

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session**

Bill No. CB-42-2014

Chapter No. _____

Proposed and Presented by Council Member Olson

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Single Family Neighborhood Stabilization Overlay Zone

3 For the purpose of defining and authorizing a Single Family Neighborhood Stabilization Overlay
4 Zone; providing for the applicability, general procedures, specific Planning Board procedures,
5 specific District Council procedures, purposes of the overlay zone, regulations, amendment of a
6 District, continuance of licenses, Advisory Committee, waiver, penalty, and generally relating to
7 Single Family Neighborhood Stabilization Overlay Zones.

8 BY adding:

9 Sections 27-213.23, 27-213.24, 27-213.25,
10 27-213.26, 27-548.31.06, 27-548.31.07,
11 27-548.31.08, 27-548.31.09, 27-548.31.10,
12 27-548.31.11, and 27-548.31.12,

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 (2011 Edition; 2013 Supplement).

18 WHEREAS, the Single Family Neighborhood Stabilization Overlay Zone is intended to
19 ensure that land in residential neighborhoods retains its traditional single family residential
20 character, integrity and appearance;

1 WHEREAS, the Single Family Neighborhood Stabilization Overlay Zone will prevent or
2 mitigate detrimental effects specific to single family rental dwellings; and

3 WHEREAS, the Single Family Neighborhood Stabilization Overlay Zone is intended to
4 foster economic and social goals consistent with that of residential communities; and

5 WHEREAS, establishment of the Single Family Neighborhood Stabilization Overlay Zone
6 creates a process which coordinates public policy decisions regarding residential communities;
7 and

8 WHEREAS, the Single Family Neighborhood Stabilization Overlay Zone promotes the
9 preservation and improvement of residential communities; and

10 WHEREAS, the establishment of the Single Family Neighborhood Stabilization Overlay
11 Zone will prevent declining property values; and

12 WHEREAS, the Single Family Neighborhood Stabilization Overlay Zone creates a process
13 which sustains and promotes single family residential dwellings as a land use; and

14 WHEREAS, the Single Family Neighborhood Stabilization Overlay Zone will enhance the
15 quality of life in residential neighborhoods; and

16 WHEREAS, the Single Family Neighborhood Stabilization Overlay Zone will prevent or
17 mitigate the over-saturation of single family rental dwellings in Single Family Neighborhood
18 Stabilization Overlay Zones; and

19 WHEREAS, the Single Family Neighborhood Stabilization Overlay Zone will prevent or
20 mitigate detrimental effects of an over-saturation of single family rental dwellings upon
21 neighboring properties, including both rental and non-rental residential properties.

22 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
23 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
24 District in Prince George's County, Maryland, that Sections 27-213.23, 27-213.24, 27-213.25,
25 27-213.26, 27-548.31.06, 27-548.31.07, 27-548.31.08, 27-548.31.09, 27-548.31.10,
26 27-548.31.11, and 27-548.31.12 of the Zoning Ordinance of Prince George's County, Maryland,
27 being also Subtitle 27 of the Prince George's County Code, be and the same are hereby added:

28 **SUBTITLE 27. ZONING.**

29 **PART 3. ADMINISTRATION.**

30 **DIVISION 2. ZONING MAP AMENDMENTS.**

31

1 **Subdivision 8. Single Family Neighborhood Stabilization Overlay Zone.**

2 **Sec. 27-213.23. Applicability.**

3 (a) This Subdivision contains the procedures for classifying property in the Single Family
 4 Neighborhood Stabilization Overlay Zone within two (2) miles of the campus boundaries of an
 5 Institution of Higher Education. Unless otherwise specified, these procedures take the place of
 6 any other Zoning Map Amendment provisions contained in this Code.

7 (b) The Single Family Neighborhood Stabilization Overlay Zone provisions within this
 8 Subdivision shall not be construed to mean any transient facilities such as boarding houses,
 9 tourist homes, inns, motels, hotels, school dormitories, hospitals or medical facilities, or any
 10 other facilities operated for religious or eleemosynary purposes, and projects authorized under 10
 11 U.S.C. 2828, which allows the U.S. Government to lease housing facilities at or near a military
 12 installation for assignment, without rental charge, as family housing for members of the Armed
 13 Forces, or Group Residential Facilities.

14 **Sec. 27-213.24. General procedures.**

15 (a) The Planning Board may initiate or another person may request a Single Family
 16 Neighborhood Stabilization Overlay Zoning Map Amendment only with the concurrence (by
 17 resolution) of the District Council. The District Council may also initiate a Single Family
 18 Neighborhood Stabilization Overlay Zone pursuant to this Section by directing the Planning
 19 Board to initiate a Single Family Neighborhood Stabilization Overlay District Zoning Map
 20 Amendment by resolution. Initiation shall be in accordance with the approved planning
 21 scheduled work program and budget of the Commission.

22 (b) After the Single Family Neighborhood Stabilization Overlay Zone Map Amendment is
 23 initiated, the Technical Staff shall immediately proceed to prepare a proposed Map Amendment.
 24 The proposal shall contain the following:

25 (1) The proposed boundaries of the Single Family Neighborhood Stabilization
 26 Overlay Zone, shown on the Zoning Map; and

27 (2) A Single Family Neighborhood Stabilization Overlay Zone District Plan prepared
 28 in accordance with Part 10A, Division 1, Subdivision 1 of this Code.

29 (c) During the preparation of the proposed Single Family Neighborhood Stabilization
 30 Overlay Zoning Map Amendment, the Technical Staff shall contact all owners of land, and any
 31 municipality lying (wholly or in part) within the anticipated boundaries of the proposed Single

1 Family Neighborhood Stabilization Overlay Zone District, and any municipality within one (1)
2 mile of the anticipated District boundary, to invite comments and recommendations. These
3 mailings and those required at the time of Planning Board and District Council hearings are for
4 informational purposes only. The failure of the Planning Board to send, or a property owner or
5 municipality to receive, the notice shall not invalidate the adoption or approval of the Single
6 Family Neighborhood Stabilization Overlay Zoning Map Amendment.

7 (d) The Planning Board shall review the proposal of the Technical Staff and grant
8 permission to print the proposed Single Family Neighborhood Stabilization Overlay Zoning Map
9 Amendment and preliminary Single Family Neighborhood Stabilization District Plan not later
10 than three (3) months from the date of the Resolution initiating the Single Family Neighborhood
11 Stabilization Overlay Zoning Map Amendment.

12 (e) Upon transmittal of the recommended Single Family Neighborhood Stabilization
13 Overlay Zoning Map Amendment to the District Council, no new rental licenses (required
14 pursuant to Subtitle 13 of the Code, or pursuant to similar provisions of a municipal code) shall
15 be issued within the boundaries of the proposed Single Family Neighborhood Stabilization
16 Overlay District until after final action by the District Council on the Overlay Zone Map
17 Amendment.

18 **Sec. 27-213.25. Specific Planning Board procedures.**

19 (a) Notice.

20 (1) The Planning Board shall release the proposed Single Family Neighborhood
21 Stabilization Overlay Zoning Map Amendment for public inspection at least thirty (30) days
22 prior to its scheduled public hearing. Written notice of the hearing shall be mailed to all property
23 owners within the boundaries of the proposed Single Family Neighborhood Stabilization Overlay
24 District and to any municipality, lying (wholly or in part) within the proposed District or within
25 one (1) mile of the proposed District boundary. At least thirty (30) days prior to the scheduled
26 hearing date, a copy of the proposal shall be sent to all public agencies and municipalities with
27 operational or planning responsibilities within the boundaries of the proposed Single Family
28 Neighborhood Stabilization Overlay District and to the Historic Preservation Commission, if any
29 property within the proposed District is an identified historic resource on the Adopted and
30 Approved Historic Sites and Districts Plan of Prince George's County, Maryland.

31 (b) Planning Board action.

1 (1) The Planning Board may recommend approval, approval with modifications, or
2 remand to staff the proposed Overlay Zone Map Amendment. The Planning Board shall take
3 action, by resolution adopted at a regularly scheduled public meeting, and transmit its action to
4 the District Council within one hundred twenty (120) days of the release for public inspection.

5 (2) If the Planning Board remands the proposed Overlay Zone Map Amendment, the
6 Technical Staff shall address all identified issues and modify the proposed map amendment
7 accordingly.

8 (3) The Planning Board shall review the modified proposal of the Technical Staff and
9 hold another public hearing on this matter in accordance with this Section. After public hearing,
10 the Planning Board shall take action on the proposal and shall transmit its recommendation
11 concerning the Overlay Zone Map Amendment to the District Council for additional public
12 hearing and final action as provided in this Subdivision.

13 **Sec. 27-213.26 Specific District Council procedures.**

14 (a) Public hearing and notice.

15 (1) The District Council shall hold a public hearing on the proposed Single Family
16 Neighborhood Stabilization Overlay Zoning Map Amendment. Notice of the date, time, and
17 place of the hearing shall be published at least one (1) time in the County newspapers of record,
18 at least thirty (30) days prior to the hearing date. In addition, written notice of the date, time, and
19 place of the hearing shall be sent to all owners of land and any municipality lying (wholly or in
20 part) within the proposed Overlay Zone District boundary, and to any municipality within one
21 (1) mile of the proposed Overlay Zone District boundary.

22 (b) Amendment of Planning Board proposal.

23 (1) Prior to final action on the Overlay Zone Map Amendment, the District Council
24 may propose amendments to the Single Family Neighborhood Stabilization Overlay Zoning Map
25 Amendment adopted by the Planning Board. The District Council shall hold another public
26 hearing on the amendments. At least fifteen (15) days prior to the hearing, notice of the date,
27 time, and place of the hearing on the proposed amendments shall appear at least one (1) time in
28 the County newspapers of record. This same notice shall also be sent to all owners of land and
29 any municipality lying (wholly or in part) within the proposed boundary, and to any municipality
30 within one (1) mile of the proposed boundary.

ZONE.

Sec. 27-548.31.06. Introduction.

The Single Family Neighborhood Stabilization Overlay Zone is intended to ensure that single family rental dwellings within each designated Single Family Neighborhood Stabilization District maintain the District’s residential character. The Single Family Neighborhood Stabilization Overlay Zone is a mapped zone, superimposed over other zones, within each District. This designated area is called a Single Family Neighborhood Stabilization District. Operation of single family rental dwellings shall be subject to the procedures addressed in this Division to ensure compatibility with the residential neighborhood within the District.

Sec. 27-548.31.07 Purposes.

(a) The specific purposes of the Single Family Neighborhood Stabilization Overlay Zone are:

- (1) To maintain traditional single family residential neighborhoods;
- (2) To enhance the quality of life and public health in residential neighborhoods;
- (3) To promote residential development that is compatible with existing residential development;
- (4) To prevent or mitigate detrimental effects of an over-saturation of single family rental dwellings upon neighboring properties, including both rental and non-rental residential properties;
- (5) To maintain single family neighborhood preservation and stability; and
- (6) To enhance the use and enjoyment of the residential zones.

(b) The uses allowed on lots in the Single Family Neighborhood Stabilization Overlay Zones and the development standards related thereto shall be the same as those required in the underlying zone in which the lot is classified.

Sec. 27-548.31.08 Regulations.

(a) A single family rental dwelling located within the Single Family Neighborhood Stabilization District shall be subject to the following regulations:

- (1) The property shall be maintained in accordance with all applicable provisions of the County Code;
- (2) The use shall not alter the single-family residential character or appearance of the premises;

1 (3) Each single family rental dwelling shall be at least 800 feet from any other single
 2 family rental dwelling within a District. All new rental licenses issued within a District shall
 3 comply with the provisions with the Section.

4 (4) Any single family rental dwelling lawfully in existence at the time of approval of a
 5 District may continue pursuant to the terms of its rental license and may be renewed
 6 notwithstanding the required distance set forth in subsection (a)(3) of this Section.

7 (5) Upon transfer of ownership or control of a single family rental dwelling, the
 8 regulations of a District shall apply.

9 (6) The regulations of the District shall apply to any single family rental dwelling for
 10 which a rental license has been suspended or revoked.

11 **Sec. 27-548.31.09. Amendment of Single Family Neighborhood Stabilization District.**

12 (a) The Planning Board may, upon the concurrence of the District Council by resolution,
 13 initiate amendments to the approved Overlay Zoning Map. The initiating resolution shall specify
 14 the area of the Overlay Map to be amended and shall be processed in accordance with the
 15 provisions of this Subdivision for initial approval.

16 (b) Except as provided for in this Section, amendments to change the boundaries of an
 17 Overlay Zone may be approved by the District Council so long as the amended District satisfies
 18 the provisions in Sec. 27-213.26 in accordance with the provisions of this Subdivision for initial
 19 approval.

20 **Sec. 27-548.31.10. Administration; Single Family Neighborhood Stabilization Overlay**
 21 **District Advisory Committee.**

22 (a) Single Family Neighborhood Stabilization Overlay District Advisory Committee shall
 23 be designated for each Single Family Neighborhood Stabilization Overlay District:

24 (1) For a District lying wholly within the corporate boundaries of a municipality,
 25 the municipality shall administer its own Single Family Neighborhood Stabilization
 26 Overlay District Advisory Committee.

27 (A) A municipality shall adopt regulations consistent with this
 28 Subdivision to enforce a District within its corporate boundaries.

29 (2) For a District lying within an unincorporated area or that is partially within the
 30 corporate boundaries of a municipality, the District Council shall appoint a District

1 Advisory Committee and within a municipality that does not administer its own Single
 2 Family Neighborhood Stabilization Facility licensing program.

3 (b) A Single Family Neighborhood Stabilization Overlay District Advisory Committee
 4 shall be composed of five (5) members who shall be residents of the District.

5 (c) Members shall be appointed for terms of three (3) years.

6 (d) Committee members shall serve until their successors are appointed and qualified.

7 **Sec. 27-548.31.11. Waiver.**

8 (a) A waiver as to the provisions of Section 27-548.31.08(a)(3) of this Code may be
 9 granted where the property owner of a single family dwelling within a District must relocate for
 10 temporary employment reassignment, military service assignment, or other similar circumstances
 11 that may require temporary relocation out of state or overseas. Additional waivers may be
 12 considered for license renewals pursuant to this Section.

13 (b) The Single Family Neighborhood Stabilization Overlay District Advisory Committee
 14 shall review waiver requests for properties and make recommendations to the Department of
 15 Permitting, Inspections and Enforcement.

16 (c) The Department of Permitting, Inspections and Enforcement shall make a final
 17 determination on waiver requests for properties within its purview. A decision of the Department
 18 of Permitting, Inspections and Enforcement may be appealed to the Board of Appeals.

19 (d) If a municipality administers its own Single Family Neighborhood Stabilization
 20 Facility program for property within its purview, the municipality is authorized to grant said
 21 waiver so long as the request satisfies the circumstances in subsection (a), above.

22 **Sec. 27-548.31.12. Penalty.**

23 (a) Violations of this statute are punishable by civil monetary fines and/or penalties
 24 pursuant to Sections 28-101 through 28-122 of the Prince George's County Code.

25 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 26 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 27 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 28 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 29 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 30 Act, since the same would have been enacted without the incorporation in this Act of any such
 31 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.
 32

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

Adopted this ____ day of _____, 2014.

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: _____
Mel Franklin
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.