

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

2021 Legislative Session

Bill No. CB-099-2021

Chapter No. 54

Proposed and Presented by Council Members Glaros, Harrison, Hawkins, Taveras, Turner
Davis and Franklin

Introduced by Council Members Glaros, Harrison, Hawkins, Turner, Taveras, Davis,
and Franklin

Co-Sponsors _____

Date of Introduction October 12, 2021

ZONING BILL

1 AN ORDINANCE concerning

2 Zoning Ordinance, Subdivision Regulations, and Policy Area Designations

3 For the purpose of amending several provisions of the County Code to modernize and reconcile
4 references to the Zoning Ordinance and Subdivision Regulations, and update references to
5 County policy areas revised and established by the current general plan, Plan Prince George's
6 2035.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 2. ADMINISTRATION.

9 DIVISION 8. CONSUMER PROTECTION.

10 Section 2-162.01

11 DIVISION 13. PUBLIC IMPROVEMENTS AND SERVICES.

12 Sections 2-234 and 2-244,

13 DIVISION 19. PARK AND RECREATION ADVISORY BOARD.

14 Section 2-342,

15 SUBTITLE 4. BUILDING.

16 DIVISION 1. BUILDING CODE.

17 Sections 4-111, 4-345, and 4-352,

18 SUBTITLE 5. BUSINESSES AND LICENSES.

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DIVISION 12. PEDDLERS AND ITINERANT VENDORS.

Section 5-193.01,

SUBTITLE 5B. CHESAPEAKE BAY CRITICAL AREA.

DIVISION 2. URBAN AND RURAL LAND DEVELOPMENT.

Sections 5B-108, 5B-110, 5B-113, 5B-114, 5B-115, 5B-116, 5B-120,
and 5B-121,

SUBTITLE 7. COURT SYSTEM.

DIVISION 1. CIRCUIT AND APPELLATE COURTS.

Section 7-104,

SUBTITLE 10. FINANACE AND TAXATION.

DIVISION 7. TAXES AND TAX CREDITS.

Sections 10-192.01 and 10-192.11,

DIVISION 8. TAX ASSESSMENT, LEVY, AND COLLECTION.

Sections 10-195, 10-196, 10-232, 10-243, and 10-308,

SUBTITLE 12. HEALTH.

DIVISION 2. FOOD SERVICE FACILITIES.

Sections 12-115.02 and 12-116

SUBTITLE 14. MORALS AND CONDUCT.

DIVISION 6. WEAPONS.

Section 14-142,

SUBTITLE 19. POLLUTION.

DIVISION 2. NOISE CONTROL.

Section 19-121,

DIVISION 3. SMOKING IN EATING AND DRINKING
ESTABLISHMENTS.

Section 19-131,

SUBTITLE 20A. TRANSPORTATION.

DIVISION 2. TRANSPORTATION DEMAND MANAGEMENT.

Section 20A-204,

SUBTITLE 23. ROADS AND SIDEWALKS.

DIVISION 1. GENERAL PROVISIONS.

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Sections 23-102 and 23-105,
DIVISION 3. DESIGN AND CONSTRUCTION STANDARDS AND
REQUIREMENTS.
Section 23-139,
DIVISION 4. REQUIRED REMOVAL OF SNOW, ICE, WEEDS,
LITTER, AND DEBRIS FROM SIDEWALKS AND DEBRIS FROM
ROADWAYS.
Section 23-150,
DIVISION 6. USES WITHIN THE COUNTY RIGHT-OF-WAY.
Sections 23-608 and 23-609,
SUBTITLE 25. TREES AND VEGETATION.
DIVISION 2. WOODLAND AND WILDLIFE HABITAT
CONSERVATION ORDINANCE.
Sections 25-117, 25-118, 25-119, 25-120, 25-121,
and 25-122,
DIVISION 3. TREE CANOPY COVERAGE ORDINANCE.
Sections 25-127, 25-128, and 25-130,
SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.
DIVISION 1. ZONING VIOLATIONS.
Sections 28-101, 28-102, 28-111, and 28-121,
SUBTITLE 29. PRESERVATION OF HISTORIC RESOURCES.
DIVISION 6. REVIEW OF UNCLASSIFIED HISTORIC
RESOURCES AND HISTORIC PROPERTIES.
Sections 29-118 and 29-119,
DIVISION 9. HISTORIC AGRICULTURAL RESOURCE
PRESERVATION PROGRAM
Sections 29-127, 29-128, 29-129, 29-130, and 29-131,
DIVISION 10. HISTORIC PROPERTY GRANT PROGRAM.
Section 29-139,
SUBTITLE 30. AGRICULTURE.
DIVISION 1. RIGHT TO FARM.

1 Section 30-103.03

2 DIVISION 3. PURCHASE OF DEVELOPMENT RIGHTS.

3 Sections 30-302, 30-303, 30-304, 30-306, and 30-307,

4 SUBTITLE 32. WATER RESOURCES PROTECTION AND
5 GRADING CODE.

6 DIVISION 1. ADMINISTRATIVE PROVISIONS.

7 Section 32-120,

8 SUBTITLE 32. WATER RESOURCES PROTECTION AND
9 GRADING CODE.

10 DIVISION 3. STORMWATER MANAGEMENT.

11 Sections 32-174, and 32-175

12 (2019 Edition, 2020 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, that Sections 2-162.01, 2-234, 2-244, and 2-342 of the Prince George's County Code
15 be and the same are hereby repealed and reenacted with the following amendments:

16 **DIVISION 8. CONSUMER PROTECTION.**

17 **SUBDIVISION 2. REAL ESTATE PRACTICES.**

18 **Sec. 2-162.01. - Contracts for the sale of real property.**

19 (a) All contracts for the sale of real property located in this County shall contain the
20 following terms of sale, or other wording identical in its effect:

21
22 "Seller(s) certifies that Seller(s) has no knowledge of any published [preliminary] staff draft or
23 adopted land use plan (or adopted Zoning Map Amendment) which may result in condemnation
24 or taking of any part of Seller's(s') property. Buyer(s) acknowledge(s) that Buyer(s) is aware that
25 information relative to (1) government plans for land use, roads, highways, parks, transportation,
26 etc., and (2) rezoning is available for inspection at the County Administration Building, Upper
27 Marlboro, Maryland, at www.PGAtlas.com, and [http://www.pgplanning.org/Planning_Home]
28 <http://www.pgplanningboard.org>. Buyer(s) further acknowledges, and is strongly encouraged to
29 take advantage of his/her opportunity to examine the above referenced information and any other
30 information pertaining to the property that is relevant to Buyer prior to signing or entering into
31 the contract of sale".

1 * * * * *

2 (d) Any contract for the sale of residential real property that is located within one (1) mile

3 of a general aviation airport, as defined in [Section 27-107.01] Subtitle 27 of the County Code,

4 shall include, as an attachment to the contract of sale, a General Aviation Airport Environment

5 Disclosure Notice, in a form approved by the Planning Board. The General Aviation Airport

6 Environment Disclosure Notice shall be dated and signed by the purchaser(s) and the seller(s). If

7 the seller is represented by a real estate agent, the agent shall ensure that the Disclosure Notice is

8 provided to the purchaser, or purchaser's agent.

9 * * * * *

10 **DIVISION 13. PUBLIC IMPROVEMENTS AND SERVICES.**

11 **Sec. 2-234. - Determination of special assessment.**

12 (a) Whenever the Council is required to make any special assessment against abutting land

13 for street improvement, whether for the construction of roadways, sidewalks, curbs or gutters

14 and/or storm drainage, any or all of them, and such lot is located at the intersection of two (2)

15 streets, and is what is known as a corner lot, the Council shall have the power to make an

16 assessment for the number of feet in the front of such lot, where the improvement abuts on the

17 front of such lot and in the case the improvement abuts on the side of such a lot, the assessment

18 made for such improvement against the lot shall be for one-half (1/2) of the number of linear feet

19 of the side of the lot, not to exceed a total exemption of fifty (50) linear feet. For the purpose of

20 assessment the short side of such lot shall be considered the front of such lot, and in cases where

21 the two (2) sides are equal, the Council shall determine which is front and which is the side of

22 such lot. Such determination shall be final and conclusive.

23 (b) In cases of lots, where it be determined to be inequitable to place the entire cost of such

24 improvements upon property abutting; or of lots abutting on more than two (2) streets and of lots

25 of irregular or unusual shape, and in cases of lots abutting on two (2) or more streets where in

26 one (1) or more of such streets, roadways, sidewalks, curbs, gutters or storm drainage and street

27 improvements, or any or all, have been or are about to be constructed under such circumstances

28 as not to subject such lots to a special assessment by the Council, the Council shall have full

29 power and authority to adjust assessments to be made against such lots for the cost of

30 improvements herein authorized abutting such lots to such an amount as shall be just and

31 equitable. The cost of improvements thus exempted may be included in the assessments to be

1 made against the abutting property included in the project. The Council may contribute from the
2 general funds or proceeds of bond issues such sums as in their judgment are just and equitable,
3 and may also receive from a private individual or company and apply to such project such sum
4 or sums of money as might be agreed upon. Such adjustments as may be made by the Council
5 shall be final and conclusive.

6 (c) [Within the boundaries of a Transit District Overlay Zone, the Council may make a
7 special assessment against any property owner required to provide public facilities necessary to
8 support the level of development in the approved Transit District Development Plan, as specified
9 in the approved Transit District Development Plan.

10 (d)] Any assessment so proposed shall not be adopted by ordinance, resolution, or
11 otherwise until the Council shall give, in addition to the previous notices hereinbefore mentioned
12 and provided, at least two (2) weeks' notice by letters written to the assessed owners of record of
13 all property proposed to be subject to an assessment for the improvements and mailed to such
14 owners at their addresses as are shown on the assessment records of the County, and also by
15 advertisement, published at least once a week for two (2) successive weeks in one (1) or more
16 newspapers published in the County which has a circulation in the area affected. The letters and
17 advertisement or notice shall state the date on which the assessment is proposed to be made and
18 warning all property owners to appear at a time and place stated in the letter, advertisement or
19 notice, to show cause, if any there be, why the assessment should not be made as proposed.

20 [(e)] (d) Any person aggrieved by the action of the Council shall have the right to appeal to
21 the Circuit Court for the County, provided such appeal is taken within thirty (30) days next
22 succeeding the day on which the assessment is made.

23 * * * * *

24 **Sec. 2-244. - Special assessments; general funds.**

25 (a) In assessing the cost for the improvements and facilities herein provided in Section 2-
26 232, [with the exception of special assessments in Transit District Overlay Zones,] the Council
27 shall assess against the abutting property for improvements provided in Section 2-232 on a front
28 foot basis as herein provided and against the real property located in the areas affected for
29 improvements in Sections 2-235 and 2-237 on an ad valorem or unit of service tax basis as
30 herein provided and collect from the owners thereof the entire cost of constructing roadbeds,
31 alleys, curbs, sidewalks, gutters, and street improvements, including the cost of street and public

1 alley intersections and systems for the disposition of surface waters.

2 * * * * *

3 **DIVISION 19. PARK AND RECREATION ADVISORY BOARD.**

4 **Sec. 2-342. - Powers and duties.**

5 (a) The duties of the Park and Recreation Advisory Board shall be as follows:

6 (1) The Board shall, pursuant to [Article 28, Section 5-206] Section 25-805 of the Land
7 Use Article of the Annotated Code of Maryland, constitute the permanent advisory committee to
8 the Prince George's County Planning Board.

9 * * * * *

10 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
11 County, Maryland, that Sections 4-111, 4-345, and 4-352 of the Prince George's County Code be
12 and the same are hereby repealed and reenacted with the following amendments:

13 **SUBTITLE 4. BUILDING.**

14 **DIVISION 1. BUILDING CODE.**

15 **SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.**

16 **Sec. 4-111. - Administration; Section 105, Permits.**

17 * * * * *

18 (k) [Section 105.8, Rural Tier. Where the property is located in the Rural Tier, as delineated
19 in the Approved General Plan, the validity period of building permits and the requirements for
20 granting extensions to the validity periods of expired building permits shall conform to Subtitle
21 27, Part 18 of the County Code (Interim Development Ordinance).

22 (l) Section 105.9, Building Location. No permit for building shall be issued for a structure
23 that overlaps the County line. Location of the County line on the site plan shall be certified by a
24 Professional Land Surveyor.

25 [(m)] (l) Section 105.10, Date and Hours of Operation Limits. All permits shall be issued
26 with date and hours of operation limits listed as determined by the Director or the Director's
27 designee. All permits shall be issued indicating that no work shall be performed during the hours
28 of 9:00 p.m. to 7:00 a.m., unless work is performed pursuant to Section 4-120 of this Subtitle.

29 * * * * *

30 **Sec. 4-345. - Requirements for Grading, Building Construction, Removal, etc., generally.**

31 * * * * *

1 (k) No building permit shall be recommended for approval by the Planning Board or its
 2 authorized representative, or issued by the Department of Permitting, Inspections, and
 3 Enforcement, for any building or structure in Prince George's County on a lot or parcel of land
 4 that is located within the area of an adopted and approved Area Master Plan which includes a
 5 Zoning Proposal that has been prepared pursuant to the provisions of [Section 27-225.01] the
 6 Zoning Ordinance, or a Sectional Map Amendment which has been transmitted by the Planning
 7 Board to the District Council pursuant to the provisions of [Section 27-225] the Zoning
 8 Ordinance, if the lot or parcel is in a [Commercial or Industrial Z] nonresidential zone, was
 9 proposed by the Planning Board for a less intense zone in which the proposed use is not
 10 permitted, and is undeveloped, [and has been in the same zone for more than ten (10) years,]
 11 until final action on the Sectional Map Amendment by the District Council. This Subsection
 12 shall not apply to a lot or parcel of land for which a grading permit has been issued by Prince
 13 George's County, sediment and erosion control devices have been installed by the permittee, and
 14 site grading activities have been initiated by the permittee.

15 * * * * *

16 (2) The school facilities surcharge assessed pursuant to this Section shall be reduced by
 17 fifty percent (50%) for Multifamily Housing constructed on property located:

18 (A) within [an approved] a Transit District Overlay Zone as designated prior to
 19 January 1, 2018; or

20 (B) for property outside of a Transit District Overlay Zone as designated prior to
 21 January 1, 2018, approved development on property that is at least 50% within one-quarter (1/4)
 22 mile of an entrance to a Metro Station; or

23 (C) within the Bowie State MARC Local Center designated boundary.

24 (3) The school facilities surcharge required pursuant to the prescriptions of this Code
 25 shall not apply to a studio or efficiency apartment residential dwelling unit constructed on
 26 property located:

27 (A) within a designated Regional Transit District or Local Center set forth in the
 28 2014 General Plan approved for the County, *Plan Prince George's 2035*, as may be amended
 29 from time to time;

30 (B) within a Transit District Overlay Zone as designated prior to January 1, 2018; or

31 (C) for projects outside a Transit District Overlay Zone as designated prior to January 1, 2018,

1 approved development on property that is at least 50% within one-quarter (1/4) mile of an
2 entrance to a Metro Station.

3 * * * * *

4 (o) Public Safety Surcharge:

5 (1) Upon the issuance of a building permit for new residential construction for which a
6 building permit application has been made on or after July 1, 2005, the applicant shall pay a
7 public safety surcharge, with the exception of a permit for the construction of:

8 (A) New residential construction for which a preliminary plan has been approved
9 prior to July 1, 2005; or

10 (B) A single-family detached dwelling to be built or subcontracted by an individual
11 owner in a minor subdivision and that is intended to be used as the owner's personal residence.

12 (2) The amount of the public safety surcharge for a building permit issued on or after
13 July 1, 2005 shall be:

14 (A) Two thousand dollars (\$2,000) if the building is located in [the developed tier,
15 as defined by the Maryland-National Capital Park and Planning Commission in the 2002]
16 Transportation Service Area 1 as defined in the Prince George's County [a]Approved General
17 Plan ;

18 (B) Six thousand dollars (\$6,000) for all other buildings.

19 * * * * *

20 SECTION 3. BE IT FURTHER ENACTED by the County Council of Prince George's
21 County, Maryland, that Section 5-193.01 of the Prince George's County Code be and the same is
22 hereby repealed and reenacted with the following amendments:

23 **SUBTITLE 5. BUSINESSES AND LICENSES.**

24 **DIVISION 2. PEEDLERS AND ITINERANT VENDORS.**

25 **Sec. 5-193.01. – Prohibited sales, solicitations and distributions in roadway(s) and certain**
26 **other portions of the right-of-way.**

27 (d) It shall be unlawful for any hawker or peddler to park on public rights-of-way to sell, or
28 attempt to sell goods, wares, or merchandise of any description from a motor vehicle, vehicle or
29 stand when:

30 (1) Within one hundred (100) yards of an intersection of two roads.

31 (2) Within one hundred (100) yards of the vehicular entrance to or exit from a public

1 school.

2 (3) Within one hundred (100) yards of a vehicular entrance to or exit from a[n
3 integrated] shopping center as defined in the Zoning Ordinance of Prince George's County, or
4 entrance to or exit from said shopping center's parking lot.

5 (e) It shall be unlawful for any mobile vendor to park on public rights-of-way to sell, or
6 attempt to sell, goods, wares, or merchandise of any description from a motor vehicle, vehicle, or
7 stand when:

8 (1) Within twenty-five (25) feet of an intersection of two roads;

9 (2) Within one hundred (100) yards of the vehicular entrance to or exit from a public
10 school;

11 (3) Within one hundred (100) yards of a vehicular entrance to or exit from a[n
12 integrated] shopping center as defined in the Zoning Ordinance of Prince George's County, or
13 entrance to or exit from said shopping center's parking lot.

14 * * * * *

15 SECTION 4. BE IT FURTHER ENACTED by the County Council of Prince George's County,
16 Maryland, that Sections 5B-108, 5B-110, 5B-113, 5B-114, 5B-115, 5B-116, 5B-120, and 5B-121
17 of the Prince George's County Code be and the same are hereby repealed and reenacted with the
18 following amendments:

19 **SUBTITLE 5B. CHESAPEAKE BAY CRITICAL AREA.**

20 **DIVISION 2. URBAN AND RURAL LAND DEVELOPMENT.**

21 **SUBDIVISION 1. GENERAL PROVISIONS.**

22 **Sec. 5B-108. - Definitions.**

23 (a) **Applicability.** For the purpose of this Subtitle, the following terms, phrases, and words
24 and their derivations shall have the meaning given herein:

25 * * * * *

26 (51) **Intensely Developed Overlay (I-D-O) Zone.** As [defined in Section 27-548-13 of]
27 specified in Subtitle 27, an overlay zone that includes:

28 (A) An area with a housing density of at least four dwelling units per acre; or

29 (B) An area with public water and sewer systems with a housing density of more
30 than three dwelling units per acre.

31 * * * * *

1 (56) **Lot consolidation.** A combination or adjustment of any legal parcels of land or
2 record lots in accordance with [Section 24-107(c)(9), (d) or 24-108 of] Subtitle 24, in the
3 Chesapeake Bay Critical Area.

4 * * * * *

5 **Sec. 5B-110. - Applicability and Administration.**

6 * * * * *

7 (e) State and Local Government Projects.

8 * * * * *

9 (5) Notice requirements for Commission review. Public notice is required for all major
10 development projects unless the development is covered by a general approval from the
11 Commission. Public notice shall follow the Planning Board's administrative procedures and
12 include posting in accordance with [Section 27-125.03 of] Subtitle 27.

13 * * * * *

14 (6) Posting requirements for major development. The sponsoring agency for any major
15 development project shall ensure that a sign is posted on the property indicating that the site is
16 proposed for major development. Posting shall meet the requirements of [Section 27-125.03]
17 Subtitle 27. On a date not later than the date on which the notice is published in the newspaper,
18 the sign shall be posted in a conspicuous location on the development site and remain there until
19 after the Critical Area Commission has voted on the development.

20 (f) Zoning Ordinance. Subtitle 27 of the County Code contains the regulations regarding
21 zoning and uses allowed in the Critical Area.

- 22 [Section 27-107 contains the Definitions
- 23 Section 27-213 contains Map Amendment Approval regulations.
- 24 Section 27-229 contains Powers and Duties.
- 25 Section 27-230 contains Variance Findings.
- 26 Section 27-231 contains Variance Procedures.
- 27 Section 27-239 contains Variance Approval.
- 28 Section 27-241 contains Continuation of Non-conforming uses.
- 29 Section 27-242 addresses Alteration, Extension or Enlargements.
- 30 Section 27-255 addresses Referral to Planning Board
- 31 Section 27-296 contains Special Exceptions Application.

1 Section 27-317 contains Required Findings for Special Exception.

2 Section 27-325 addresses Minor Changes.

3 Section 27-337 contains Asphalt Mixing Plant regulations.

4 Section 27-343.01 contains Commercial Pier regulations.

5 Section 27-343 contains Concrete Batching Plant and Concrete Recycling Facility regulations.

6 Section 27-371 contains Marinas and Expansion regulations.

7 Section 27-384 addresses Nonconforming Buildings and Structures.

8 Section 27-410, 464, 548-01 address Surface Mining use in the Critical Area.

9 Section 27-548.10 to 17 contains the Introduction to the Chesapeake Bay Critical Area
10 regulations, uses, overlay zones and procedures.]

11 (g) Subdivision Ordinance. Subtitle 24 of the County Code contains the regulations
12 regarding the subdivision of property in the Critical Area.

13 [Section 24-101 contains the Definitions.

14 Section 24-107 addresses Jurisdiction.

15 Section 24-108 addresses Preliminary Plat exemptions

16 Section 24-115 contains the Application Procedures and Documents.

17 Section 24-117 addresses Minor Subdivision

18 Section 24-132 addresses Woodland Conservation, Tree Preservation, Clearing, and
19 Replacement.

20 Section 24-151 contains Limitations on Subdivision Approvals.]

21 * * * * *

22 (j) Growth Allocation.

23 (1) Growth allocation means the number of acres of land in the Chesapeake Bay Critical
24 Area that may be used to create new I-D-O Zones and L-D-O Zones from existing L-D-O and
25 Resource Overlay Zones. The growth allocation shall be calculated based on five percent of the
26 total R-C-O Zone in the County at the time of the original approval of the Program by the
27 Commission, not including tidal wetlands or land owned by the federal government.

28 (2) At the time of adoption, approximately 693.3 acres were placed within the IDO.
29 1,438.5 acres were in the LDO and 13,596.3 acres were in the RCO. Within the RCO,
30 approximately 1,045.5 acres were in federal ownership and approximately 5,743.1 acres were
31 tidal wetlands. The total allocation available at the time of adoption was 5% of the RCO or

1 approximately 328.4 acres. Subsequent to adoption of the initial overlay zones, amendments
2 were approved that resulted in the use of growth allocation.

3 (3) The provisions for application and approval of growth allocation are provided in
4 [Section 27-213.] Subtitle 27.

5 * * * * *

6 **Sec. 5B-113. - Intensely Development Overlay (I-D-O) Zones.**

7 * * * * *

8 (c) **Uses.** The uses allowed in the I-D-O Zone are the same as those allowed in the
9 underlying zones in which the land is classified, except as otherwise specified in Subtitle 27[-
10 548.16].

11 * * * * *

12 **Sec. 5B-114. - Limited Development Overlay (L-D-O) Zones.**

13 * * * * *

14 (c) **Uses.** The uses allowed in the L-D-O Zone are the same as those allowed in the
15 underlying zones in which the land is classified, except as otherwise specified in Subtitle 27[-
16 548.16].

17 * * * * *

18 (e) **Development standards.** An applicant for a development activity shall meet all of the
19 following standards of environmental protection in the L-D-O Zone:

20 * * * * *

21 (8) Critical Area lot coverage shall be limited to 15 percent of the site or as permitted by
22 [27-548.17(c).] Subtitle 27.

23 * * * * *

24 **Sec. 5B-115. - Resource Conservation Overlay (R-C-O) Zones.**

25 * * * * *

26 (c) **Uses.** The uses allowed in the R-C-O Zone are the same as those allowed in the
27 underlying zones in which the land is classified, except as otherwise specified in Subtitle 27[-
28 548.16]

29 * * * * *

30 **Sec. 5B-116. - Submittal Requirements and Permit Issuance.**

31 * * * * *

1 (d) **Requirements for a Conservation Plan.** A conservation plan is required when the
2 criteria above in Section 5B-116(b) cannot be met for the activity proposed.

3 * * * * *

4 (3) When a Conservation Plan is required, the property shall be posted with signs on-
5 site for 30 days prior to the public hearing for plans approved by the Planning Board and for 30
6 days prior to the signature of the plan by the Planning Director or the Director's designee for
7 reviews conducted by the Planning Director or the Director's designee. Posting of properties
8 shall follow the provisions of [Section 27-125.01] Subtitle 27 with regard to the number of signs
9 required, submittal of affidavit and all other applicable provisions.

10 * * * * *

11 **Sec. 5B-120. - Habitat Protection.**

12 (a) **Description.** Habitat Protection Areas in the Critical Area are designated for protection
13 and include the following [~~six~~] seven habitats:

- 14 (1) The Critical Area Buffer;
- 15 (2) Habitat of Threatened and Endangered Species and Species in Need of
16 Conservation;
- 17 (3) Plant and Wildlife Habitat Protection Areas;
- 18 (4) Nontidal Wetlands;
- 19 (5) Anadromous Fish Propagation Waters;
- 20 (6) Natural Heritage Areas; and
- 21 (7) Colonial water bird nesting areas, aquatic areas of historic waterfowl concentration,
22 and forest areas with breeding populations of forest interior dwelling species.

23 * * * * *

24 **Sec. 5B-121. - The Critical Area Buffer.**

25 * * * * *

26 (e) **Permitted Activities.** New development is permitted in the Buffer associated with a
27 water-dependent activity as noted in [Section 27-548.16] the Zoning Ordinance or for shore
28 erosion control measures as described in Section 5B-124. All other uses and structures are
29 prohibited within the Buffer, except where an appropriate variance has been requested and
30 approved by the Planning Board.

31 * * * * *

1 SECTION 5. BE IT FURTHER ENACTED by the County Council of Prince George's
2 County, Maryland, that Section 7-104 of the Prince George's County Code be and the same is
3 hereby repealed and reenacted with the following amendments:

4 **SUBTITLE 7. COURT SYSTEM.**

5 **DIVISION 1. CIRCUIT AND APPELLATE COURTS.**

6 **SUBDIVISION 1. CIRCUIT COURT.**

7 * * * * *

8 **Sec. 7-104. - Lands dedicated to public use; abandonment of subdivision.**

9 (a) When said plats are recorded, those portions of said land designated on said plats as
10 streets, roads, avenues, lanes, alleys, and public parks or squares shall be and the same are
11 hereby declared to be forever dedicated to public use and shall not thereafter, on any pretext
12 whatsoever, be altered or taken for private use; provided, however, that nothing herein contained
13 shall affect the right of any person or persons owning or claiming any interest in said land
14 derived by, from, or under any persons other than the maker of said plat, or by, from, or under
15 such maker prior to such subdivision; and provided further, that the maker of any such plat or
16 plats, his heirs or assigns, shall have the right to apply by petition for leave to abandon the
17 subdivision of lands so made by him. For property within that part of the Maryland-Washington
18 Regional District within Prince George's County, Maryland, as described in [Article 28] the Land
19 Use Article of the Annotated Code of Maryland, the petition shall be to the Prince George's
20 County Planning Board for vacating the plat or plats, or portions thereof, in conformance with
21 the provisions for same contained within Subtitle 24 of this Code. In the case of subdivisions
22 outside that part of the Maryland-Washington Regional District in Prince George's County,
23 petitions shall be to the agency designated by the municipality pursuant to the provisions of the
24 local municipal ordinance providing for the vacating of subdivision plats.

25 * * * * *

26 SECTION 6. BE IT FURTHER ENACTED by the County Council of Prince George's
27 County, Maryland, that Sections 10-192.01, 10-192.11, 10-195, 10-196, 10-232, 10-243, and 10-
28 308 of the Prince George's County Code be and the same are hereby repealed and reenacted with
29 the following amendments:

30 **SUBTITLE 10. FINANCE AND TAXATION.**

31 **DIVISION 7. TAXES AND TAX CREDITS.**

SUBDIVISION 2. SCHOOL FACILITIES SURCHARGE.

Sec. 10-192.01. - School facilities surcharge.

* * * * *

(b) (1) (A) For Fiscal Year 2004, a school facilities surcharge imposed on a single-family detached dwelling, townhouse, or dwelling unit for any other building containing more than a single dwelling unit shall be in the amount of:

* * * * *

(6) The school facilities surcharge does not apply to a single-family attached dwelling unit if the single-family dwelling unit is:

- (A) Located in a residential revitalization project;
- (B) Located in [the Developed Tier] Transportation Service Area 1 as defined in the Prince George's County General Plan;
- (C) Located in a Transforming Neighborhoods Initiative (TNI) Area;
- (D) Located on the same property as previously existing multi-family dwelling units;
- (E) Developed at a lower density than the previously existing multi-family dwelling units;
- (F) Offered for sale only on a fee simple basis; and
- (G) Located on a property that is less than 6 acres in size.

(c) (1) The school facilities surcharge under this section shall be reduced by 50% for multifamily housing constructed:

- (A) within an approved transit district overlay zone as designated prior to January 1, 2018;
- (B) where there is no approved transit district overlay zone as designated prior to January 1, 2018, within one-quarter mile of a metro station; or
- (C) within the Bowie State MARC Local Center designated boundary. [Bowie State Marc Station Community Center designation area, as defined in the approved bowie state marc station sector plan and sectional map amendment.]

(2) The school facilities surcharge under this section does not apply to a dwelling unit that is a studio apartment or efficiency apartment if the dwelling unit is located:

- (A) [within the County Urban Centers and Corridors, as defined in § 27A-106 of

1 the County Code;

2 (B)] within an approved transit district overlay zone as designated prior to January
3 1, 2018; or

4 [(C)] (B) where there is no approved transit district overlay zone as designated
5 prior to January 1, 2018, within one-quarter mile of a metro station.

6 (3) The County Council may reduce the school facilities surcharge by a percentage not
7 exceeding 50% for dwelling units in multifamily housing constructed where there is no approved
8 transit district overlay zone, within one-quarter mile of a Purple Line Station.

9 * * * * *

10 **DIVISION 7. TAXES AND TAX CREDITS.**

11 **SUBDIVISION 4. PUBLIC SAFETY SURCHARGE.**

12 **Sec. 10-192.11. - Public safety surcharge.**

13 * * * * *

14 (b) (1) Except as provided in paragraph (3) of this Subsection, a public safety surcharge
15 imposed on a single-family detached dwelling, town house, or dwelling unit for any other
16 building containing more than a single dwelling unit shall be in the amount of:

17 (A) Six Thousand Dollars (\$6,000); or

18 (B) Two Thousand Dollars (\$2,000) for construction in:

19 (i) [The developed tier] Transportation Service Area 1, as defined by the
20 Maryland-National Capital Park and Planning Commission in the Prince George's County
21 [a]Approved General Plan; and

22 (ii) An area included in a basic plan or conceptual site plan that abuts an
23 existing or planned mass transit rail station site operated by the Washington Metropolitan Area
24 Transit Authority and complies with the requirements of any sector plan, or master plan[, or
25 overlay zone] approved by the Prince George's County District Council.

26 * * * * *

27 (d) (1) (A) Subject to subparagraph (B) of this paragraph, payment of the public safety
28 surcharge requires that any test concerning the adequacy of the County's police facilities under
29 the County's adequate public facility ordinance shall be based on the County police response
30 time applied:

31 (i) In the vicinity of the property that is the subject of a Preliminary

1 Subdivision Plan application; and

2 (ii) In areas that are within reasonable proximity of the property.

3 (B) If the property that is the subject of a Preliminary Subdivision Plan
4 application is located in the [Rural Tier] Rural and Agricultural Areas as defined by the Prince
5 George’s County Approved General Plan, payment of the public safety surcharge requires that
6 any test concerning the adequacy of the County's police facilities be based on response times
7 from within the [Rural Tier] Rural and Agricultural Areas.

8 * * * * *

9 **DIVISION 8. TAX ASSESSMENT, LEVY, AND COLLECTION.**

10 **SUBDIVISION 5. COMMERCIAL PROPERTY AND SINGLE DWELLING UNIT TAX CREDIT.**

11 **Sec. 10-232. - Tax credit for specified single dwelling unit and commercial property.**

12 * * * * *

13 (d) To be eligible for the tax credit the dwelling unit or commercial property must comply
14 with the following:

15 (1) A dwelling unit must meet the definition of [Section 27-101(a)(60)] Subtitle 27 of
16 this Code;

17 * * * * *

18 **DIVISION 8. TAX ASSESSMENT, LEVY, AND COLLECTION.**

19 **SUBDIVISION 8. TRAILER PARK OR MOBILE HOME COURT FEES TAX.**

20 **Sec. 10-243. - Definitions.**

21 (a) For the purpose of this Subdivision the following words have the meanings indicated:

22 * * * * *

23 (3) **Trailer or Mobile Home** means any portable structure or vehicle so constructed and
24 designed as to permit occupancy thereof for dwelling or sleeping purposes, but does not mean a
25 camping trailer as defined in [Section 27-107.01 of] the Zoning Ordinance for Prince George's
26 County.

27 (4) **Trailer or Mobile Home Space** means a plot of ground within a Mobile Home
28 Court or Trailer Park designed for the accommodation of one (1) trailer or mobile home.

29 (5) **Trailer Park or Mobile Home Court** means any plot of ground upon which two (2)
30 or more mobile homes or trailers, occupied for dwelling or sleeping purposes, are located, but
31 does not mean recreational campground as defined in [Section 27-107.01 of] the Zoning

1 Ordinance for Prince George's County.

2 * * * * *

3 **DIVISION 8. TAX ASSESSMENT, LEVY, AND COLLECTION.**

4 **SUBDIVISION 22. VIDEO LOTTERY FACILITY LOCAL BUSINESS, HIRING, AND FUNDING**
5 **REQUIREMENTS.**

6 * * * * *

7 **Sec. 10-308. - Definitions.**

8 (a) In this Division, the following definitions have the following meanings:

9 * * * * *

10 (11) **"Video lottery facility"** means a facility being constructed and then being operated
11 for players to play video lottery terminals and/or table games. For the purposes of this Division,
12 "video lottery facility" also includes any Recreational or Entertainment Establishment of a
13 Commercial Nature, as defined in [Section 27-107.01(192)] Subtitle 27 of the Code, which
14 includes a video lottery facility. Video lottery facility shall also mean a facility as set forth in
15 Sections 9-1A-01(aa), 9-1A-01(w-2), and 9-1A-04(a)(11), State Government Article, Annotated
16 Code of Maryland.

17 * * * * *

18 SECTION 7. BE IT FURTHER ENACTED by the County Council of Prince George's
19 County, Maryland, that Sections 12-115.02 and 12-116 of the Prince George's County Code be
20 and the same are hereby repealed and reenacted with the following amendments:

21 **SUBTITLE 12. HEALTH.**

22 **DIVISION 2. FOOD SERVICE FACILITIES.**

23 **SUBDIVISION 3. PERMITS AND INSPECTIONS.**

24 **Sec. 12-115.02. - Special Food Service Facilities — Farmer's Markets.**

25 (a) A Farmer's Market Vendor's License shall:

26 (1) operate only with written permission at a Farmer's Market in the County as defined
27 in [Section 27-107.01] Subtitle 27 of the Prince George's County Code and

28 (2) be listed by the Maryland Department of Agriculture

29 (b) A Farmer's Market Sampler's License shall:

30 (1) Be dependent upon issuance of a Farmer's Market Permit.

31 (2) Exclude whole uncut produce or products produced with an On Farm Processing
32 License.

* * * * *

DIVISION 2. FOOD SERVICE FACILITIES.

SUBDIVISION 4. SNAP TO HEALTH PROGRAM.

Sec. 12-116. - SNAP to Health Program.

(a) The Department shall establish a program entitled "SNAP To Health" to provide technical assistance:

(1) to a Farmer's Market as defined by [Section 27-107.01(87.1)] Subtitle 27 of the County Code, in acquiring technology necessary to accept and process benefits under the Supplemental Nutrition Assistance Program (SNAP).

(2) to train managers at a Farmer's Market how to manage the reporting requirements and responsibilities associated with managing a system that accepts and processes SNAP benefits.

* * * * *

SECTION 8. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Section 14-142 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 14. MORALS AND CONDUCT.

DIVISION 6. WEAPONS.

Sec. 14-142. - Discharge of firearms; permit; exceptions; penalty.

* * * * *

(c) This Section shall not apply to the firing or discharge of any firearm defined in Subsection (a):

(1) By the United States Government, where such practice is conducted under the established rule or regulation of the United States Department of Defense or any of its agencies;

(2) By any law enforcement officer in the performance of official duty;

(3) On a bona fide rifle, pistol, or shotgun range regulated pursuant to [Section 27-404] Subtitle 27 of the Prince George's County Code and Section 36(H)(d) of Article 27 of the Maryland Annotated Code;

* * * * *

SECTION 9. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 19-121 and 19-131 of the Prince George's County Code be and

1 the same are hereby repealed and reenacted with the following amendments:

2 **SUBTITLE 19. POLLUTION.**

3 **DIVISION 2. NOISE CONTROL.**

4 * * * * *

5 **Sec. 19-121. - Definitions.**

6 (a) For the purposes of this Division, the following words and phrases shall have the
7 meanings respectively ascribed to them in this Section:

8 * * * * *

9 (7) **Residential area** is an area located within a residential or rural and agricultural zone
10 listed in [Section 27-109(a)(1)] Subtitle 27 of this Code, including residential areas abutting
11 Transit-Oriented/Activity Center zones and mixed-use, commercial, and industrial areas as
12 defined in Subtitle 27.

13 (8) **Recreational or Entertainment Establishment** is an establishment as defined in
14 [Section 27-107.1(a)(192)] Subtitle 27 of this Code.

15 * * * * *

16 **DIVISION 3. SMOKING IN EATING AND DRINKING ESTABLISHMENTS.**

17 * * * * *

18 **Sec. 19-131. - Smoking prohibited.**

19 * * * * *

20 (d) Smoking is not prohibited by this Section in a retail tobacco business as defined by
21 [Section 27-107.01(a)(202.1)] Subtitle 27 of the County Code, where a food and beverage area
22 are incidental, provided that it complies with the standard for ventilation of such a facility as
23 defined under Subtitle 4 of the County Code.

24 * * * * *

25 SECTION 10. BE IT FURTHER ENACTED by the County Council of Prince George's
26 County, Maryland, that Section 20A-204 of the Prince George's County Code be and the same is
27 hereby repealed and reenacted with the following amendments:

28 **SUBTITLE 20A. TRANSPORTATION.**

29 **DIVISION 2. TRANSPORTATION DEMAND MANAGEMENT.**

30 **SUBDIVISION 2. ESTABLISHMENT OF DISTRICTS.**

31 **Sec. 20A-204. - Districts established through petition.**

- 1 * * * * *
- 2 (b) Petitioners may include any or all of the following:
- 3 (1) The County Executive;
- 4 (2) The Planning Board;
- 5 (3) Municipalities;
- 6 (4) Civic or Homeowners' Associations or other community organizations; or
- 7 (5) Developers.[]; or
- 8 (6) Property owners located within a pending or existing Transit District Overlay Zone
- 9 (TDOZ).]

10 * * * * *

11 SECTION 11. BE IT FURTHER ENACTED by the County Council of Prince George's
12 County, Maryland, that Sections 23-102, 23-105, 23-139, 23-150, 23-608, and 23-609 of the
13 Prince George's County Code be and the same are hereby repealed and reenacted with the
14 following amendments:

15 **SUBTITLE 23. ROADS AND SIDEWALKS.**
16 **DIVISION 1. GENERAL PROVISIONS.**

17 * * * * *

18 **Sec. 23-102. - Definitions.**

19 (a) Except as herein provided, the definitions of words and phrases used in this Subtitle shall
20 be the same as stated in Subtitles 1, 4, 24, 26, and 27 of this Code. If not defined in the said
21 Subtitles or herein, the words or phrases shall have the meanings generally recognized under
22 Maryland law.

23 (b) The following words and phrases are hereby defined with respect to their use in this
24 Subtitle:

25 * * * * *

26 (14) **Planning Board.** The Planning Board for Prince George's County, as defined in
27 [Article 28] the Land Use Article of the Annotated Code of Maryland.

28 * * * * *

29 **Sec. 23-105. - Authority of the Director.**

30 * * * * *

31 (g) The Director is authorized to waive, defer, or accept payment in lieu of compliance with

1 the requirements of this Subtitle (except as provided in Subsection (h)), in whole or in part,
2 where construction of road improvements is not practicable or desirable due to scattered
3 ownership of lots in the area, insufficient right-of-way, or other factors determined by the
4 Director to constitute an unreasonable hardship to the applicant or permittee, or hazard or
5 nuisance to the public. Nothing herein shall be deemed to authorize the Director to waive or
6 reduce any private right-of-way or easement standards set forth in [Section 24-128] Subtitle 24
7 of this Code, but the Director may increase these standards when deemed appropriate.

8 * * * * *
9 **DIVISION 3. DESIGN AND CONSTRUCTION STANDARDS AND REQUIREMENTS.**

10 * * * * *
11 **Sec. 23-139. - Driveway entrance.**

12 (a) Residential, commercial, and industrial driveway aprons may not be constructed within,
13 or partially within, any intersection curb returns. Driveway entrances shall be placed across the
14 parkway strip in accordance with County standards and in accordance with the following
15 requirements:

16 (1) Residential Driveway Entrances. The required width of the apron shall be not less
17 than ten (10) feet. Widths may be required to correspond to the width of the driveway or parking
18 pad, including any garage, carport, or open parking pad within twenty-five (25) feet of the street
19 right-of-way line, but, generally, shall not be wider than twenty (20) feet.

20 (A) A residential driveway apron may not be constructed within, or partially within,
21 any intersection curb filet.

22 (B) No residential driveway apron may be:

23 (i) Closer than three and one-half (3 1/2) feet to the nearest abutting property
24 line;

25 (ii) Closer than three and one-half (3 1/2 feet) to the outside line of a storm
26 drainage inlet; or

27 (iii) Closer than eighteen (18) feet of full curb height to the beginning of the flare
28 of another driveway on any one (1) building site.

29 [(3)] (2) Not less than one (1) standard driveway apron shall be provided for each
30 dwelling unit abutting the permit limit in every detached, two-family, or three-family [semi-
31 detached, or triple-detached] residential dwelling, as defined in the Zoning Ordinance.

* * * * *

DIVISION 4. REQUIRED REMOVAL OF SNOW, ICE, WEEDS, LITTER, AND DEBRIS FROM SIDEWALKS AND DEBRIS FROM ROADWAYS.

Sec. 23-150. - Duty to remove snow, ice, weeds, litter, and debris.

(a) For the purposes of this Section only, "commercial property" shall mean any property that is used to conduct a trade or business that provides goods or services to the public. It shall also include properties that are zoned industrial[,] or commercial (or, collectively, nonresidential), [or] residential, rural and agricultural, Transit-Oriented/Activity Center, or planned development under the provisions of Subtitle 27 of this Code that are used to provide goods or services to the public.

* * * * *

DIVISION 6. USES WITHIN THE COUNTY RIGHT-OF-WAY.

* * * * *

Sec. 23-608. - Illegal signs or illegal objects.

* * * * *

(b) Except to the extent permitted by Subtitle 27 of this Code, [Part 12,] it shall be unlawful for a person to attach any sign or object to a traffic control device, roadside tree, public utility pole, or any other structure located within the County right-of-way. Unless rebutted by clear and convincing evidence, any such sign or object shall be presumed to be owned by and attached by the person whose business name, business address, business telephone number, website, email address, trademark or servicemark is contained on the face of the sign or object.

* * * * *

Sec. 23-609. - Unsafe or illegal signs.

* * * * *

(c) The penalties prescribed in [Section 27-265] Subtitle 27 of this Code may be invoked if the sign is not removed or maintained in accordance with the order.

* * * * *

SECTION 12. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 25-117, 25-118, 25-119, 25-120, 25-121, 25-122, 25-127, 25-128, and 25-130 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 25. TREES AND VEGETATION.

DIVISION 2. WOODLAND AND WILDLIFE HABITAT CONSERVATION

ORDINANCE.

* * * * *

Sec. 25-117. - Policy; Purpose.

(a) Policy.

(1) It is the policy of the Prince Georges County government to conserve and protect trees, woodlands and wildlife habitat by requiring site planning techniques and construction practices which prevent adverse affects on these sensitive environmental features. These efforts shall be coordinated with the implementation of the Countywide Green Infrastructure Plan and the regulations regarding sensitive environmental features in the County Code.

To implement this policy the County has established:

(A) [Goals] Policies and strategies for the conservation of trees, tree canopy, woodlands and wildlife habitat for present and future citizens of Prince George's County in the [2002] General Plan;

* * * * *

Sec. 25-118. - Definitions.

(a) Definitions in Subtitle 27 of this Code (the Zoning Ordinance) shall apply to this Division and shall be supplemented by the definitions in Subsection (b) of this Section unless otherwise noted herein.

(b) The following terms used in this Division are defined as follows:

* * * * *

(56) **One-hundred year floodplain:** A delineation of the one-hundred year floodplain in conformance with [Section 27-124.01 of] Subtitle 27 of this Code.

* * * * *

Sec. 25-119. - Applicability.

(a) General

(1) Except as provided in (b) below, this Woodland and Wildlife Habitat Conservation Division applies to:

(A) All applications pursuant to Subtitles 4 (Building Code), 24 (Subdivision Ordinance) and 27 (Zoning Ordinance) of the County Code;

- (B) All activities by a public utility;
- (C) All activities of a unit of County or municipal government; and
- (D) All activities delegated to the local jurisdiction by the State.

(2) Applications shall contain the proper type of tree conservation plans (TCPs) as follows:

(A) Applications for a Conceptual Site Plan, a Comprehensive Design Plan, a Preliminary Plan of Subdivision, or other conceptual plans shall include a Type 1 Tree Conservation Plan (TCP1) or a Standard Letter of Exemption.

(B) Applications for a Special Exception, Detailed Site Plan (including Minor and Major Detailed Site Plans), Specific Design Plan, grading permit or other similarly detailed plans shall include a Type 2 Tree Conservation Plan (TCP2) or a Standard Letter of Exemption. If a site requires approval of a TCP2 with an associated land development application, the TCP2 shall not be reviewed independently of the associated plan.

* * * * *

Sec. 25-120. - Administration.

* * * * *

(b) Appeal of Decisions

(1) Appeal of decisions made by the Planning Director or designee may be made to the Planning Board in conformance with [Section 27-289(c)(8)] Subtitle 27 of this Code.

* * * * *

Sec. 25-121. - Woodland and Wildlife Habitat Conservation Requirements.

(a) General.

* * * * *

(5) Each TCP shall conform to the Countywide Green Infrastructure Functional Master Plan and subsequent area master plan or sector plan revisions, including maps and text, unless the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate or, in the case of area master plans or sector plans, the District Council has not imposed the recommended zoning.

* * * * *

(c) Woodland Conservation Requirements

* * * * *

1 (5) Woodland conservation thresholds different from those provided in Table 1 may be
 2 designated by conditions of zoning approval and/or by a master or sector plan. A variance is
 3 required for thresholds not approved as part of a previously approved condition or master or
 4 sector plan. Thresholds may not be approved through any process that are lower than the
 5 thresholds provided in the Maryland Forest Conservation Act (Natural Resources Article 5-
 6 1606).

Table 1. Woodland Conservation and Afforestation Thresholds Requirements by Zone		
Zone	Woodland Conservation Requirements	
	Woodland Conservation Threshold*	Afforestation Threshold*
[R-O-S, O-S, R-A] <u>ROS, AG, AR</u>	50%	20%
[R-E, R-L, V-L] <u>RE</u>	25%	20%
[R-S, R-R, R-80, R-55, R-35, R-20, R-T, R-30, R-30C, R-18, R-18C, R-10, R-10A, R-H, R-U, R-M, R-M-H, V-M] <u>RR, RSF-95, RSF-65, RSF-A, RMF-12, RMF-20, RMF-48, RMH, R-PD</u>	20%	15%
[C-A, C-O, C-S-C, C-1, C-C, C-G, C-2, C-W, C-M, C-H, C-R-C, I-1, I-2, I-3, I-4, E-I-A, L-A-C, M-X-C, M-U-I, M-U-T-C, M-X-T, M-A-C, U-L-I] <u>CGC, CS, IH, IE, IE-PD, CN, NAC, TAC, LTO, RTO-L, RTO-H, NAC-PD, TAC-PD, LTO-PD, RTO-PD, MU-PD</u>	15%	15%
<u>LCD, LMXT, LMUTC</u>	<u>Thresholds shall remain the same as shown on a TCP approved with a Basic Plan, Conceptual Design Plan, Specific Design Plan, Conceptual Site Plan, Detailed Site Plan, Special Permit, or Preliminary Plan of Subdivision, which was approved prior to [insert effective date of new Zoning Ordinance] and is in conformance with Subtitle 27 of the County Code. If no previously approved TCP exists, the thresholds shall be based on CB-27-2010 or the thresholds required by the Zoning Map</u>	

	<u>Amendment which established the legacy zone.</u>
--	---

(8) In the case of a property of which any part is zoned LMXT, the woodland conservation and afforestation threshold shall be in accordance with the requirements for the LMXT Zone.

Sec. 25-122. - Methods for Meeting the Woodland and Wildlife Conservation Requirements.

(c) Conservation Method Priorities.

(1) The required priorities for woodland conservation methods are as follows in the order listed:

(L) Street trees on or adjacent to the site when located in the following areas as designated by the Prince George’s County General Plan: Transportation Service Area 1, Regional Transit Districts, or Local Centers; [the Developed Tier; within centers and corridors designated in the General Plan;] or in conformance with a municipality's street tree planting plan or program, where the trees have been provided sufficient root zone space to ensure long-term survival and sufficient crown space is provided that is not limited by overhead utility lines that are existing or proposed.

DIVISION 3. TREE CANOPY COVERAGE ORDINANCE.

Sec. 25-127. - Applicability.

(a) General

(1) Building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance shall be in compliance with this Division, except as provided in Section 25-127(b).

(2) A Standard or Numbered Letter of Exemption from Division 2 of this Subtitle does not exempt the property from this Division.

(3) Any exemption from a provision of the Prince George's County Landscape Manual, per Section 1.1 Applicability, shall not be construed as an exemption from this Division.

(b) Exemptions

(1) The following are exempt from this Division:

(A) Public buildings and uses as set forth in [Section 27-122 of] the Zoning Ordinance.

(B) Any permit pertaining to an existing single-family detached home.

(C) Any permit pertaining to an existing townhouse, one family semi-detached, two-family or three-family dwelling or other similar unit type, except multifamily.

(D) Properties located in the R-O-S, [O-S and R-A] AG, and AR Zones.

(E) Properties located in the Chesapeake Bay Critical Area Overlay Zones unless a permit is submitted in conformance with Section 5B-116(a)(2).

(F) The environmental setting of a Historic Site.

(G) Temporary uses listed in [Section 27-261 of] the Zoning Ordinance.

(H) Permits for minor improvements of a limited scope and nature such as, but not limited to, facade restoration, signage, canopies, mechanical equipment, and construction for general maintenance, or similar alterations as described in [Section 27-255] the Zoning Ordinance, or as determined by the Planning Director.

(I) [Properties subject to tree canopy coverage requirements contained in an approved Transit District Overlay (T-D-O) Zone or a Development District Overlay (D-D-O) Zone are exempt from the tree canopy coverage requirements contained in this Division.

(J) Properties in a [commercial, industrial or mixed-use zone] nonresidential or Transit-Oriented/Activity Center zone subject to a Detailed Site Plan or Specific Design Plan approved before September 1, 2010 or that have maintained an active grading permit since September 1, 2010.

* * * * *

Sec. 25-128. - Tree Canopy Coverage Requirements.

(a) Tree canopy requirements shall be met unless a waiver has been granted pursuant to Section 25-130.

(b) All activities that are subject to this Division shall provide the tree canopy percentages listed in Table 1. Tree canopy coverage requirements are based on the gross tract area.

1

Table 1. Tree Canopy Requirements by Zone	
Zone	Minimum Tree Canopy Coverage
[R-O-S, O-S, R-A] <u>ROS, AG, AR</u>	Exempt
[R-E, R-L, V-L] <u>RE</u>	20%
[R-S, R-R, R-80, R-55, R-35, R-20, R-T, R-30, R-30C, R-18, R-18C, R-10, R-10A, R-H, R-U, R-M, R-M-H, V-M] <u>RR, RSF-95, RSF-65, RSF-A, RMF-12, RMF-20, RMF-48, RMH, R-PD</u>	15%
[C-A, C-O, C-S-C, C-1, C-C, C-G, C-2, C-W, C-M, C-H, C-R-C, I-1, I-2, I-3, I-4, E-I-A, L-A-C, M-X-C, M-U-I, M-U-T-C, M-X-T, M-A-C, U-L-I] <u>CGO, CS, IH, IE, IE-PD, CN, NAC, TAC, LTO, RTO-L, RTO-H, NAC-PD, TAC-PD, LTO-PD, RTO-PD, MU-PD</u>	10%
<u>LCD, LMXT, LMUTC</u>	<u>Thresholds shall be as specified by CB-27-2010 for the prior zoning of the property (before its designation as a legacy zone)</u>

3

* * * * *

4

Sec. 25-130. - Waivers.

5

(a) An applicant may request a full or partial waiver from the requirements of this Division.

6

To approve a full or partial waiver, the approving authority shall find that the application meets

7

the following standards:

8

(1) Topography, site limitations, or other site conditions are such that the full compliance to the requirements are impossible or impractical to comply with the provision of tree canopy coverage on the site in accordance with this Division;

9

(2) Provision of the full extent of the tree canopy coverage requirement cannot reasonably be expected because of a lack of rooting space and or soil volume to accommodate healthy tree growth.

10

(3) The planting of additional trees will result in the need to remove existing pavement being used to meet other County Code requirements;

11

12

13

(4) Existing or proposed parking and loading spaces are not in excess of the minimum necessary according to Subtitle 27 of this Code; [, Part 11, Parking and Loading Standards;] and

* * * * *

SECTION 13. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 28-101, 28-102, 28-111, and 28-121 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.

DIVISION 1. ZONING VIOLATIONS.

SUBDIVISION 1. GENERAL.

Sec. 28-101. - Purpose.

The purpose of this Division is to implement the authority contained in [Section 8-120(c), Article 28,] Section 20-526(c) of the Land Use Article of the Annotated Code of Maryland, for the governing body of Prince George's County to impose civil monetary fines or penalties for violations of the Zoning Ordinance.

Sec. 28-102. - Definitions.

(a) Terms used in this Division are defined as follows:

(1) **Board:** Board of Zoning Appeals of Prince George's County, Maryland.

(2) **Civil violation:** The erection, alteration, enlargement, maintenance, or use of any building, structure, or land in violation of any provision of the Zoning Ordinance applicable to such building, structure, or land in the zone in which it is located.

(3) **Department:** Department of Permitting, Inspections, and Enforcement.

(4) **Director:** Director of the Department of Permitting, Inspections, and Enforcement.

(5) **Grace period:** Extension of time granted pursuant to [Section 27-264 or Section 27-266 of] the Zoning Ordinance for correction, termination, or cessation of a civil violation of the Zoning Ordinance.

(6) **Notice of violation:** Notice issued by the Department pursuant to [Section 27-264 of] the Zoning Ordinance.

* * * * *

DIVISION 1. ZONING VIOLATIONS.

SUBDIVISION 2. CIVIL VIOLATIONS AND FINES.

* * * * *

Sec. 28-111. - Schedule of civil monetary fines.

(a) The civil monetary fine for each civil violation of the Zoning Ordinance shall be Two Hundred Fifty Dollars (\$250.00), except as provided in Subsections (b) and (c), below.

(b) For a repeated civil violation by the same violator, the following fines shall apply:

2nd violation	\$500.00
Each violation in excess of two (2)	\$1,000.00

(c) For violations of [Sections 27-593, 27-609, or 27-610] Subtitle 27 of this Code concerning illegal signs, the following civil monetary fines shall apply:

* * * * *

DIVISION 1. ZONING VIOLATIONS.

SUBDIVISION 3. CITATION.

* * * * *

Sec. 28-121. - Issuance of citation.

Upon verification of a civil violation of the Zoning Ordinance, the Department shall follow the procedures of [Section 27-264] the Enforcement Division of the Zoning Ordinance. If, at the end of any grace period (including any extension granted under [Section 27-266] the Enforcement Division), the civil violation has not ceased, the Department shall deliver or mail a citation to the responsible party(ies). The Department may issue the citation immediately upon verification of a civil violation when, under [Section 27-264] the Enforcement Division, no grace period is extended. The citation shall serve as the notification to a person that he has committed a civil violation and that he has been assessed a civil monetary fine which, in the absence of a successful appeal, shall be due and payable to the County.

* * * * *

SECTION 14. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 29-118, 29-119, 29-127, 29-128, 29-129, 29-130, 29-131, and 29-139 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 29. PRESERVATION OF HISTORIC RESOURCES.

DIVISION 6. REVIEW OF UNCLASSIFIED HISTORIC RESOURCES AND HISTORIC PROPERTIES.

Sec. 29-118. - Public hearing.

* * * * *

(c) At least two (2) weeks prior to the scheduled public hearing, the Planning Board shall post the property with a detailed sign identifying the historic resource, giving the date, time, and place of the public hearing, and giving instructions for obtaining further information. All signs shall be posted in such a manner as to be conspicuous and legible. When the subject of the public hearing is a proposed Historic Site, the signs shall be posted in the same manner detailed for Zoning Map Amendment applications (see [Section 27-150 of] the Zoning Ordinance). When the subject of the public hearing is property within a Historic District, the location and number of signs necessary to provide adequate public notice shall be determined by the Historic Preservation Commission, provided that there shall be at least one (1) sign on each road on which the Historic District has frontage. Notwithstanding the provisions of the Zoning Ordinance, no fee shall be required for the posting of such signs.

Sec. 29-119. - Determination by Historic Preservation Commission; appeal to the District Council.

* * * * *

(e) Any person of record may appeal the decision of the Historic Preservation Commission, on the question of treating the property as classified or unclassified, to the District Council. Any appeal of the Commission's decision shall be filed with the Commission within thirty (30) days of service of the decision.

(1) Upon receipt of an appeal, the Commission shall transmit to the Zoning Hearing Examiner the notice of appeal, and the names and addresses of all persons of record. In addition, the Commission shall transmit its findings of fact and conclusions along with all record evidence.

(2) Upon receipt of the foregoing, the Zoning Hearing Examiner shall cause the matter to be set for public hearing. The hearing shall be advertised in the County's newspapers of record and notice of the date, time, and place of the hearing shall be sent to the Historic Preservation Commission, the Planning Board, and all persons of record in the case before the Historic Preservation Commission.

(3) The hearing before the Zoning Hearing Examiner shall be a de novo hearing and shall be held in accordance with [Section 27-129] Subtitle 27 of this Code. After the close of the

1 hearing record, the Zoning Hearing Examiner shall file a written recommendation with the
 2 District Council. All persons of record shall be given at least ten (10) days written notice by the
 3 Clerk of the Council of the date and time of the District Council's consideration of the matter.
 4 Any person of record may appeal the recommendation of the Zoning Hearing Examiner within
 5 fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the
 6 District Council. If appealed, all persons of record may testify before the District Council.
 7 Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be
 8 limited to thirty (30) minutes for each side, and to the record of the hearing. The
 9 recommendation of the Zoning Hearing Examiner and the decision of the District Council shall
 10 be based upon Section 29-104(a), the Historic Sites and Districts criteria, as well as the record
 11 submitted by the Historic Preservation Commission and any additional evidence submitted
 12 before the Zoning Hearing Examiner. Any party wishing to submit a transcript of the testimony
 13 taken before the Historic Preservation Commission shall be required to pay the costs thereof.

14 * * * * *

15 **DIVISION 9. HISTORIC AGRICULTURAL RESOURCE PRESERVATION**
 16 **PROGRAM.**

17 * * * * *

18 **Sec. 29-127. - Purchase of Historic Agricultural Resource Preservation Easements.**

19 (a) Introduction. The purpose of this program is to implement the recommendations of
 20 Commission 2000, as adopted by CB-80-2000, and to provide regulatory incentives to preserve
 21 historic agricultural, rural, and natural resources in the Rural and Agricultural Areas [Tier]. The
 22 County Council recognizes the public value in protecting certain historic viewsheds, vistas, rural
 23 culture and character as well as longstanding agricultural enterprises in the Rural and
 24 Agricultural Areas [Tier] in perpetuity through the acquisition of easements.

25 (b) Purpose. The regulations in this Part are established for the following purposes:

26 (1) Implement the policies of the Prince George's County General Plan and the Green
 27 Infrastructure Plan relating to the Rural and Agricultural Areas[Tier];

28 * * * * *

29 **Sec. 29-128. - Applicability.**

30 The HARPP program shall be available to all land zoned [O-S, R-A, R-E or R-R] AG, AR,
 31 RE, or RR in, or adjacent to, land that is located outside of the County's approved Growth Policy

1 Boundary area and is within the Rural and Agricultural Areas[Tier]. Any conservation easement
2 acquired under the HARPP program shall be voluntarily offered by the landowner.

3 **Sec. 29-129. - Definitions.**

4 (a) The following definitions shall apply to the interpretation and implementation of the
5 HARPP program:

6 (1) **Historic Property:** A parcel, site, building, structure, or object located in the Rural
7 and Agricultural Areas [Tier] with historic agricultural, rural and natural qualities that is
8 significant in the history, upland archaeology, architecture, engineering, and culture of the
9 County (including remains related to a parcel, site, building, structure, or object) or that provides
10 significant viewsheds, vistas, character or otherwise contains unique agricultural qualities of
11 significance to the community within the Rural and Agricultural Areas[Tier].

12 * * * * *

13 **Sec. 29-130. - Administration.**

14 * * * * *

15 (b) The Planning Board shall have the following powers and duties:

16 (1) The Planning Board shall review the report and recommendation for each application
17 provided by the Program Administrator and the Planning Board shall determine which easements
18 should be purchased.

19 (2) Periodically review the program regulations and procedures and make
20 recommendations to the Program Administrator and the County Council of any changes needed
21 to maintain the program's consistency with the Prince George's County General Plan and the
22 Green Infrastructure Plan relating to the Rural and Agricultural Areas [Tier].

23 **Sec. 29-131. - Eligibility Criteria.**

24 (a) A parcel must meet the following criteria to be eligible to participate in the program: the
25 parcel must be zoned [O-S, R-A, R-E or R-R] AG, AR, RE, or RR and located in, or adjacent to,
26 land that is located outside of the County's approved Growth Policy Boundary area and is within
27 the Rural and Agricultural Areas [Tier]; privately owned; the parcel shall be capable of being
28 further developed; include a minimum of thirty-five (35) acres with no more than one (1) single
29 family dwelling; include a minimum of twenty (20) acres with no more than one (1) single
30 family dwelling and be contiguous to property held as a public park or preserve or property
31 otherwise permanently protected from development by easement or otherwise.

* * * * *

DIVISION 10. HISTORIC PROPERTY GRANT PROGRAM.

* * * * *

Sec. 29-139. - Administration.

- (a) The powers of the program are exercised by the Planning Board.
- (b) The Planning Board shall adopt regulations to carry out the provisions of this program.
- (c) The Planning Board shall expend the amounts in the fund in accordance with Sections 26-102 and 26-105 of the Land Use Article of the Maryland Annotated Code[, Article 28, Sections 5-302 and 5-306] to provide grants to nonprofit organizations or foundations, political subdivisions, or individuals for the purpose of acquiring, preserving, restoring, or rehabilitating historic properties.
- (d) The Historic Preservation Commission, upon the advice of its Grants Committee, will review all applications and make its recommendations to the Planning Board.

* * * * *

SECTION 15. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 30-103.03, 30-302, 30-303, 30-304, 30-306, and 30-307 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 30. AGRICULTURE.
DIVISION 1. RIGHT TO FARM.**

* * * * *

Sec. 30-103.03. - Right to farm notice and real estate transfer disclosure.

(a) Upon any transfer of real property in the R-O-S, [O-S, R-A, R-E, and/or R-R] AG, AR, RE, and/or RR zones, the transferor (seller) shall provide a statement advising the buyer of the existence of this law which shall be in substantially the following wording:

PROXIMITY TO AGRICULTURAL AND/OR FORESTRY OPERATIONS: Buyer(s) acknowledge that the property offered for sale is in the vicinity of property that is, or may be used, for agricultural or forestry operations. As such, the Property may be subject to activity including, but not limited to, noise, odor, fumes, insects, dust, chemical application and the operation of machinery at various times. Prince George's County has adopted a right to farm ordinance stipulating that inconveniences or discomforts associated with the agricultural/forestry

1 operation shall not be considered an interference with reasonable use and enjoyment of other
2 properties in the vicinity, if such operations are conducted in accordance with generally accepted
3 agricultural and forestry management practices, as referenced in Prince George's County Code,
4 Section 30-102. The County has established an Agricultural Reconciliation Committee to assist
5 in the resolution of disputes that may arise with regard to agricultural or forestry operations when
6 such operations are not conducted in accordance with generally accepted agricultural or forestry
7 management practices. For further information refer to Prince George's County Code, Subtitle
8 30, Division 1, and/or contact the Director, Department of Permitting, Inspections, and
9 Enforcement.

10 * * * * *

11 **DIVISION 3. PURCHASE OF DEVELOPMENT RIGHTS.**

12 * * * * *

13 **Sec. 30-302. - Introduction.**

14 As a result of the recommendations of Commission 2000, it is the policy of the County to
15 restrict growth in the Rural and Agricultural Areas [Tier], to provide regulatory incentives to
16 restrict the development of certain lands in perpetuity and to preserve sensitive natural resources.
17 The County Council recognizes both the need and the public value of protecting farm and forest
18 lands, ecologically fragile watershed and flood plains, as well as the more general need to protect
19 scenic vistas and view sheds enjoyed by the citizens and residents of the County.

20 **Sec. 30-303. - Purposes.**

21 The regulations in this Division are established for the following purposes:

- 22 (a) Implement the policies of the Prince George's County General Plan and the Green
23 Infrastructure Plan relating to the Rural and Agricultural Areas [Tier];
- 24 (b) Preserve ecologically fragile and aesthetically valuable environments of the County,
25 including streams, stream valleys, flood plains, wetlands, groundwater, steep slopes, woodlands,
26 habitats, scenic vistas and scenic corridors;
- 27 (c) Retain agricultural land and augment other local and state programs certified in
28 accordance with the Code of Maryland Regulations for the preservation of agricultural land;
- 29 (d) Maintain rural character;
- 30 (e) Limit non-agricultural uses;
- 31 (f) Conserve and protect biodiversity, wildlife and aquatic habitat; and

(g) Promote tourism through the preservation of scenic resources.

Sec. 30-304. - Applicability.

The PDR program shall be available to all land zoned [O-S, R-A, R-E and R-R] AG, AR, RE, and RR in the Rural and Agricultural Areas[Tier]. Any conservation easement acquired under the PDR program shall be voluntarily offered by the landowner.

* * * * *

Sec. 30-306. - Administration.

* * * * *

(c) The Board shall have the following powers and duties:

(1) The Board shall review the report and recommendation for each application provided by the Program Administrator and determine which easements should be purchased.

(2) Periodically review the program regulations and procedures and make recommendations to the Program Administrator and the County Council of any changes needed to maintain the program's consistency with the Prince George's County General Plan and the Green Infrastructure Plan relating to the Rural and Agricultural Areas[Tier].

Sec. 30-307. - Eligibility Criteria.

(a) A parcel must meet the following criteria to be eligible to participate in the program: the parcel must be zoned [O-S, R-A, R-E or R-R] AG, AR, RE, or RR and located in the Rural and Agricultural Areas [Tier]; privately owned; the parcel shall be capable of being further developed; include a minimum of thirty-five (35) acres with no more than one (1) single-family dwelling, or include a minimum of twenty (20) acres with no more than one (1) single-family dwelling and be contiguous to property held as a public park or preserve or property otherwise permanently protected from development by easement or otherwise; notwithstanding the forgoing criteria, a property may be deemed eligible by the County Council upon a determination that the property has sensitive natural resources and there is an important public value of protecting the property for the citizens and residents of the County.

* * * * *

SECTION 16. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 32-120, 32-174, and 32-175 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.

DIVISION 1. ADMINISTRATIVE PROVISIONS.

Sec. 32-120. - Fee Schedule.

(a) Fees for work performed in connection with the Grading, Drainage and Pollution Control Division shall be set by the Director in the Table of Fees.

* * * * *

(9) Stormwater Management Fee-In-Lieu. The fees-in-lieu authorized in Section 32-179(b) of this Code shall be as follows:

(A) The standard fee shall be as set forth in the table below, which is based upon the percentage area which typically becomes impervious to infiltration when the property is developed as zoned, multiplied by \$16,000.

TABLE 2

Zone	Percentage of Impervious	Fee/Dwelling Unit	Fee/Acre (Special Exceptions)
[O-S] <u>AG</u>	1.0	—	\$160
[R-A] <u>AR</u>	1.5	—	240
[R-E] <u>RE</u>	12.0	\$750	1920
[R-R] <u>RR</u>	18.0	750	2880
[R-80] <u>RSF-95</u>	22.0	750	3520
[R-55] <u>RSF-65</u>	26.0	750	4160
[R-35]	[40.0]	[750]	[6400]
[R-T] <u>RSF-A</u>	50.0	750	8000
[R-20]	[50.0]	[750]	[8000]
[R-30] <u>RMF-12</u>	50.0	750	8000
[R-18] <u>RMF-20</u>	55.0	750	8800
[R-H] <u>RMF-48</u>	75.0	250	12,000
[R-10]	[75.0]	[250]	[12,000]
[I-1] <u>IE</u>	80.0	—	12,800
[I-2] <u>IH</u>	80.0	—	12,800
[I-3]	[75.0]	[—]	[12,000]

[I-4]	[70.0]	[—]	[11,200]
[C (All)] <u>CN, CS, CGO</u>	90.0	—	14,000

(B) Fees for [Comprehensive Design Zones or] any other zones not included in this Table 2 will be the fees for the zone(s) that most closely approximates the proposed land use.

* * * * *

DIVISION 3. STORMWATER MANAGEMENT.

SUBDIVISION 1. GENERAL PROVISIONS.

Sec. 32-174. - Exemptions from Requirements.

(a) Except as provided in Subsection (b), the following development activities are exempt from the provisions of this Division and the requirements of providing stormwater management:

(1) Agricultural land management practices;

(2) Additions or modifications to existing detached one-family dwellings provided that they comply with item (3) of this Subsection; and the subject site does not exceed the maximum allowable lot coverage allowed in [Section 27-442(c) Table II - Lot Coverage and Green Area or Section 27-445.12(a)(3) Table 2 Maximum Net Lot Coverage, whichever applies] Subtitle 27 of this Code.

* * * * *

Sec. 32-175. - Redevelopment.

* * * * *

(e) To offset the cost and design impacts of achieving the requirements of subsection (b) and (c) of this section, redevelopment designs that exceed the County requirements by twenty-five (25) percent and that are approved after May 4, 2011, are eligible to receive, subject to Subtitle 27 of the County Code:

(1) Increased density through the public benefit credits, density increment factors or additional floor area ratios (FAR);

(2) Reduction in the number of spaces and design of on-site and off-site parking to accommodate ESD techniques up to a maximum reduction of fifteen (15) percent of the required parking under Subtitle 27 of this Code. [Section 27-568(a) and shall be] subject to [a limited] the approval of a minor departure [administrative approval under Section 27-588(c) of the County Code];

(3) Priority consideration during the County's development review and permitting

1 processes;

2 (4) Eligibility for residential revitalization tax credit under Subtitle 10[,] and Subdivision
3 5B [and Section 27-445.10.] of the County Code without Council approval;

4 * * * * *

5 SECTION 17. BE IT FURTHER ENACTED that the provisions of this Act are hereby
6 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
7 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
8 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
9 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
10 Act, since the same would have been enacted without the incorporation in this Act of any such
11 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
12 or section.

13 SECTION 18. BE IT FURTHER ENACTED that this Act shall take effect on the effective
14 date of the Countywide Sectional Map Amendment (“CMA”).

15

Adopted this 16th day of November, 2021.

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: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
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.