CITY OF LAUREL, MARYLAND

ORDINANCE NO. 2018

TEXT AMENDMENT NO. 265

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAUREL, MARYLAND TO AMEND THE UNIFIED LAND DEVELOPMENT CODE, CHAPTER 20 "LAND DEVELOPMENT AND SUBDIVISION REGULATIONS," TO UPDATE THE DESIGN GUIDELINES FOR HISTORIC DISTRICT COMMISSION AND CREATE FOR SALE AFFORDABLE HOUSING SECTION.

Sponsored by the President at the request of the Administration.

WHEREAS, the Mayor and City Council of Laurel adopted City Ordinance No. 1702, Text Amendment No. 223, on March 28, 2011, approving a Unified Land Development Code including all requirements for development within the City; and

WHEREAS, the Mayor and City Council desire to implement the changes recommended by City staff as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and City Council of Laurel, Maryland that the following sections of the Laurel City Code, Chapter 11 "Planning and Development", Article III "Affordable Housing Program" be and hereby are amended as follows: Section 11-53. "For Sale Affordable Housing" and Chapter 20 "Land Development and Subdivision," Article I "Zoning" be and hereby are amended as follows: Division 14 "Design Guidelines for Historic District Commission", Section 20-26.3. "Purpose.", Section 20-26.4. "Definitions", Section 20-26.5. "Review of applications", Section 20-26.6. "Documentation", Section 20-26.12. "Colors", Section 20-26.13. "Demolition", Section 20-26.15. "Driveways and parking pads", Section 20-26.16. "Fences", Section 20-26.19. "Landscaping", Section 20-26.21. "New Construction", Section 20-26.22. "Painting", Section 20-26.23. "Patios and walkways", Section 20-26.24. "Windows", Section 20-26.26. "Porches", Section 20-26.27 "Preservation incentives".

Sec. 11-53. – For Sale Affordable Housing

For residential developments that include a minimum of fifty (50) single-family detached, townhouse, and/or condominium dwelling units, or residential portions of mixed-use developments that include the same type and minimum number of dwelling units, eight (8) percent of the total number of dwelling units shall be developed and sold as affordable housing. If the development is constructed in phases, each phase of the development shall include its proportionate share of affordable units, unless otherwise agreed to in writing by the Department of Economic and Community Development. Eligibility for any affordable dwelling unit shall be a household income no greater than sixty (60) percent of the median income in Prince George's County, adjusted for household size, as determined annually by the Maryland Department of Housing and Community Development. The price of each affordable dwelling unit in the

development shall not exceed thirty (30) percent of the median price of each similar unit type in the development at the time a contract for any such affordable unit is entered into. No affordable unit may be used as a rental unit. All affordable dwelling units in a development shall remain so in perpetuity, and this shall be reflected in declaration of covenants that shall run with the land and shall bind the applicant, and as signee, mortgagee, subsequent purchasers, or any of their successors or assigns, and said declaration of covenants shall be recorded among the Land Records of Prince George's County Maryland.

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Sec. 20-26.3. - Purpose.

The purpose of these guidelines is to:

Provide guidance for applicants and City staff and inform the deliberative process of the Historic District Commission (HDC).

* * *

Sec. 20-26.4. - Definitions.

* * *

A *temporary sign* is any sign meeting the Zoning Regulations criteria set forth in Sec. 20-17.4, intended to be displayed for a continuous period of not more than ~~thirty (30)~~ sixty (60) days on a business premises. Temporary signs are not reviewed by the HDC.

* * *

Sec. 20-26.5. - Review of applications.

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(c) In reviewing applications, the Historic District Commission shall apply these guidelines and give consideration to:

(1) The historic, archeological, or architectural significance of the site or structure and its relationship to the historic, archeological, or architectural significance of the surrounding area;

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(2) The relationship of the exterior architectural features of a structure to the remainder of the structure and to the surrounding area;

(3) The general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used; and

(4) If a decision incurs substantial financial hardship on the owner;

(5) Only those structures/plantings visible from the right-of-way within the Laurel Historic District shall be reviewed by the HDC.

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(f) The latest edition of the Secretary of the "Interior's "Standards for the Treatment of Historic Properties" may be considered by the Historic District Commission as an aid in applying these guidelines.

* * *

Sec. 20-26.6. - Documentation.

Documentation and information provided by the applicant to the Planning Commission for any application to be reviewed by the Historic District Commission shall be sufficient for the Historic District Commission's review of the application unless the Commission requests specific additional documentation and information, in accordance with this section. Any such documentation or information must be found to be sufficient for review by the Commission, as determined by the Director of the Department of Economic and Community Development or its designee, in its sole judgment. ~~necessary for the Historic District Commission to review the application in accordance with this section.one (1) or more sections of these guidelines other than this section~~. The Commission may request specific additional documentation or information if the Commission deems it necessary for review of the application in accordance with this section.

* * *

Sec. 20-26.12. - Colors.

The ~~c~~Commission does not dictate what colors an applicant may use but is concerned that the colors selected be appropriate for the structure and its neighborhood.

The only guideline for the application of color in either residential or commercial districts is that the colors ~~should~~ shall be historically appropriate house colors. This refers to the colors that date to an appropriate period and that go together in a compatible fashion. ~~Samples of such color chips are on file in the Department of Economic and~~

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~~Community Development at the Laurel Municipal Center, 8103 Sandy Spring Road, Laurel, MD, 20707~~. An approved color list is available on the City website and upon request.

In commercial districts, the building and the block ~~should~~ shall be considered to achieve a compatible application of colors.

* * *

Sec. 20-26.13. - Demolition.

(a) *Generally.* The Historic District Commission is responsible for the preservation of Laurel's historic buildings and sites. Therefore, demolition of such buildings is generally undesirable and to be avoided whenever possible. The Historic District Commission may approve an application for demolition if it will not have an adverse impact on the Historic District and/or denial of the application will result in substantial hardship to the applicant.

~~In the event a situation arises which may require consideration of the demolition of a structure, the Commission has established a three-part hearing process.~~

~~The second and third hearings described hereinafter shall not occur unless and until the Commission makes a finding that a structure proposed for demolition is of unusual importance in accordance with Subsection (b)(2) hereof. Nonetheless, upon the request of an applicant, the Commission may permit all, or any combination, of the hearings required pursuant to this section to be scheduled for one (1) hearing before the Historic District Commission if the Commission determines that the issues involved with regard to the subject application may reasonably be addressed by the Commission in one (1) hearing.~~

(b) *~~Initial hearing;~~ ~~d~~Determination whether structure is of unusual importance.*

* * *

(3) If the Historic District Commission decides that a structure in the Historic District may be demolished because it will not have an adverse impact on the Historic District, ~~is not of unusual importance in accordance with Subsection (b)(2) of this section,~~ the applicant may proceed with obtaining a City demolition permit from the Department of Economic and Community Development. The applicant may be required to provide the Commission with information regarding the existing site and structure such as color photographs of the exterior, exterior measurements, and/or an existing conditions site plan.

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If the Commission determines that a structure is of unusual importance in accordance with Subsection (b)(2) of this section, and if the applicant wishes to proceed, ~~a second hearing shall be scheduled regarding the proposed demolition.~~ the Commission will then move on to the economic evaluation portion of the hearing.

(c) ~~*Second hearing;*~~ *Economic evaluation.*

~~(1) *Notification.* Documentation and information for the second hearing must be submitted at least two (2) weeks before consideration. The second hearing will not be scheduled until the required documentation is received by the Department of Economic and Community Development. The required material shall be indicated by the Commission at the end of the initial hearing if the structure is determined to be of unusual importance in accordance with the provision of Subsection (b)(2) of this section.~~

(1~~2~~) *Materials which may be requested by the Commission.* The Historic District Commission is sensitive to the needs of property owners and considers that substantial hardship occurs when a property cannot be put to reasonable beneficial use. In the case of a demolition application, the Commission shall consider whether a structure can be put to a reasonable beneficial use without the approval of a demolition application. In the case of income producing properties, the Commission shall also consider whether a reasonable return from the existing building can be obtained. The following information may be requested by the Commission's in conjunction with its decision-making process regarding economic evaluation of a demolition application. The Commission reserves the right to present this information to consultants, as needed. Specifically, the Commission may request one (1) or more of the following items:

* * *

(~~3~~2) *Economic evaluation.* ~~The second hearing will serve to determine~~:

* * *

c. If the property in its present state has been declared a hazard by the City.

~~At the second hearing~~ T~~t~~he Commission shall consider if a structure can be put to a reasonable beneficial use without the approval of a demolition and, in the case of income producing properties, the Commission shall also consider whether a reasonable return from the existing building can be obtained.

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d. ~~*Third hearing;*~~ *C~~c~~onsideration of replacement structure.* In applications involving proposed new construction, the new design will not be considered until the building's historical importance has been determined and until the Commission has completed the economic evaluation process ~~outlined in hearing two~~.

In cases where new construction is proposed, a City demolition permit shall not be issued by the Department of Economic and Community Development until replacement plans are approved by the Planning Commission if applicable and the Historic District Commission and other reviewing bodies of the City of Laurel where appropriate. An exception to this may be made if conditions that eminently threaten health and safety exist in the structure. In addition, financial proof of the ability to complete the replacement structure(s), including, but not limited to, a performance bond, a letter of credit, a trust for completion of improvements or a letter of commitment from a financial institution ~~must~~ shall be submitted.

~~Consideration of a replacement structure(s) will require at least two (2) hearings.~~ The plans ~~should~~ shall include the materials as set forth in Section 20-26.6, Documentation, of these guidelines, and the design of the new structure(s) ~~should~~ shall conform to Section 20-26.21, New construction, of these guidelines.

* * *

Sec. 20-26.15. - Driveways and parking pads.

The Historic District Commission reviews applications for driveways and parking pads to ensure that their installation and the materials used, is consistent with other lots in the block and with the historic nature of the neighborhood. Parking areas and driveways shall be improved with an impervious surface or other pervious surface material which the Historic District Commission determines is acceptable and in conformance with the intent of this chapter in accordance with the standards established in Subdivision Regulations, Building Code, or any other City regulation or standard. The use of gravel on parking areas and access driveways installed after January 1, 2020, is prohibited. Any gravel driveways existing prior to January 1, 2020 may be maintained in-kind.

Parking in most of Laurel's residential Historic Districts has been to the side or rear of the structure. The relocation of parking out of front yards to a less conspicuous portion of a residential lot is desirable for the maintenance of the residential character of neighborhoods.

The Historic District Commission encourages applicants to install pervious paving or paving strips as an alternative to a full paved driveway.

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Sec. 20-26.16. - Fences.

The construction of fences separating yards is common throughout the Historic Districts. Fence heights are limited by the Zoning Regulations and, while the Historic District Commission may authorize a fence lower than the maximum (e.g., for consistency with the fence on a neighboring property), it cannot approve fencing higher than the Zoning Regulations allows. In all cases any decision made by the Planning Commission overrides the decisions of the City of Laurel Historic District Commission. The finished side of the fence ~~should~~ shall always face outward, away from the lot, area, or structure, which it surrounds. Fences in the front yard shall be at the property, or at the building line of the front facade.

The use of traditional painted picket fencing in front yards is acceptable. Solid flat-board fencing of any height is not permitted in the front yard. The use of chain-link fencing is discouraged as being least compatible with the historic environment and allowed only in exceptional circumstances.

The installation of a fence beside an existing fence is viewed by the Commission as not in keeping with the character of the neighborhood, as well as a potential maintenance problem. The Commission will not approve such installation.

The Historic District Commission permits specific fence types on a case-by-case basis, the specific fencing permitted depending on surrounding properties and the architectural character of the neighborhood.

Fence and Wall regulations have been provided below:

FENCE AND WALL REGULATIONS									
RESIDENTIAL	R-5	R-55	R-20	R-T	R-30	R-18	R-10	R-MD	P-I
Rear Yard Maximum Fence Height (ft.)	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½
Interior Side Yard Maximum Fence Height (ft.)	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½

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Front Yard Maximum Fence Height (ft.)	3 ½	3 ½	3 ½	6 ½	3 ½	3 ½	3 ½	3 ½	3 ½
Exterior Side Yard Maximum Fence Height (ft.)	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½
Corner Lot Maximum Fence Height (Front and Side Street Lines) (ft.)	3	3	3	3	3	3	3	3	3
Corner Lot Maximum Fence Height (Intersection of Street and Driveway) (ft.)	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½

COMMERCIAL	C-N	C-C	C-G	C-SH	C-V	C-VAC
Maximum Fence Height (Rear Yard) (ft.)	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½
Maximum Fence Height (Interior Side Yard) (ft.)	6 ½	6 ½	6 ½	6 ½	6 ½	6 ½
Maximum Fence Height (Front Yard) (ft.)	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½
Maximum Fence Height (Exterior Side Yard) (ft.)	3 ½	3 ½	3 ½	3 ½	3 ½	3 ½

INDUSTRIAL	I-CS	I-G	I-RTP
Maximum Fence Height (Rear Yard) (ft.)	6 ½	6 ½	6 ½
Maximum Fence Height (Interior Side Yard) (ft.)	6 ½	6 ½	6 ½

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Maximum Fence Height (Front Yard) (ft.)	3 ½	3 ½	3 ½
Maximum Fence Height (Exterior Side Yard) (ft.)	3 ½	3 ½	3 ½
Electric Security Fence Maximum Height (ft.)	10	10	Not Permitted

Supplementary regulations.

(a) The height of a retaining wall or other wall or fence shall be measured from the lowest level of the ground immediately under the fence.

(b) Retaining walls shall be permitted where changes in street grade width or alignment have made such walls necessary. In such cases these regulations shall not apply.

(c) Retaining walls or other walls or fences or combinations thereof shall be deemed a structure requiring a building permit if such retaining walls or other walls or fences are over two (2) feet in height.

(d) On a corner lot in a commercial or industrial zone, no portion of a building or other obstruction to vision between two (2) feet and ten (10) feet above the curb level, except a post or column, shall occupy the space formed by the vertical planes on the front and side street lines and on a line joining points on such street lines at distances five (5) feet from the intersection thereof.

(e) On parcels used for commercial or industrial purposes, the Planning Commission may allow fences from six and one-half (6½) feet to nine (9) feet high in the side or rear yard and barbed-wire on the top of a six (6) feet or higher fence when it can be shown that a particular parcel is susceptible to burglary or arson. In no case shall any fence higher than forty-two (42) inches be erected between the front of the building and the front lot line.

(f) No electric fences or fences with cutting edges, including, but not limited to, fences using razor, ribbon, or concertina wire, shall be permitted within the City unless they comply with subsection (h) below.

(g) Fences incorporating barbed wire are permitted provided that barbed wire may be used only on top of a six (6) feet or higher solid or chain-link fence surrounding a public utility and federal, state, county, or municipal property.

(h) An electric security fence shall comply with the following:

(1) The definition of an "electric security fence" as set forth in Section 20-1.7;

(2) An electric security fence shall be permitted on a property in the Industrial General (IG) and Industrial Commercial Services (ICS) zones.

(3) Prior to the issuance of a fence or electrical permit, an amended site and landscape plan, to include the location, height, design and style of the fence, shall be approved by the Planning Commission;

(4) The non-electric perimeter fence surrounding the electric security fence, shall have a minimum of a one-foot setback from the property line. A landscape buffer shall be installed around the non-electric fence.

(5) All electric security fences shall install an emergency access device (Knox box) in the event emergency services or City of Laurel Police shall need to access the property.

(6) Warning signs in both English and Spanish shall be placed every ten (10) feet along the perimeter of the electric security fence and shall be maintained in good condition at all times.

(7) A fence permit shall be required for both the electrical security and non-electric perimeter fence.

(8) An electrical permit shall be required for the electrical security fence, and the voltage shall not exceed twelve (12) volts.

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Sec. 20-26.19. - Landscaping.

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(b) Commission approval is required for major landscaping design, ~~or~~ reconfiguration on sites that have been declared historic by inclusion as a historic site on the national or state register, ~~or~~ declared individually a historic site by action the Mayor and City Council~~.~~, or tree removals that do not meet the criteria of subsection (c). Any tree removed shall be replaced on the same lot. The HDC encourages the replacement to be a native tree.

(c) Minor landscaping for small shrubs or flowers and routine landscaping maintenance such as mulching or pruning of trees (up to thirty-three (33) percent of the tree mass) does not require Commission approval. Removal of any dangerous or diseased landscaping or trees does not require ~~c~~Commission approval so long as the request is accompanied with a letter from a certified arborist or Maryland Licensed Tree Expert certifying that the tree to be removed is, in fact, sufficiently diseased and/or dangerous to justify removal of the tree. The staff and the City will review these materials to ensure, in their sole judgment, that they meet the above criteria. ~~Such~~ A tree ~~or landscaping must be replaced~~ that is removed shall be replaced by another tree on the same lot, unless the balance of landscaping on said lot is found by the Historic District Commission to be adequate without a new tree. ~~only if required by an approved site~~

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~~or landscape plan~~. The HDC encourages the replacement to be a native tree. The Director of Economic and Community Development shall approve any requests for removal of trees or shrubs that meet the criteria of subsection (c), in its sole judgment. The removal of diseased and dead trees is encouraged by the HDC.

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Sec. 20-26.21. - New construction.

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(k) *Siding and trim.* New construction may employ a variety of wood or composite material with a wood style design for trim and siding profiles. Siding should have a smooth finish profile that is compatible with existing buildings in the neighborhood.

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Sec. 20-26.22. - Painting.

The painting of brick and certain other masonry materials is discouraged.

The use of sandblasting, for removal of paint from brick, may not be permitted if it will cause undue damage to historic sites or structures. Chemical treatment for paint removal is regulated by state environmental agencies. The use of colors from the Approved Color List is preferred.

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Sec. 20-26.23. - Patios and walkways.

Construction, renovation, and replacement of walkways and patios shall be reviewed by the Commission. Materials such as brick, stone, macadam, bituminous paving (blacktop), and concrete, exposed aggregate concrete and interlocking pavers are acceptable. The use of pervious material is encouraged.

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Sec. 20-26.24. - Windows.

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(b) The preservation of historic windows is encouraged by the Commission. To allow flexibility in achieving energy efficiency, the use of vinyl or aluminum "clad" units is permitted. The HDC encourages replacement windows to be of the same size, style, and design as the existing windows. The change of window material from wood to vinyl or aluminum can be reviewed and approved by staff if the window design is in-kind with the current design, in the sole judgment of the staff.

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Sec. 20-26.26. - Porches.

Porches ~~should~~ shall be retained and their repair or restoration should duplicate as near as possible the original construction. New porch flooring, railings, columns, stairs, skirting, or other details should appear as near as possible the same as the original work. The use of non-traditional materials, when not intrusive (clearly visible from the public right-of-way), may be permitted. The enclosing of open porches on historic structures, especially on front and wrap-around porches ~~is discouraged.~~ shall not be permitted.

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Sec. 20-26.27. - Preservation incentives.

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(b) An application for tax credit shall be reviewed and its approval determined by the Director of the Department of Economic and Community Development or its designee, in its sole judgment. ~~is part of the Historic District Commission certificate application, and the Commission determines at the time it takes action on the certificate whether the proposed work is eligible for the tax credit~~. Upon completion of the work, the property owner must submit the receipts to the Historic District Coordinator ~~secretary~~, along with the receipt transmittal form affirming that the receipts are those for the actual expenditures. Once the work has been inspected and the receipts are verified, the tax credit is submitted to the Department of Economic and Community Development for final approval**.**

* * *

(d) ~~A five (5) percent tax credit shall be allowed for any restoration or preservation work~~, With the sole exception of emergency repairs, as determined by the staff in its

sole judgment, no tax credit shall be granted for any preservation or restoration work that has taken place which has not been reviewed and approved in advance by the Commission., ~~except for emergency repairs~~ The Commission may deny the credit in regard to any aspects of the restoration and/or preservation not done in a workmanlike manner or which has a negative effect on the architectural quality of the structure.

AND, BE IT FURTHER ENACTED AND ORDAINED, that this Ordinance shall take effect on the date of its passage.

PASSED this _____ day of _____, 2023.

ATTEST:

_____
SARA A. GREEN, CPM, CMC
City Clerk

_____
BRENCIS D. SMITH
President of the City Council

APPROVED this _____ day of _____, 2023.

_____

CRAIG A. MOE
Mayor

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