning requirements of the underlying zone;

9 (3) Sketches or drawings of the proposed work including the dimensions,
10 design, color and materials.

11 (4) Other submittals deemed necessary by the Architecture Design Review
12 Committee in order to complete a review.

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

Adopted this 1st day of May, 2012.

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: _____
Andrea C. Harrison
Chair

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.