

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

1999 Legislative Session

Bill No. _____ CB-73-1999

Chapter No. _____

Proposed and Presented by _____ Council Member Hendershot

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Architectural Conservation Overlay Zones and Districts

3 For the purpose of providing procedures for the establishment of Architectural Conservation

4 Districts and for the regulation of construction within the Districts.

5 BY adding:

6 Sections 27-548.20, 27-548.21, 27-548.22, 27-548.23,

7 27-548.24, 27-548.25, 27-548.26, 27-548.27, and 27-548.28,

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 (1995 Edition, 1998 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
15 District in Prince George's County, Maryland, that Sections 27-548.20, 27-548.21, 27-548.22,
16 27-548.23, 27-548.24, 27-548.25, 27-548.26, 27-548.27, and 27-548.28 of the Zoning Ordinance
17 of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County
18 Code, be and the same are hereby added:

19 **SUBTITLE 27. ZONING.**

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

DIVISION 3. ARCHITECTURAL CONSERVATION OVERLAY (A-C-O) ZONE.

Sec. 27-548.20. Introduction.

The Architectural Conservation Overlay Zone is intended to insure that the development and redevelopment of land within the Architectural Conservation District maintains the architectural character of established residential and commercial neighborhoods. The Architectural Conservation Overlay Zone is a mapped zone that is superimposed over other zones in the Architectural Conservation District. In this zone, an Architectural Conservation Plan must be approved by the District Council, and all development is subject to the approval by the Planning Board of a Detailed Architectural Conservation Plan. The Architectural Conservation Plan provides the requirements for development within a specific Architectural Conservation District.

Sec. 27-548.21. Purposes.

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

- (1) To preserve the architectural character of the neighborhoods;
- (2) To retain affordable housing;
- (3) To promote appropriate development of new construction;
- (4) To preserve and stabilize property values;
- (5) To protect desirable and unique physical features of existing residential and commercial property;
- (6) To provide for the economic revitalization of the District and surrounding areas;
- (7) To maintain and promote continued economic vitality of the District and surrounding areas;
- (8) To protect the architectural character of the neighborhood from incongruous infill development;
- (9) To attract quality investment and encourage uses which complement and enhance the character of the area; and
- (10) To insure that developments within the Architectural Conservation Overlay Zone possess a desirable urban design relationship with one another and adjoining areas.

Sec. 27-548.22. Relationship to other zones.

(a) The Architectural Conservation Overlay Zone shall be placed over other zones on the Zoning Map, and shall modify specific requirements of those underlying zones. All other

1 requirements of the underlying zones are unaffected by the Architectural Conservation Overlay
 2 Zone.

3 (b) The uses allowed on a lot in a Architectural Conservation Overlay Zone shall be the
 4 same as those allowed in the underlying zone in which the lot is classified.

5 **Sec. 27-548.23. Criteria for Architectural Conservation Districts.**

6 (a) The proposed district must possess unifying distinctive elements of either exterior
 7 features or the built environment that create an identifiable setting, character, or association.

8 (b) The proposed district must contain one or more neighborhoods that have distinct
 9 architectural characteristics and identity.

10 (c) The proposed district must have been substantially developed at least fifty years prior
 11 to the establishment of the district.

12 (d) At least seventy-five percent of the developable land within the proposed district
 13 must be developed.

14 **Sec. 27-548.24. Authorization and initiation of an Architectural Conservation District.**

15 (a) A proposed Architectural Conservation District shall be initiated by the adoption of a
 16 resolution of the District Council authorizing the Planning Board to prepare a proposed
 17 Architectural Conservation Plan.

18 (b) The resolution shall define the boundaries for the proposed District. The boundary of
 19 an Architectural Conservation District shall encompass an area of at least five acres. The area
 20 shall be contiguous and shall follow property lines, streets, or permanent and readily identifiable
 21 natural features of the landscape. A boundary shall not split an individual property.

22 (c) The adopted resolution shall be advertised in a newspaper of general circulation in the
 23 area of the proposed District and shall be available for public inspection at the Planning Board
 24 office.

25 **Sec. 27-548.25. Planning Board procedures.**

26 (a) Within thirty (30) days after the initiation resolution has been adopted, any property
 27 owner may request that specific properties be considered for inclusion within the proposed
 28 Architectural Conservation District.

29 (1) The requests shall be made on forms provided by the Planning Board and shall be
 30 available for general public review.

(2) Each request shall be accompanied by a statement describing how the proposed inclusion is consistent with the character of the proposed Architectural Conservation District.

(b) After receiving authorization to prepare an Architectural Conservation District Map, the Planning Board shall prepare a proposed Zoning Map (and text) in keeping with the purpose, intent, and requirements of the Architectural Conservation District. The proposed Architectural Conservation District Map shall include the following information:

(1) A description of the area included. The boundaries shall be described on a map by either:

(A) Lot, block, and subdivision divisions;

(B) Streets, roads, streams, or other topographic landmarks;

(2) A history of the neighborhoods within the District and the evolution of uses and structure types:

(3) A land use inventory;

(4) A description of the residential and commercial structure types;

(5) An inventory of character of the built environment;

(6) A description of current and proposed commercial development and residential and commercial revitalization activities;

(7) Public capital improvement needs;

(8) An architectural survey that identifies the architectural and urban design patterns that distinguish the District from other areas of the County; and

(9) Proposed development guidelines that include height, bulk, facades, setback, side yards, landscaping, fences, accessory structures.

(c) The Planning Board shall hold a public hearing on the proposed Architectural Conservation District Map.

(1) The public hearing shall be advertised in a newspaper of general circulation at least two weeks prior to the date of the hearing. The notice shall contain the date, time, place, and purpose of the hearing.

(2) The Planning Board shall obtain from the Office of Assessments and Taxation a listing of the owners of land within the boundaries of the proposed Architectural Conservation District. The Board shall mail written notice of the proposed Architectural Conservation District Map to all listed property owners. The notice shall include the boundaries of the area involved.

1 the date, time, and place of the Planning Board's hearing, and the methods for obtaining
 2 additional information. The notice shall also advise the owners that approval of the Architectural
 3 Conservation District Map by the District Council could affect property values and property
 4 taxes. This mailing is for informational purposes only. The failure of the Planning Board to
 5 send, or the property owner to receive, the mailing shall not invalidate the approval of the
 6 Architectural Conservation District Map by the District Council.

7 (d) Within thirty days after the public hearing, the Planning Board shall adopt and
 8 recommend the proposed Architectural Conservation District Map (with or without amendments)
 9 by resolution adopted at a regularly scheduled public meeting. The Planning Board shall
 10 transmit the proposed Architectural Conservation District Map to the District Council and to
 11 each municipality located either within the area of the proposed Architectural Conservation
 12 District Map.

13 **Sec. 27-548.26. District Council procedures.**

14 (a) Within thirty days after the Planning Board has transmitted the proposed Architectural
 15 Conservation District Map, the District Council shall adopt the Architectural Conservation
 16 District Map.

17 (b) The District Council may propose amendments to the Architectural Conservation
 18 District Map transmitted by the Planning Board at any time prior to final action.

19 (1) A notice that amendments to the Architectural Conservation District Map have
 20 been proposed shall be sent to all property owners in accordance with the requirements and
 21 procedures of Section 27-225(e)(2).

22 (2) All of the District Council's proposed amendments shall be referred to the
 23 Planning Board for the Board's written comments. The comments, if any, shall be submitted to
 24 the Council prior to the Council's action on the amendments.

25 (c) The District Council may approve the proposed Architectural Conservation District
 26 Map with or without amendments. The approval shall be by Ordinance or Resolution. Notice of
 27 the District Council's final action shall also be sent to all property owners in accordance with the
 28 requirements and procedures of Section 27-225(e)(2) and (3).

29 **Sec. 27-548.27. Building permits within Architectural Conservation Districts.**

30 (a) The location, size, and lot coverage of all structural improvements, open spaces, and
 31 green areas required by an approved Architectural Conservation District Plan shall constitute the

1 regulations for these improvements within the Architectural Conservation District. The Planning
 2 Board shall prepare a specific plan for each Architectural Conservation District.

3 (b) Prior to the issuance of any grading, building, or use and occupancy permit for the
 4 construction on, or use of, any land in an Architectural Conservation District, a Detailed
 5 Architectural Conservation Site Plan for individual development proposals shall be approved by
 6 the Planning Board in accordance with Part 3, Division 9. The Site Plan may include one or
 7 more lots within the Architectural Conservation District, and may only be submitted by the
 8 owner of the property concerned (or his authorized representative).

9 (c) In addition to the information required by Part 3, Division 9, for Detailed Site Plans,
 10 the following additional information shall be included for Plans in the Architectural
 11 Conservation Overlay Zone:

12 (1) The location, floor area and architectural type of existing and proposed buildings
 13 on the site and adjacent lots;

14 (2) Elevation depictions of each façade for existing and proposed buildings;

15 (3) A schedule of exterior finishes for existing and proposed buildings;

16 (4) A statement that includes a description of the architectural character of the
 17 proposed buildings and the rationale behind the assumptions and choices proposed by the
 18 applicant.

19 **Sec. 27-548.28. Planning Board/Department of Environmental Resources procedures.**

20 (a) Whenever the District Council initiates the preparation of a proposed Architectural
 21 Conservation District, the Clerk of the Council shall notify the Director of the Department of
 22 Environmental Resources and the Planning Board. The Planning Board shall postpone
 23 recommendations for building permit applications, and the Department of Environmental
 24 Resources shall postpone the issuance of building permits, for land within the area of the
 25 proposed Architectural Conservation District. Building permit applications shall not be
 26 processed or issued until after final action by the District Council adopting the Architectural
 27 Conservation District Map.

28 (b) After adoption of an Architectural Conservation District, all applications shall be
 29 processed in accordance with the procedures and requirements that normally apply to building
 30 permit applications.

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

Adopted this _____ day of _____, 1999.

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: _____
M. H. Jim Estepp
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.