



CITY OF LAUREL, MARYLAND

ORDINANCE NO. 1991

TEXT AMENDMENT NO. 261

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 DEPARTMENT TITLE, UPDATE THE MIXED USE TRANSPORTATION ORIENTED ZONE, PLANNED UNIT DEVELOPMENT EXISTING ZONE, AND CREATE PUBLIC ART GUIDELINES IN THE SECTIONS LISTED AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by the President at the request of the Administration.

WHEREAS, on March 28, 2011, the Mayor and City Council of Laurel, Maryland adopted City Ordinance Number 1702, Text Amendment Number 223, enacting Laurel City Code, Chapter 20: "Land Development and Subdivision Regulations", known as the "City of Laurel Unified Land Development Code," which contains all requirements for development within the City; and

WHEREAS, the City Council desires to make the changes recommended by City staff as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and City Council that the following sections of the Laurel City Code, Chapter 20 "Land Development and Subdivision," Article I "Zoning" be and hereby are amended as follows: Division 4 "Board of Appeals," Section 20-5.3. "Filing of petitions and accompanying data for special exceptions and variances," Section 20-5.4. "Public hearings—When required; notice generally", Section 20-5.10. "Who may file an appeal form and procedure for appeals," Division 5. "Zoning Districts" Section 20-6.12. "Neo-Traditional Overlay areas", Section 20-7.8. "Table of commercial uses," Section 20-7.17. "Authority to proceed: Preliminary development plan," Section 20-7.18. "Development plan: Commercial shopping center zone," Section 20-7.20. "Amendments to final shopping center development plan," Section 20-7.25. "Development plans: Commercial Neighborhood, Commercial Community, Commercial General, and Commercial Village Activity Center Zones," Section 20-8.7. "Development plan: Office Building Zone", Section 20-9.12. "Development plans: Industrial Zones," Section 20-10.7. "Amendment to plan," Section 20-11.6. "Amendment to plan," Section 20-12.1. "Purposes," Section 20-13.4. "Process for the consideration of a conceptual development proposal within any overlay area,"



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Section 20-13.5. "Final approval of revitalization overlay area plan," Section 20-13.6. "Amendments to final plans within revitalization overlay area," Section 20-13.11. "Amendment to revitalization overlay area map," Section 20-14.4. "Fees," Section 20-15.2. "Zoning districts," Division 6 "Parking and Loading Facilities," Section 20-16.10. "Parking area improvements," Division 7 "Signs and Advertising Structures," Section 20-17.7. "Administration and enforcement," Division 9 "Exceptions and Supplements to Zone Regulations," Section 20-20.8. Solar energy collection panels, Division 10 "Special Exceptions," Section 20-21.2. Issuance of building, use, and occupancy permits; annual certification of operation; complaints; revocation, Section 20-21.3. Procedure, Section 20-22.3. Accessory apartments, Section 20-22.38. Entertainment uses, Division 11 "Nonconforming Uses," Section 20-23.1. "Continuation and discontinuation of use," Section 20-23.2. "Enlargement of nonconforming use," Section 20-23.3. "Expansion of nonconforming use," Division 12 "Amendment Procedure," Section 20-24.4. "Who may apply for amendment; requirements as to filing application for amendment," Section 20-24.5. "Form of application to amend zoning map, and accompanying papers," Section 20-24.6. "Filing fees and deposits," Section 20-24.7. "Erection of sign; tampering with sign prohibited," Section 20-24.8. "Notice and hearing; inspection of records," Division 13 "Historic District Commission," Section 20-25.7. "City Administrator, City Solicitor, Director of the Department of Community Planning and Business Services, and other officers and employees," Division 14 "Design Guidelines for Historic District Commission," Section 20-26.5. "Review of applications," Section 20-26.12. "Colors," Section 20-26.13. "Demolition," Section 20-26.19. "Landscaping," Division 15 "Landscaping, Buffering, and Screening," Section 20-27.1. "In general," Section 20-27.3. "Alternative compliance," Division 16 "Community Design Standards," Section 20-28.3. "Definitions", Section 20-28.4. "Standards for design," Section 20-28.5. "Maintenance for good appearance.", Section 20-28.6 "Art in Public Places", Section 20-28.7 "Process; Recommendation of the Arts Council", and Section 20-28.8 "Public Art Provided or Funded by Private Development"

The following sections of the Laurel City Code, Chapter 20 "Land Development and Subdivision", Article II. "Subdivisions" be and hereby are amended as follows: Division 1 "In General," Section 20-29.10. "Mandatory dedication or fee-in-lieu of open space," Section 20-29.11. "Subdivision control of floodplain areas and unsafe land," and Division 2 "Procedure," Section 20-30.4. "Fees."

The following sections of the Laurel City Code, Chapter 20 "Land Development and Subdivision", Article V. "Forest Conservation" be and hereby are amended as follows: Section 20-41.2. "Definitions," Section 20-41.3. "Application," Section 20-41.4. "General requirements," Section 20-41.5. "Forest stand delineation," Section 20-41.6. "Forest Conservation Plan," Section 20-41.7. "Afforestation and retention," Section 20-41.11.



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“Establishing Forest Mitigation Banks,” Section 20-41.12. “Payment instead of afforestation and reforestation,” Section 20-41.13. “Recommended tree species,” and Section 20-41.17. “Penalties.”

The following sections of the Laurel City Code, Chapter 20 “Land Development and Subdivision”, Article VI. “Roads and Sidewalks” be and hereby are amended as follows: Division 1 “In General,” Section 20-42.3. “Obligation for road improvements,” Section 20-42.8. “Appeal,” Division 2 “Permits, Bonds, Fees,” Section 20-43.3. “Review of application for permit,” Section 20-43.4. “Permit fees,” Division 3 “Design and Construction Standards and Requirements,” Section 20-44.12. “Planting of roadside trees,” Division 7 “Abandonment,” Section 20-48.6. “Referrals,” and Division 8 “Tree Regulations,” Section 20-49.27. “Penalties.”

The following section of the Laurel City Code, Chapter 20 “Land Development and Subdivision”, Article VII. “Sewers and Sewage Disposal” be and hereby is amended as follows: “Section 20-50.2. Prohibited discharges.”

Section 20-5.3. Filing of petitions and accompanying data for special exceptions and variances.

(a) *Petitions and accompanying data.*

(1) *Filing of petition.* Petitions for the grant of special exceptions or variances shall be filed with the Board or, where appropriate, the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ on forms provided therefore, together with the fees established by the Mayor.

(2) *Data to accompany special exception petition.* Each petition for special exception shall be accompanied at the time of its filing by a statement which shall include:

a. Survey plats or other accurate drawings showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, the distances of such structures from the nearest property lines and a location map of the area. At the discretion of the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~, these drawings shall display the name or



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seal of a registered Civil Engineer or Surveyor.

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Section 20-5.4. Public hearings—When required; notice generally.

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(2) Such notices shall contain the name of the appellant, applicant or petitioner, the name of the owner of record, the case number, the telephone number, office address and business hours of the Board, and, if then known, the date, time and place fixed for the hearing. Such notice shall state with particularity the nature of the special exception, variance, administrative appeal, or other relief requested. Such notice shall also:

- a. State that a copy of applicant's complete submission, including exhibits and testimony summaries, is available for inspection at the Department of Economic and Community Development ~~Community Planning and Business Services~~.

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Section 20-5.10. Who may file an appeal form and procedure for appeals.

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- (b) An appeal relating to a variance shall be filed with the Board only after refusal of issuance of a building permit or use or occupancy permit by the Department of Economic and Community Development ~~Community Planning and Business Services~~ or after the issuance of a permit in cases where it is alleged that such permit has been issued erroneously, provided, however that the Board is hereby authorized, in its discretion, to waive the requirement of a denial of a building, use, or occupancy permit. Such appeal shall be made within thirty (30) days after entry of the decision appealed from.
- (c) Appeals shall be made on forms provided therefore, and all information required on such forms shall be furnished by the appellant. Forms shall be filed with the Department of Economic and Community Development ~~Community Planning and Business Services~~; and the appellant shall pay the Department of Budget and Personnel Services all expenses incidental to the appeal; including, the cost estimated by the Department of Economic and Community Development

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~~Community Planning and Business Services~~ for sending notices and advertising. No form shall be accepted by the Department of Economic and Community Development ~~Community Planning and Business Services~~ unless it contains all pertinent information and is accompanied by the required fee to defray expenses.

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Section 20-6.12. Neo-Traditional Overlay areas.

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- (d) Process for the consideration of a development proposal within any Revitalization Overlay area or M-X-T Zone.
 - (1) Applicants submitting a proposal for development utilizing the Neo-Traditional Overlay shall submit a plan in accordance with the City Zoning Regulations for Site and Landscape Plans. In addition, the plan(s) shall contain the following:
 - Other studies or plans deemed necessary by the Department of Economic and Community Development ~~Community Planning and Business Services~~, as recommended to the Planning Commission.
 - (2) After review of a completed application or proposal, the Department of Economic and Community Development ~~Community Planning and Business Services~~ shall prepare a technical staff report, analyzing the compliance of the applicant's proposal with the intent and purpose of utilizing Neo-Traditional Overlay areas. The report shall be transmitted to the Planning Commission, who shall hold a public hearing for recommendation to the Mayor and City Council. The requirements for notifying the public of such proposals, including sign posting, shall be the same as that required by the City Zoning Regulations for Zoning map amendment applications.

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Section 20-7.8. Table of commercial uses.

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- (c) (1) All storage and sale activities related to such facility shall occur, and be contained, within an enclosed building, except as otherwise provided herein.

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- (2) Merchandise to be auctioned at such facility shall be limited to nonperishable items, the sale and purchase of which is permitted by applicable law; examples of such items including antiques, artwork, coins, collectibles, furniture, household appliances, dishes, clothing, books, and other similar items. Additionally, motor vehicles may be auctioned at such facility provided that:
- d. Upon request of the Director of the Economic and Community Development ~~Department of Community Planning and Business Services~~, or his or her designee, the operator of the auction facility shall provide documentation and/or certification, satisfactory to the Director, substantiating that the sale of any automobile at the facility complies with the provisions of this section. The Director may order that the automobile not be sold until this requirement has been complied with. Failure to comply with the provisions of this subsection shall be a municipal infraction, punishable pursuant to the provisions of this article.
- (g) Sale of Christmas trees or other decorative plant materials between November 1 and January 1, provided that an application for a temporary use permit has been approved by the Department of Economic and Community Development ~~Community Planning and Business Services~~, the site has adequate off-street parking, and it is determined by the Director of the Department that such a use would not cause traffic or safety problems. Land use must be set back a minimum of one hundred (100) feet from the nearest residency.
- (jj) Retail sales of cigars, flavored tobacco, hookahs and accessories. Hookah/shishas is a water pipe used to smoke tea, herbs and/or flavored tobacco. It can have single or multiple hoses and tips to share among a group.

A retail store and smoking lounge is subject to the following conditions:

- (1) All lounge patrons and occupants must be at least twenty-one (21) years of age.
- (2) Smoking lounge can only sell pre-packaged snacks such as chips and nuts no on-site food preparation.
- (3) Live performance by a band or other performing group permitted, no dancing allowed. Performances limited to two (2) events per month. The business owner shall give written notice seven (7) days before the event to the Department of Economic and Community Development ~~Community~~



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~~Planning and Business Services~~. The notice shall include the band or group in order for the Laurel Police Department to determine security needs.

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Section 20-7.17. Authority to proceed: Preliminary development plan.

Following affirmative action by the Mayor and City Council, the Department of Economic and Community Development ~~Community Planning and Business Services~~ shall notify the developer of such action and authorize him/her to proceed with the preparation of a preliminary development plan.

(a) *The preliminary development plan shall contain the following:*

- (1) Location, orientation, and exterior dimensions of all main and accessory buildings;
- (2) Location and dimensions of vehicular and service entrances, exits and drives;
- (3) Location, arrangement and dimensions of automobile parking space, width of aisles, width of bays and angle of parking;
- (4) Location, arrangement and dimensions of truck loading and unloading spaces and docks;
- (5) Location and dimensions of pedestrian entrances, exits, walks and walkways;
- (6) Topography and general drainage system;
- (7) Location and dimension of all walls and fences;
- (8) Location, size, height, orientation, and design of all freestanding signs;
- (9) Location of all buildings, streets and other topographical features within five hundred (500) feet of the proposed shopping center boundary; and
- (10) Location, dimensions and arrangements of area to be devoted to planted lawns, trees or any other purpose.

(b) *Action by Planning Commission.* Within sixty (60) days from the date on which the preliminary development plan is filed with the Department of Economic and Community Development ~~Community Planning and Business Services~~, the

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Planning Commission shall review, approve or disapprove such plan in writing, stating in the case of disapproval, the reasons for such disapproval, and in all cases giving due notice to the applicants. In the case of disapproval, the applicant may submit to the Planning Commission an amended plan which shall include those changes made necessary to accomplish compliance with the conditions for approval stated by the Planning Commission.

Section 20-7.18. Development plan: Commercial shopping center zone.

- (a) A complete final development plan covering the entire Commercial Shopping Center Zone shall be prepared by the developer and filed with the Department of Economic and Community Development ~~Community Planning and Business Services~~ within not more than:

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- (c) Within sixty (60) days from the date on which the final development plan is filed with the Department of Economic and Community Development ~~Community Planning and Business Services~~, the Planning Commission shall review, approve, or disapprove such plan. If the Planning Commission finds that a proposed final development plan of a shopping center is in substantial compliance with, and represents a detailed expansion of the preliminary development plan heretofore approved; that it complies with all of the conditions which may have been imposed in the approval of the preliminary development plan; that it is in accordance with the design criteria and provisions of these regulations which apply particularly to any plan of a Commercial Shopping Center Zone and that all applicable provisions of the Subdivision Regulations have been complied with, the Planning Commission shall then approve such final development plan.

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Section 20-7.20. Amendments to final shopping center development plan.

- (a) If the developer of a planned shopping center in any Commercial Shopping Center Zone wishes to make any change, alteration, amendment, or extension to any approved final development plans, he shall submit such request to the Planning Commission.
- (b) If, in the opinion of the Commission, the requested change is in substantial compliance with the final development plan, the Planning Commission shall



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approve such change and notify the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ who shall issue a building permit accordingly.

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Section 20-7.25. Development plans: Commercial Neighborhood, Commercial Community, Commercial General, and Commercial Village Activity Center Zones.

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- (d) After Planning Commission approval, the developer may apply for a building permit which shall be issued by the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ if the building plans and specifications are found to comply with the City Building Code and Fire and Life Safety Code.

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Section 20-8.7. Development plan: Office Building Zone.

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- (d) Data to accompany site and landscape plan requests for approval. All site and landscape plans submitted to the Planning Commission for review shall, at the discretion of the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~, display the name or seal of a registered civil engineer. In addition, all submissions shall be accompanied by a location map of the site.

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Section 20-9.12. Development plans: Industrial Zones.

Preliminary and final site development plans shall be prepared by the developer for all proposed developments in any Industrial-Commercial Service, Industrial General, and Industrial Research and Technology Park Zone and shall be submitted to the Department of Economic and Community Development ~~Community Planning and Business Services~~ for review by the Planning Commission.

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- (b) *Approval of plans.*

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- (7) After approval the developer may apply for a building permit which shall be issued by the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ provided that there has been no appeal from the Planning Commission's approval; or in the event that such an appeal is filed after the permit has been issued, the permit shall immediately be suspended pending final disposition of the appeal.

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Section 20-10.7. Amendment to plan.

At any time after the approval of a final plan of a planned unit development area, the owner or owners may request an amendment to their plans. ~~The~~ by filing a request for such amendment shall be filed with the Department of Economic and Community Development ~~Community Planning and Business Services~~. Upon receipt of the request for amendment the Planning Commission shall determine whether such proposed amendment is in substantial agreement with the approved final plan of development or whether it represents a substantial departure from the intent of the prior approval. If such proposed amendment is in substantial agreement with the approved final plan, it shall be processed by the Planning Commission in accordance with Section 20-4.5(a) of ~~this article~~ the Unified Land Development Code. Should the proposed amendment represents a substantial departure from the intent of the prior approved final plan, such proposed amendment shall then be subject to process by the Planning Commission and Mayor and City Council in accordance with Section 20-4.5(a) and (b). A substantial departure from the final approved plan shall include any of the following changes:

- (a) An increase of more than ten (10) dwelling units.
- (b) A change in use of the property.
- (c) A building increases in size by more than fifty (50) percent.
- (d) Any other change that is found by the Planning Commission, in its sole judgment, to be a substantial departure from the final plan of development.

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Section 20-11.6. Amendment to plan.

At any time after the approval of a final plan of a planned development area, the

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owner or owners may request an amendment to their plans. The request for such amendment shall be filed with the Department of Economic and Community Development ~~Community Planning and Business Services~~. Upon receipt of the request for amendment the Planning Commission shall determine whether such proposed amendment is in substantial agreement with the approved final plan of development or whether it represents a departure from the intent of the prior approval. If such proposed amendment is in substantial agreement with the approved final plan, it shall be processed by the Planning Commission in accordance with Section 20-4.5(a) of this article. Should the proposed amendment represent a departure from the intent of the prior approved final plan, such proposed amendment shall then be subject to process by the Planning Commission and Mayor and City Council in accordance with Section 20-4.5(a) and (b).

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Section 20-12.1. - Purposes.

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(e) To encourage a mix of diverse land uses consisting of at least ~~three (3)~~ two (2) different types of uses which blend together harmoniously. The uses must be from ~~three (3)~~ two (2) different divisions;

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Section 20-13.4. Process for the consideration of a conceptual development proposal within any overlay area.

(a) Applicants submitting a proposal for development utilizing the revitalization overlay shall submit a plan in accordance with the Zoning Regulations for revitalization overlay areas, in accordance with the provisions of this article. In addition, the plan(s) shall contain the following:

- A traffic and circulation plan.
- Plan for re-subdivision (for consolidations).
- A specific plan for the uses and their design.
- A phasing schedule, if a multi-phase development is planned.

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- Other studies or plans deemed necessary by the Department of Economic and Community Development ~~Community Planning and Business Services~~, as recommended to the Planning Commission.
- (b) After review of a completed application or proposal, the Department of Economic and Community Development ~~Community Planning and Business Services~~ shall prepare a technical staff report, analyzing the compliance of the applicant's proposal with the intent and purpose of utilizing revitalization zones. The report shall be transmitted to the Planning Commission, who shall hold a public hearing for recommendation to the Mayor and City Council. The requirements for notifying the public of such proposals, including sign posting, shall be the same as that required by the Zoning Regulations for map amendment application.

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- (d) Revitalization overlay conceptual approval shall expire three (3) years from the date of such approval unless the Planning Commission has approved a final revitalization overlay area plan, i.e., a final site and landscape plan. The period may be extended for an additional one (1) year by the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ for good cause. Good cause shall be limited to conditions beyond the control of the applicant. Good cause shall not include failure to obtain financing or other market conditions. An application for an extension must be filed 180 days before expiration of the three-year time period.

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Section 20-13.5. Final approval of revitalization overlay area plan.

- (d) Approval of a final revitalization overlay area plan, i.e. a final site and landscape plan, shall expire five (5) years after the date of such approval by the Planning Commission unless construction has begun. Construction shall commence with the construction and approval of all footings. This period may be extended for an additional one (1) year by the Director of the Department of Economic and Community Development ~~Community Planning and Business Service~~ for good cause. Good cause shall be limited to conditions beyond the control of the applicant such as failure of governmental bodies to review and approve plans in a timely fashion but shall not include failure to obtain financing or other market conditions.



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- (e) An approved final revitalization overlay area plan shall expire five (5) years from commencement of construction. Construction shall commence with the construction and approval of all footings. This period may be extended for an additional one (1) year by the Director of the Economic and Community Development ~~Department of Community Planning and Business Service~~ for good cause. Good cause shall be limited to conditions beyond the control of the applicant such as failure of governmental bodies to review and approve plans in a timely fashion but shall not include failure to obtain financing or other market conditions.

Section 20-13.6. Amendments to final plans within revitalization overlay area.

After the final approval of the Planning Commission, any subsequent amendments shall be considered as follows:

- If the proposed amendment or change involves minor items, such as changes to the parking compound, landscaping requirements, sign approvals, or any proposed de-intensification to the mass, density or scale of the proposal, such request, upon the determination of the Director of Economic and Community Development ~~Community Planning and Business Services~~, shall be considered and decided by the Planning Commission.
- All other amendments shall be referred to the Mayor and City Council, who, with the recommendation of the Planning Commission, shall consider such an amendment, after holding a public hearing on the matter.

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Section 20-13.11. Amendment to revitalization overlay area map.

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- (4) *Public hearings.*
2. Such notices shall contain the name of the owner of record, the amendment number, the telephone number, office address and business hours of the Department of Economic and Community Development ~~Community Planning and Business Services~~, and, if then known, the date, time and place fixed for the hearing. Such notice shall state with particularity the nature of the map amendment. Such notice shall also:



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- i. State that a copy of complete submission, including exhibits and testimony summaries, is available for inspection at the Department of Economic and Community Development ~~Community Planning and Business Services~~.
- ii. Inform the recipient of the requirements for prehearing statements for groups or organizations desiring to appear in opposition.
- iii. Advise the recipient as to how he may obtain a complete copy of this subsection and of the fact that the amendment has been referred to the Planning Commission for review and recommendation where required.
- 3. Such notification shall be by certified mail/return receipt requested.
- 4. The return receipts and/or evidence of attempt(s) to notify shall be provided to the Department of Economic and Community Development ~~Community Planning and Business Services~~ before any hearing will be scheduled.

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Section 20-14.4. Fees.

The granting of any approval for air rights shall be subject to administrative fees, as well as any legal fees. The Mayor shall set the fees for activities and services performed by the Department of Economic and Community Development ~~Community Planning and Business Services~~ in carrying out its responsibilities under this subsection. Fees shall be subject to review and revision periodically as experience dictates to insure that the fees are equitable and in line with the costs of administration.

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Section 20-15.2. Zoning districts.

- (a) *Generally.* A satellite earth station antenna may be installed as an accessory use in all zoning districts of the City. Except as hereinafter provided, all such installations shall require a permit from the Department of Economic and Community Development ~~Community Planning and Business Services~~ (hereinafter in this Section 20-15, referred to as "the Department"), and, unless otherwise expressly provided herein, shall comply with the following requirements:

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Section 20-16.10. Parking area improvements.

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- (f) *Disabled vehicles.* In any zone, the storage of any motor vehicle for a period in excess of fourteen (14) days is prohibited when such vehicle is wrecked, partially dismantled, or inoperable, that is incapable of being moved under its own automotive power. This section shall not apply to one (1) wrecked, partially dismantled, or inoperable vehicle, which is kept in a wholly enclosed garage, repair facility, towing station, or the like, as otherwise provided by this article.

The chief of police or his designee shall be authorized to issue the municipal infraction citation for a violation of this section, in addition to the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ or his designee who is otherwise authorized to issue such citations as to infractions of the article generally.

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Section 20-17.7. Administration and enforcement.

- (j) *Appeals.*

- (1) A person aggrieved may appeal the decision of the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ or the Planning Commission to the Board of Appeals (hereinafter "the Board") within thirty (30) days of that decision. Anything to the contrary herein notwithstanding, there shall be no right of appeal from any action of the Planning Commission relating to requests for hardship modifications, pursuant to this division. The Board of Appeals shall hold a public de novo hearing on that appeal. Written and/or oral testimony shall be received by the Board at that hearing. The Board of Appeals shall give at least fifteen (15) days' written notice of the time, date, and place of the hearing to the appellant, and the owner of the property on which the sign is located, if different from the appellant. The Board of Appeals may also give notice to any other citizen, organization, or agency which the Board believes may have an interest in the proceedings but need not do so. The Board of Appeals may continue any hearing for good cause which shall include, but not be limited to allowing the Board to request additional



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information, reports, or other data to assist it in reaching its decision.

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Section 20-20.8. Solar energy collection panels.

(a) *Standards for site improvements applicable in all zones.*

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- (2) Installation of rooftop (building-mounted) or freestanding (ground-mounted) solar energy collection panels shall require a building permit and/or electrical permit from the Department of Economic and Community Development ~~Community Planning and Business Services~~ prior to installation. The Department shall require a plan of survey depicting the location, setbacks, size, buffer, and other related appropriate information for accessory structures. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.

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(b) *Residential requirements.*

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- (2) Ground.
 - a. Installation of solar energy collection panels on a lot for residential purposes shall be prohibited in the front yard. Installation in the rear yard and side yards of said lots shall be located on properties of one (1) acre or greater.
 - b. All ground mounted solar energy collection panels shall be completely screened from view at ground level from adjacent properties and streets with year-round vegetative screen, buildings and/or solid fencing. No site plan shall be required unless the Director of the Economic and Community Development ~~Department of Community Planning and Business Services~~ finds that the installation does not meet the standards herein.

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(c) *Nonresidential requirements*

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- (2) Ground. Installation of solar energy collection panels on nonresidential lots shall be permitted in the side and rear yards of said lots provided, however, that if said solar energy collection panels are visible to residential lots or zones, the lot owner shall provide appropriate effective natural buffering material that will completely block the view of said panels from abutting residential zone or properties. Ground arrays shall be located so that any glare is directed away from an adjoining property. All ground mounted solar energy collection panels shall be screened from view at ground level from adjacent properties and streets with year-round vegetative screen, buildings and/or solid fencing. No site plan shall be required unless the Director of the Economic and Community Development ~~Department of Community Planning and Business Services~~ finds that the installation does not meet the standards herein. Installation of ground array solar energy collection panel shall be subject to the issuance of a building and electrical permit. The Chief Building Official shall make a finding as to whether or not the ground installation meets the standards contained herein. All ground arrays shall be set back in conformance with the bulk standards for accessory structures in commercial districts as provided elsewhere in the Unified Land Development Code. The total surface area of all ground-mounted solar energy collection panels on the lot shall not exceed one thousand two hundred (1,200) square feet on each lot. Ground arrays shall not exceed a height of ten (10) feet.
- (d) Additional regulations and requirements:
- (1) If, in the opinion of the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~, the installation of the solar energy collection systems does not satisfy the provisions of this section, they shall refer said application for site plan approval by the Planning Commission.
- (e) Abandonment.
- (1) A solar energy system that is out of service for a continuous twelve-month period will be deemed to have been abandoned and decommissioned.
- (2) The Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ may issue a notice of



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abandonment to the owner. The notice shall be sent via regular and certified mail, return receipt requested, to the owner of record.

- (3) Any abandoned system shall be removed at the owner's sole expense within six (6) months after the owner receives the notice of abandonment from the municipality. If the system is not removed within six (6) months of receipt of notice from the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ notifying the owner of such abandonment, the City may remove the system as set forth below.

* * * *

Section 20-21.2. Issuance of building, use, and occupancy permits; annual certification of operation; complaints; revocation.

- (a) *Issuance of building permits.* No building permit shall be issued for any building or other structure to be constructed, reconstructed, or altered pursuant to a special exception unless such construction is in accord with the terms and conditions established by the Board of Appeals in its resolution to grant, including any exhibits referred to therein. The City may revoke any building permit for such construction when it is determined that construction is not in accord with the terms and conditions established by the Board of Appeals as herein provided. Nothing contained herein shall be construed to prohibit the Department of Economic and Community Development ~~Community Planning and Business Services~~ in its exercise of reasonable discretion, to allow minor adjustments during construction which do not alter the location of structures, external appearance, use, or conditions of the special exception. The Department of Economic and Community Development ~~Community Planning and Business Services~~ shall immediately notify the Board of Appeals of any deviations from the special exception plans as approved by the Board. Substantial changes proposed during construction shall require rehearing before the Board on thirty (30) days' notice to all persons entitled to notice of the original application.
- (b) *Issuance of occupancy permits.* Following the construction or alteration of any structures, or the installation of screening or landscaping, permitted or required by special exception, the applicant shall certify to the Department of Economic and Community Development ~~Community Planning and Business Services~~ that such construction is complete and that all representation to, and terms and



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- conditions imposed by, the Board have been complied with. No occupancy permit shall be issued for such use until the Department of Economic and Community Development ~~Community Planning and Business Services~~ has received such certification, given five (5) days' written notice to all parties who participated in or were entitled to notice of the original hearing, and conducted a thorough final inspection of the construction, alteration, screening, and landscaping; provided, however, that a temporary occupancy permit may be issued prior thereto for a period not to exceed ninety (90) days upon evidence that landscaping and screening were delayed due to adverse weather conditions or other circumstances beyond the control of the applicant.
- (c) *Certification of operations.* The Board of Appeals may, when deemed appropriate, require an annual review of full condition and terms imposed by Board.
- (d) *Complaints.* Notice of complaints received by a representative of the City, concerning the operation of any special exception shall be transmitted promptly to the Board and the Department of Economic and Community Development ~~Community Planning and Business Services~~, each of which shall take appropriate action as provided by law. The complainant shall be notified of the action taken.
- (e) *Revocation.* Whenever the Department of Economic and Community Development ~~Community Planning and Business Services~~ shall determine that a special exception appears to have been abandoned, or that all of the terms and conditions of its grant are not being complied with, the Department shall notify the Board and the City Solicitor's Office. Upon receipt of notice of such determination by the Department, the Board shall issue an order to show cause why such special exception should not be revoked. Notice thereof shall be given to the party to whom the special exception has been granted and to all parties who would be entitled to receive notice of a new application for special exception concerning the property. Any special exception not established within two (2) years of being granted by the Board of Appeals shall become null and void. If a special exception is abandoned and not used for a period of two (2) years after it has been established, it may be revoked following the same procedure hereinabove.

Section 20-21.3. Procedure.



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- (a) *Requests for special exceptions to be filed with Department of Economic and Community Development ~~Community Planning and Business Services~~.* Petition for the grant of special exceptions shall be filed with the Department of Economic and Community Development ~~Community Planning and Business Services~~ on forms provided, therefore. The petitioner shall submit two (2) copies of plans and specifications or other data or explanatory material, stating the methods by which he will comply with the conditions specified in the provisions set forth for the proposed special exception.

* * * *

Section 20-22.3. Accessory apartments.

In the R-5, R-55, R-20, R-T, R-30, R-18 and C-V zones, an accessory apartment; provided that such use is located in a single-family detached dwelling only, and that such apartment shall be only for the use of an elderly or handicapped person as defined in Section 20-1.7 of this article, and provided further that such use shall be subject to all the following conditions:

* * * *

- (f) The applicant shall provide drawings, plans, and specifications to scale depicting the floor plan of the accessory apartment, which shall include the number of rooms, and their functions, and any other information required by the Department of Economic and Community Development ~~Community Planning and Business Services~~. The accessory apartment shall be located entirely within the existing dwelling, and additions to existing dwellings for the purpose of creating an accessory apartment are prohibited. Accessory apartments shall not exceed twenty-five (25) percent of the floor area of the main dwelling structure. Accessory apartments may contain a separate kitchen facility, with provision for living, dining, sanitary, and sleeping accommodations.

* * * *

- (i) In the event of a change of occupancy of the accessory apartment, the owner shall promptly, but no later than fifteen (15) days prior to any new occupancy, apply for a new use and occupancy permit for the accessory apartment. Such application shall include evidence satisfactory to the Department of Economic and Community Development ~~Community Planning and Business Services~~ that the provisions of this Section 20-22.3, including the qualifications of the new occupant as elderly or

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handicapped, shall continue to be complied with. No such new occupancy shall be permitted until the issuance of the new use and occupancy permit. In the event that there will be any substantive deviations from the original application, the new use and occupancy permit shall not be issued until an amendment to the special exception is approved by the Board of Appeals. Failure to comply with the provisions of this subsection shall be grounds for the denial of the use and occupancy permit and revocation of the special exception.

* * * *

Section 20-22.38. Entertainment uses.

* * * *

- (g) The applicant shall provide written exterior refuse control plan, which must be approved by the Department of Economic and Community Development ~~Community Planning and Business Services~~ and the Department of Public Works.
- (h) The applicant has provided a floor plan, which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
- (i) The plan shall demonstrate to the satisfaction of the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ and the Director of the Department of Public Works, that the level of service on all streets accessed by the use shall be acceptable and not cause a reduction in the levels of service (LOS) identified within the required traffic study submitted in conjunction with the special exception application.
- (j) If the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ determine that additional parking analysis is necessary the applicant shall provide a detailed parking needs study based on comparable establishments.

* * * *

Section 20-23.1. Continuation and discontinuation of use.

* * * *

- (h) *Fees.* The Mayor shall set the fees for activities and services performed by the Department of Economic and Community Development ~~Community Planning and~~

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~~Business Services~~ in carrying out its responsibilities under this subsection. Fees shall be subject to review and revision periodically as experience dictates to insure that the fees are equitable and in line with the costs of administration.

Section 20-23.2. Enlargement of nonconforming use.

* * * *

(c) No nonconforming use may be expanded except in the manner provided in this section.

(1) *Applications for expansion.*

a. Applications for expansion of nonconforming uses shall be subject to the procedures established in Section 20-21, Special Exceptions.

b. Upon approval by the Board of Appeals, a nonconforming use of a structure may be expanded throughout the same structure to occupy a part of a structure that it did not occupy on the effective date of these Zoning Regulations, January 1, 1990.

(2) *Application requirements.* All applications for expansion of nonconforming uses shall be accompanied by plans and on any forms prescribed by the Economic and Community Development ~~Community Planning and Business Services~~ Director and shall at a minimum include the following:

a. A statement in writing by the applicant and adequate evidence showing that the expanded nonconforming use will conform to the standards set forth in the article.

b. Applicant shall provide the names and address of all persons having a financial or vested interest in the project and in the case of firms, partnerships and corporations, the names, and addresses of all principals of the firm, partnership or corporation, who have financial or vested interest in the project for which the application is made.

* * * *

Section 20-23.3. Expansion of nonconforming use.

* * * *

(b) *Application requirements.* All applications for expansion of nonconforming uses shall be accompanied by plans and on any forms prescribed by the ~~Community~~

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Economic and Community Development ~~Planning and Business Services~~ Director and shall at a minimum include the following:

- (1) A statement in writing by the applicant and adequate evidence showing that the expanded nonconforming use will conform to the standards set forth in this article.
- (2) Applicants shall provide the names and addresses of all persons having a financial or vested interest in the project and in the case of firms, partnerships and corporations, the names and addresses of all principals of the firm, partnership or corporation, who have a financial or vested interest in the project for which the application is made.

* * * *

(c) *Expiration of approval.* No approvals of expansion of a nonconforming use shall be valid for a period longer than one (1) year from the date of the approval, unless the building permit is obtained within that period and the expansion of the use is commenced within that period. However, the Economic and Community Development ~~Community Planning and Business Services~~ Director, upon a showing of good cause, may grant up to two (2) successive extensions of the approval for periods not longer than six (6) months each, provided that a written application for each extension is filed while the prior approval is still valid.

* * * *

Section 20-23.5. Certification of nonconforming use.

Satisfactory evidence as to the actual existence of a nonconforming use is a prerequisite to its continuance and shall be established by the issuance of a use and occupancy permit by the Chief Building Official upon approval and certification by the Planning Commission. In addition, it shall be supported by documentary evidence, such as tax records, business records, public utility installation or payment records and written statement(s), based on personal knowledge, containing specific data respecting the exact nature of the building, structure and use; the location thereof, accompanied by a legal description; the commencing date of such use and continuity thereof as nearly as can be determined; the precise limits of the use as to land area, building, and the like. Such written statement(s) shall be prima facie evidence only as to the facts stated therein and shall not be conclusive, even though not contradicted by counter statement(s). The Planning Commission, in determining the sufficiency of applications for such permits, shall consider such information as may be made available to it by the Department of Economic and



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Community Development~~Community Planning and Business Services.~~

* * * *

Section 20-24.4. Who may apply for amendment; requirements as to filing application for amendment.

Petition for amendment of the Zoning Regulations text and Zoning Map may be made by any interested person or governmental agency by submitting for filing an application for the proposed amendment with the Director of the Department of Economic and Community Development~~Community Planning and Business Services~~ or may be submitted by the Mayor and City Council by filing such an application on their own motion. An application shall not be accepted for filing by the Department if the application fails to conform to any of the applicable requirements of this division, including the payment of any fee as shall be established by the Mayor and City Council, nor if the application is for the reclassification of the whole or any part of the land, the reclassification of which has been approved or denied by the Mayor and City Council on the merits within eighteen (18) months prior to the date of submission of the application for filing; and if there have been two (2) or more such previous applications upon which action has been taken by the Mayor and City Council, then no new application involving the same property or any part thereof shall be accepted until twenty-four (24) months after the date of the latest such action by the Mayor and City Council on the most recent application. After acceptance for filing, an application for a Zoning Map amendment shall not be modified or amended as to the area proposed to be reclassified or as to the class of zones requested. All applications shall be subscribed by the applicant. In case of a text amendment, the application shall set forth new text to be added and existing text to be deleted.

Section 20-24.5. Form of application to amend zoning map, and accompanying papers.

* * * *

- (c) An information copy of the existing Zoning Map, available from the Department of Economic and Community Development~~Community Planning and Business Services~~, shall serve as a vicinity map and shall be furnished by the petitioner covering the area within at least one thousand (1,000) feet of the boundaries of the land proposed to be reclassified showing the existing classification of all land appearing on the map as shown by the Official Zoning Map on file in the

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Department of Economic and Community Development~~Community Planning and Business Services~~.

* * * *

Section 20-24.6. Filing fees and deposits.

The Mayor shall set the fees for activities and services performed by the Department of Economic and Community Development~~Community Planning and Business Services~~ in carrying out its responsibilities under this subsection. Fees shall be subject to review and revision periodically as experience dictates to insure that the fees are equitable and in line with the costs of administration.

Section 20-24.7. Erection of sign; tampering with sign prohibited.

* * * *

The blanks shall be filled in with the assigned application and one (1) alternative classification sought. If the land sought to be reclassified lies within more than one (1) block as shown on a plat recorded in the land records of Prince George's County, then a sign shall be erected by the applicant on the land in each such block. No sign shall be furnished by the Department of Economic and Community Development~~Community Planning and Business Services~~ to the applicant unless the applicant has first delivered to the Department a receipt from the City Department of Budget and Personnel Services showing payment to the City of a deposit as prescribed by the Mayor and City Council. At the hearing it shall be the duty of the applicant to prove by affidavit that he has fully complied with this section and has continuously maintained the sign up to the time of the hearing. Any such sign shall be maintained at all times by the applicant until a decision on the application has been made public by the Mayor and City Council and then shall be removed by the applicant within five (5) days thereafter. It shall be unlawful for any person to remove or tamper with such sign during the period it is required to be maintained under this paragraph.

Section 20-24.8. Notice and hearing; inspection of records.

Upon accepting any application for filing the City Clerk shall set the application for a hearing by the Mayor and City Council at a specified date, time and place, and shall cause to be published once at the expense of the applicant in a paper of general circulation in the City a notice of the public hearing on such application stating the application number, date, time and place of hearing and containing:



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- (b) The Department of Economic and Community Development ~~Community Planning and Business Services~~ shall notify, by certified mail, the applicant, and all owners of assessment record of real property immediately adjacent to the property proposed to be reclassified of the date, time, and place of hearing. Failure of any property owner to receive such mailing shall not be construed to nullify such hearing. The date of hearing shall not be less than fifteen (15) days following the newspaper publication of the notice. All application files in the custody of the Department of Economic and Community Development ~~Community Planning and Business Services~~ shall be open to public inspection during regular office hours. They shall not be removed from the Department of Economic and Community Development ~~Community Planning and Business Services~~ office or inspected therein at other times by any person except that such files may be removed from such office or inspected therein at other times by any person pursuant to Court Order or by a member of the City Council, or by the Planning Commission.

* * * *

- (d) Within five (5) days after acceptance for filing the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ shall transmit a copy of the application to the Planning Commission. The Planning Commission shall submit a written recommendation which shall be incorporated in the application file and which thenceforth shall be considered a part of the record of the applicant.

* * * *

Section 20-25.7. City Administrator, City Solicitor, Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~, and other officers and employees.

The City Administrator or their designated representative shall be the Chief Executive Officer of the Historic District Commission, and the City Solicitor shall serve as attorney for the Historic District Commission. The Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ or his designated representative shall serve as staff to the Historic District Commission. There may be appointed architects, historians, engineers (either full or part time) and/or other such employees as may be deemed necessary for the Historic District Commission to carry out its functions. All applications, plats, maps, and other matters and papers as are required



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to be filed with the Historic District Commission by ~~Article 66B~~ the Land Use Article of the Annotated Code of Maryland, as amended, or regulations adopted pursuant thereto, shall be filed with the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~, or their respective designated representative, and the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ or their respective designated representative shall be responsible for presenting all such applications, plats, maps and other matters or papers to the Historic District Commission for its consideration for action.

* * * *

Section 20-26.5. Review of applications.

- (a) These guidelines shall be construed and applied to be, consistent with the provisions of ~~Article 66B~~ Land Use Article, Sections ~~8-01-8-301—8-17 8-308~~ of the Annotated Code of Maryland, as amended. In the event of any conflict between these guidelines and the aforesaid provisions of state law, state law shall be controlling.
- (b) Copies of these guidelines, and the Commission's Rules of Procedure, shall be made available to the general public. The Department of Economic and Community Development ~~Community Planning and Business Services~~ shall provide such copies and may charge a nominal fee for it.

* * * *

Section 20-26.12. Colors.

The 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 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 Community Development ~~Community Planning and Business Services~~ at the Laurel Municipal Center, 8103 Sandy Spring Road, Laurel, MD, 20707.

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



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Section 20-26.13. Demolition.

* * * *

(b) *Initial hearing; 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 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 ~~Community Planning and Business Services~~. 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.

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.

(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 ~~Community Planning and Business Services~~. 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.

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

- d. *Third hearing; consideration 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.



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In cases where new construction is proposed, a City demolition permit shall not be issued by the Department of Economic and Community Development ~~Community Planning and Business Services~~ until replacement plans are approved by the Planning Commission 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 be submitted.

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

* * * *

Section 20-26.19. Landscaping.

- (a) The Historic District Commission requires the submission of a detailed scaled landscape plan prior to final approval of the plans for new construction, including additions.
- (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.
- (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 commission approval so long as the staff and the City agree that the landscaping or tree is a hazard or diseased. Such tree or landscaping must be replaced only if required by an approved site or landscape plan. The Director of Economic and Community Development ~~Community Planning and Business Services~~ shall approve any requests for removal of trees or shrubs.

* * * *



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Section 20-27.1. In general.

* * * *

(b) *Standards; Landscape Manual.*

- (1) *Standards:* Landscaping shall be provided in accordance with the requirements of this Subtitle, Article I, Zoning, and Article V, Forest Conservation of this Code and the City of Laurel Landscape Manual.
- (2) *Landscape Manual:* The City of Laurel Landscape Manual is the technical manual used to establish performance standards and guidelines for preparing landscape plans. The manual is prepared by the Department of Economic and Community Development ~~Community Planning and Business Services~~ and adopted by resolution of the Mayor and City Council. The manual shall address, but is not limited to the amount of landscaping materials required, suitable landscaping materials, and alternative means of compliance.

* * * *

Section 20-27.3. Alternative compliance.

The Department of Economic and Community Development ~~Community Planning and Business Services~~ may approve an alternative to the landscaping requirements of this Title and the landscaping manual upon determining that the proposal meets the intent of this Subtitle and meets or exceeds the standard requirements. Alternative plans may be approved when unusual topographic constraints, sight restrictions, siting requirements, preservation of existing stands of trees, preservation of specimen trees or when similar conditions prevent strict compliance with the landscape standards.

* * * *

Sec. 20-28.3. - Definitions.

* * * *

Development Project. Any project to develop or construct any building or other above-ground structure, park, plaza, bridge, parking lot or facility, or any portion thereof, the development or construction of which is subject to the Laurel City Code, subject to exclusions as set forth herein.

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Work of art. An object, objects, or surface embellishment produced with a degree of skill and craftsmanship, and according to aesthetic principles. A work of art shall be an original creation, and not a mass-produced entity or expression, that may include, but not be limited to, a social, cultural, or historical theme. Examples of works of art include, but are not limited to; paintings, murals, sculptures, statues, tapestries, engravings, carvings, collages, mosaics, photographs, fountains, drawings, or mobiles, located on either the exterior or interior of a facility or property (if open to the general public) that can be easily viewed by the general public.

* * * *

Section 20-28.4. Standards for design.

* * * *

(c) *Site landscape requirements.* The City of Laurel Landscape Manual, as amended, is adopted by reference in Section 20-27.1 as the guideline for appropriate plantings. This document is on file with the Department of Economic and Community Development ~~Community Planning and Business Services~~.

* * * *

Section 20-28.5. Maintenance for good appearance.

For a one-year period from project final approval by the Department of Economic and Community Development ~~Community Planning and Business Services~~ or the issuance of a Use and Occupancy Permit, whichever is later, the site, buildings and appurtenances, illumination elements, and public property shall be maintained as follows:

* * * *

Sec. 20-28.6 – Art in Public Places

The provisions of this article shall require the involvement of the City and its appointed departments and councils in the selection of works of art to be applied to projects located within the City, as set forth herein. Said works of art, which shall be referred to herein as “public art,” shall be either: (1) a new work of art on an existing developed commercial, industrial, or mixed-use property; or (2) works of art that are provided and/or funded in connection with the private development of any Development Project that is located within the City limits, subject to the City Code. The Public Art described herein includes works of art that are easily visible to the general public without entering private spaces, unless such private spaces are open to the general public. It is the intention of the City that artists

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involved in any such public art project be allowed artistic flexibility and creative expression.

(a) Prohibited content and mediums for public art

Prohibited content, mediums, and characteristics for public art shall be, but are not limited to, the following:

- (1) Videos.
- (2) Flashing and/or strobing images.
- (3) Art that generates noise that is an excessive distraction.
- (4) Nudity.
- (5) Political endorsement of political figures and/or political parties.
- (6) Art that generates fumes and/or odors.
- (7) Words or visual expressions that involve obscenity, fighting words, defamation and/or pornography
- (8) Advertisement of products and/or services.
- (9) Any structure that is likely to dangerously impede and/or distract automobile drivers.
- (10) Any structure that would obstruct walkways and/or public walking paths, or otherwise prevent the safe passage of pedestrians.

Sec. 20-28.7 – Process; Recommendation of the Arts Council.

- (a) Any proposal for public art to be exhibited in a public place shall first be submitted to the City of Laurel Arts Council for its review and recommendation. Any such art proposal shall describe, visually and verbally, the nature of the proposal, and the location where it is proposed to be displayed. Within sixty (60) days of the submission of the project proposal, the Arts Council shall determine, by majority vote of all members present, whether to recommend approval, disapproval, or provide no recommendation of the proposal to the City Administration as to the desirability and overall merit of the proposed works of art. If the Arts Council



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fails to act within said timeframe, it shall go to the City Administration with no recommendation from the Arts Council.

- (b) Upon receipt of the recommendation (which may include no recommendation) of the art proposal from the Arts Council, the City Administration shall make the determination as to whether said art proposal is approved for display. The City Administration shall establish policies deemed appropriate for the approval and implementation of any such art proposal.

Sec. 20-28.8 – Public Art Provided or Funded by Private Development.

- (a) Development projects in the City, except those excluded as set forth below, shall be required to either provide or fund public art, and said requirement shall be satisfied by utilizing one (1) or more of the following:

(1) Funding and installation of public art at any of the following locations:

- a. On the project development site
- b. On other private property within the same Ward as the project site.
- c. On City property within the same Ward as the project site, provided that such placement is approved by the City, utilizing the process as set forth in Section 20-28.7 above.

(2) All Development Projects not otherwise providing for the funding and installation of public art, as set forth above, shall instead pay a fee-in-lieu. Any such fee-in-lieu for this purpose shall be placed in the City of Laurel Arts Council Fund to be used toward a public art project to be located within the Ward of the City in which the development project is located.

- a. The following constitutes the minimum amount of expenditure should the developer/builder choose to fund a public art project, or the fee-in-lieu should the developer/builder choose that option, as set forth above:



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Development Type	Cost per dwelling unit (DU)/gross floor area (GFA)
<u>Single-family detached, semi-detached, townhouse</u>	<ul style="list-style-type: none"> • <u>First one hundred (100) DU's: \$75.00 per DU</u> • <u>Above the first one hundred (100) units: \$50.00 per DU</u>
<u>Multi-family</u>	<ul style="list-style-type: none"> • <u>First one hundred (100) DU's: \$100.00 per DU</u> • <u>Above the first one hundred (100) DU's: \$50.00 per DU</u> •
<u>Commercial (incl. parking structures)</u>	<ul style="list-style-type: none"> • <u>First one hundred thousand (100,000) square feet of GFA: \$0.30 per square foot</u> • <u>Second one hundred thousand (100,000) square feet of GFA: \$0.20 per square foot</u> • <u>Beyond two hundred thousand (200,000) square feet of GFA: \$0.15 per square foot</u>

(b) The following development projects are excluded from the requirements of this section:

- (1) New residential development consisting of no more than thirty (30) dwelling units.
- (2) New residential development consisting of more than 30 dwelling units, of which at least 25% are affordable units, as defined in Article III of the Laurel City Code.
- (3) New construction or renovation of houses of worship and their accessory uses on the same site.
- (4) New construction or renovation of eleemosynary institutions and their accessory uses on the same site.
- (5) Renovation or reconstruction projects caused by vandalism, civil disobedience, or acts of God, including, but not limited to, fire, flood, earthquake, explosion or extreme weather.

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(6) New construction of parking structures that are accessory to a primary use on the site.

(7) Renovation and/or expansion of existing residential, commercial, or industrial development.

(c) General criteria for the design, selection and installation of the public art in private places.

(1) Project proposals should be located in places open and available to the general public, and where the public has clear visual access, such as plazas, green spaces, lobbies, squares, etc.

(2) Project proposals should be designed with safety, durability, and appropriateness of the proposed location as important considerations.

(3) Ownership. All works of art involved in its installation will become the property of the owner of the land on which the art is located, unless a written agreement to the contrary is executed by the artist, the property owner, the developer/builder (if different than the property owner), and an authorized representative of the City.

(d) Required materials for the submission of an application for public art in private places.

(1) A conceptual plan for the works of art shall be submitted with any application for a Development Project for which public art in private places is required, as set forth in this Section.

(2) A final plan for the works of art shall be submitted with any building permit required for the Development Project and shall include a detailed description/depiction of the art, a list of materials required for the art, and the amount of



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expenditure that will be required for the Development Project.

(e) Maintenance of installed works of art.

- (1) Installed works of art must be maintained so as not to degrade into a state of disrepair or become a public safety hazard and/or nuisance.
- (2) Failure of the owner of the property upon which the work of art is located to maintain the art shall constitute a violation of this Division. The City reserves the right to remove the work of art at the expense of the owner of the property upon which it is located if it is found to be a safety hazard, or if its artistic merit has been significantly damaged or degraded, in the sole opinion of the City Administration.

(f) Removal, or relocation of installed works of art.

- (1) An installed work of art may be relocated or replaced, subject to the approval of the City Administration, provided that it remains within the site or otherwise meets the (standards related to location of the public art set forth within this Section of the City Code.

Section 20-29.10. Mandatory dedication or fee-in-lieu of open space.

* * * *

- (c) Any land to be dedicated as a requirement of this section shall be usable and reasonably adaptable for use for active park and recreation purposed and shall be so located so as to be reasonably accessible to all the residents of the subdivision. Usable within this section means no more than twenty-five (25) percent of the property can be slopes greater than five (5) percent or flood plain or wetlands. Factors used in evaluating the adequacy of the proposed park and recreation areas may include by not be limited to size and shape, topography, geology, vegetation, access, and location. Steep slopes, streams, lakes, watercourses and floodplains may be considered up to twenty-five (25) percent of the recreational



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land requirement. In all instances, a minimum of seventy-five (75) percent of the recreation land requirements shall be suitable for dry ground recreational use. Seventy-five (75) percent of the dry ground recreation area should not exceed five (5) percent grade. Exceptions to the preceding may be granted in cases of exceptional hardship or where the property to be dedicated has exceptional value to the City. Such decision shall be made by the Planning Commission. Where the land has been adversely affected by the developer's operation, or his lack of control over the use of the land or where it is necessary to alter or change, to make it a suitable site, by clearing, grading, drainage or a combination thereof, a construction plan must be approved by the Department of Economic and Community Development ~~Community Planning and Business Services~~, the Department of Parks and Recreation, and other required agencies. Such changes or improvements are to be required on said plan to the standards of the above Departments and agencies.

* * * *

Section 20-29.11. Subdivision control of floodplain areas and unsafe land.

- (a) *Floodplain.* The commission shall, for the health, safety, comfort, and welfare for the present and future inhabitants of the City of Laurel, restrict, control, or prohibit the subdivision for development of any real property which lies within the fifty-year floodplain of any streams or drainage course. In floodplain areas not specifically delineated by the United States Army Corps of Engineers, the developer shall be required to furnish a floodplain study prepared by a professional engineer or other qualified person(s) as determined by the Department of Economic and Community Development ~~Community Planning and Business Services~~, showing the extent of the fifty (50) year floodplain within the property to be developed and on adjoining property, both before and after any fill is placed; or at his option to substitute a one hundred (100) year floodplain area(s) delineation established by the U.S. Army Corps of Engineers in a floodplain engineering study(ies). In the case of proposed subdivision property which includes such a floodplain area along a stream which is to be left open in its natural state, then, unless such area is to become a public park or recreation area, maintained by a designated, responsible public authority, the area shall be denoted upon the subdivision plat submitted for approval as a floodplain easement across the lots in such portion of the proposed subdivision, and properly described and recorded among the Prince George's County land records. The plat shall denote that the floodplain easement area may be used if



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necessary for utility lines and/or storm drainage facilities, but restricted from any use which would interfere with the purpose(s) of such easement to preserve the floodplain area(s) from encroachment by any structure(s), but excepting any open-type fencing which will not obstruct the floodway or stream. Any lot or area containing such a floodplain easement shall contain an equivalent area of land outside the easement area as otherwise required by the zoning in such location.

* * * *

Section 20-30.4. Fees.

The Mayor shall set the fees for activities and services performed by the Department of Economic and Community Development~~Community Planning and Business Services~~ and Public Works Department in carrying out their responsibilities under this article. Fees shall be subject to review and revision periodically as experience dictates to insure that the fees are equitable and in line with the costs of administration.

* * * *

Section 20-41.2. Definitions.

In this article the following terms have the meanings indicated:

* * * *

Department means the City Department of Economic and Community Development~~Community Planning and Business Services~~ which is charged, pursuant to this chapter, with implementing the local forest conservation program.

Section 20-41.3. Application.

* * * *

(b) This section does not apply to:

- (1) Highway construction activities pursuant to the Annotated Code of Maryland, Natural Resources Article, Section 5-103.
- (2) Commercial logging and timber harvesting operations, including harvesting conducted subject to the forest conservation and management program pursuant to the Annotated Code of Maryland, Tax-Property Article, Section 8-211, that are completed:
 - a. Before July 1, 1991; or

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- b. After July 1, 1991, on property which:
- i. Has not been the subject of application for a grading permit for development within five (5) years after the logging or harvesting operation; and
 - ii. Is the subject of a declaration of intent as provided for in Subsection (c) of this section, approved by the Department of Economic and Community Development ~~Community Planning and Business Services~~.
- * * * *
- (7) A residential construction activity conducted on an existing single lot of any size of record at the time of application, or a linear project not otherwise exempt under this article, if the activity:
- a. Does not result in the cumulative cutting, clearing or grading of more than twenty thousand (20,000) square feet of forest;
 - b. Does not result in the cutting, clearing or grading of a forest that is subject to the requirements of a previous Forest Conservation Plan approved under this article; and
 - c. Is the subject of a declaration of intent filed with the Department of Economic and Community Development ~~Community Planning and Business Services~~, as provided for in Subsection (c) of this section, stating that the lot will not be the subject of a regulated activity within five (5) years of the cutting, clearing or grading of forest.
- * * * *
- (10) An activity required for the purpose of constructing a dwelling house intended for the use of the owner or a child or a grandchild of the owner, if the activity:
- a. Does not result in the cutting, clearing or grading of more than twenty thousand (20,000) square feet of forest; and
 - b. Is the subject of a declaration of intent filed with the Department of Economic and Community Development ~~Community Planning and Business Services~~, as provided for in Subsection (c) of this section, which states that transfer of ownership may result in a loss of exemption.
- * * * *
- (12) A planned unit development that, by December 31, 1992, has:
- a. Met all requirements for planned unit development approval; and



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- b. Obtained initial development plan approval by the Department of Economic and Community Development ~~Community Planning and Business Services~~.
- (c) *Declaration of intent.*
- (1) The purpose of the declaration of intent is to verify that the proposed activity is exempt under Annotated Code of Maryland, Natural Resources Article, Section 5-103 and Sections 5-1601 through 5-1612, inclusive.
- (2) A person seeking an exemption under Subsection (b) above shall file a declaration of intent with the Department of Economic and Community Development ~~Community Planning and Business Services~~.
- * * * *
- (5) If a regulated activity on the area covered by the declaration of intent occurs within five (5) years of the effective date of the declaration of intent:
- a. There shall be an immediate loss of exemption; and
- b. There may be a noncompliance action taken by the Department of Economic and Community Development ~~Community Planning and Business Services~~, as appropriate, under this article.
- (7) The Department of Economic and Community Development ~~Community Planning and Business Services~~ may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:
- a. Meet the retention afforestation and reforestation requirements established in Sections 20-40.3 through 20-40.15, inclusive of this article;
- b. Pay a noncompliance fee of one dollar and fifty cents (\$1.50) per square foot of forest cut or cleared under the declaration of intent;
- c. Be subject to other enforcement actions appropriate pursuant to the Annotated Code of Maryland, Natural Resources Article, Sections 5-1601 through 5-1612, inclusive, and this article; or
- d. File a declaration of intent with the Department of Economic and Community Development ~~Community Planning and Business Services~~.

* * * *

Section 20-41.4. General requirements.

- (a) A person making application after December 31, 1992, for subdivision or local agency project plan approval, site plan approval, development plan approval, a



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grading permit or a sediment control permit for an area of land of forty thousand (40,000) square feet or greater shall:

- (1) Submit to the Department of Economic and Community Development ~~Community Planning and Business Services~~ a forest stand delineation and a Forest Conservation Plan for the lot or parcel on which the development is located; and
 - (2) Use methods approved by the Department of Economic and Community Development ~~Community Planning and Business Services~~, as provided in the Forest Conservation Technical Manual, to protect retained forests and trees during construction.
- (b) If a local agency or person using state funds makes application to conduct a regulated activity, the following procedure shall apply:
- (1) The subdivision or project plan or application for grading or sediment control permit or other construction plan shall be submitted to the Department of Economic and Community Development ~~Community Planning and Business Services~~; and
 - (2) The Department shall notify the Department of Natural Resources within fifteen (15) days of receipt of the project plan or application.
 - (3) Within fifteen (15) days of receipt of that notice, the Department of Natural Resources shall:
 - a. Determine whether the project has impact on significant forest resources; and
 - b. Notify the Department of Economic and Community Development ~~Community Planning and Business Services~~ whether the project is subject to the state forest conservation program administered by the Department of Natural Resources, as defined in COMAR 08.19.01 (hereinafter the "state program").
 - (4) If the Department of Natural Resources determines that the project is subject to the state program, the:
 - a. Time limit for approval of the forest stand delineation and preliminary and final Forest Conservation Plans shall begin when the Department of Natural Resources receives the necessary documents from the Department of Economic and Community Development ~~Community Planning and Business Services~~; and



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- b. The Department or commission may not approve a subdivision plan or project plan or issue the grading or sediment control plan until the Department of Economic and Community Development~~Community Planning and Business Services~~ receives notice from the Department of Natural Resources that the standards and requirements of the state program have been satisfied.
- (5) If the Department of Natural Resources determines that the project need not be reviewed under the state program, the time limit for approval of the Forest Stand Delineation and Forest Conservation Plans under this article begins when the Department receives notice from the Department of Natural Resources.

Section 20-41.5. Forest stand delineation.

* * * *

- (3) The delineation shall be used during the preliminary review process to determine the most suitable and practical areas for the forest conservation and shall contain the following components:

* * * *

- f. Other information the Department of Economic and Community Development~~Community Planning and Business Services~~ determines is necessary to implement the provisions of this article.
- (4) If approved by the Department of Economic and Community Development~~Community Planning and Business Services~~ a simplified delineation may be submitted for an area:

* * * *

- (7) Time for submittal:
 - a. Within thirty (30) calendar days after receipt by the Department of Economic and Community Development~~Community Planning and Business Services~~ of the Forest Stand Delineation the Department shall notify the applicant whether the forest stand delineation is complete and correct.
 - b. If the Department of Economic and Community Development~~Community Planning and Business Services~~ fails to notify the applicant within thirty (30) days of such receipt, the Delineation shall be treated as complete and correct; provided, however, that the Department may extend such thirty (30)

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day period for a reasonable time to complete its review, and shall notify the applicant of such extension of time.

- c. The Department of Economic and Community Development~~Community Planning and Business Services~~ may require further information and provide for additional reasonable time for its response to allow for submission and review of the additional information.

Section 20-41.6. Forest Conservation Plan.

* * * *

- (b) *Preliminary Forest Conservation Plan.*

* * * *

- (4) During the different stages of the review process, the preliminary Forest Conservation Plan may be modified, provided the Department of Economic and Community Development~~Community Planning and Business Services~~ approves of the changes; provided however, that any substantive changes shall only be approved by the Planning Commission.

* * * *

- (c) *The final Forest Conservation Plan.*

* * * *

- (2) A final Forest Conservation Plan shall:

- d. If a person is required to conduct afforestation or reforestation, incorporate a binding two (2) year maintenance agreement which meets the following requirements:

* * * *

- v. The maintenance agreement shall provide for access by the Department of Economic and Community Development~~Community Planning and Business Services~~ to the afforestation or reforestation sites;

* * * *

- (5) The Department of Economic and Community Development~~Community Planning and Business Services~~ may revoke an approved Forest Conservation Plan if it finds that:

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- a. A provision of the plan has been violated;
- b. Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement or omission of a relevant or material fact; or
- c. Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.

(6) The Department of Economic and Community Development ~~Community Planning and Business Services~~ may issue a stop work order against a person who violates a provision of this article or a regulation, order, approved Forest Conservation Plan or maintenance agreement.

* * * *

(9) The procedure for approval and amendment of a Forest Conservation Plan shall be as follows:

- a. An application for approval of a forest management plan shall include all information required in the Forest Conservation Technical Manual;
- b. The Forest Management Plan:
 - i. Shall be legally binding from the date of approval,
 - ii. Shall be prepared by a licensed professional forester,
 - iii. Shall be submitted to the Department of Economic and Community Development ~~Community Planning and Business Services~~ and reviewed in conjunction with the review process for a development plan, project plan, preliminary plan of subdivision, site plan, or special exception, and

* * * *

- e. The procedure for amendment of an approved Forest Management Plan shall be as follows:
 - i. An approved Forest Management Plan may be amended if there is a change in site conditions or landowner objectives,
 - ii. Amendments shall be prepared by a licensed professional forester,
 - iii. The amendment shall be submitted to the Department, and
 - iv. The Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ may approve amendments to an approved Forest Conservation Plan that are consistent with this article if:



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* * * *

(13) An applicant may include, in a Forest Conservation Plan, another type of long-term protective measure if the applicant demonstrates to the satisfaction of the Department of Economic and Community Development ~~Community Planning and Business Services~~ that such measure will provide for the long-term protection of the areas retained, afforested, or reforested pursuant to this article.

Section 20-41.7. Afforestation and retention.

* * * *

(b) *Retention.* The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Planning Commission that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:

(4) Trees that:

- a. Are part of an historic site;
- b. Are associated with an historic structure; or
- c. Have been designated by the state or the Economic and Community Development ~~Department of Community Planning and Business Services~~ as a national, state or county champion tree; and

* * * *

Section 20-41.11. Establishing Forest Mitigation Banks.

(a) *Forest Mitigation Banks.*

* * * *

(3) A person proposing to create a Forest Mitigation Bank shall submit to the Department of Economic and Community Development ~~Community Planning and Business Services~~ a:

- a. Completed application on a form approved by the Department of Economic and Community Development ~~Community Planning and Business Services~~ which has been signed by an authorized individual in conformance with COMAR 08.19.04.021;

* * * *

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Section 20-41.12. Payment instead of afforestation and reforestation.

* * * *

- (5) Sites for afforestation or reforestation using fund money:
- a. Except as provided in subparagraph b. below, the reforestation or afforestation requirement under this section shall occur in the City and in the watershed in which the project is located.
 - b. If the reforestation or afforestation cannot be reasonably accomplished in the watershed in which the project is located, then the reforestation or afforestation shall occur in off-site property for mitigation. The Director of Economic and Community Development ~~Community Planning and Business Service~~ and the Director of Parks and Recreation shall develop and maintain a list of properties suitable for off-site mitigation required under Forest Conservation Plans.

Section 20-41.13. Recommended tree species.

(a) *Recommended tree species list.*

- (1) Tree species used for afforestation or reforestation shall be native to the City of Laurel or Prince George's County, when appropriate, and selected from a list of approved species established by the Department of Economic and Community Development ~~Community Planning and Business Services~~.
- (2) The Department shall adopt a list of tree species to be used for any required afforestation or reforestation and incorporate it into the Laurel Forest Conservation Technical Manual.

* * * *

Section 20-41.17. Penalties.

(a) *Enforcement.*

(1) *Noncompliance fees.*

- a. A person found to be in noncompliance with this chapter, regulations adopted under this chapter, the Forest Conservation Plan, or the associated two (2) year maintenance agreement, shall be assessed by the Department of Economic and Community Development ~~Community Planning and Business Services~~ the penalty of one dollar and fifty cents (\$1.50) per square foot of the area found to be in noncompliance with required forest conservation.



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* * * *

Section 20-42.3. Obligation for road improvements.

* * * *

(c) No person shall undertake any road construction without having first obtained a permit issued by the Department of Economic and Community Development ~~Community Planning and Business Services~~, which has been approved by the Director of the Department of Public Works, in accordance with the provisions of this article unless specifically exempted.

* * * *

Section 20-42.8. Appeal.

* * * *

(c) Within fifteen (15) days after the issuance of the decision of the City Administrator, the appellant may submit a written request for review to the Board of Appeals. Such request for review shall be on such forms as may be provided by the Board of Appeals and shall state the appellant's complaint in sufficient detail for the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~, or his or her designee, to investigate it. The Board of Appeals shall hold a public hearing on the appellant's request for review at a regular or special meeting of the Board. Such public hearing shall be held in accordance with the Board's rules of procedure. At such public hearing, the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~, or his or her designee, shall report to the Board as to his or her findings after investigating the matter. The appellant shall then present his or her appeal to the Board. Both the Director of the Department Economic and Community Development ~~of Community Planning and Business Services~~, or his or her designee, and the appellant, may call witnesses to present relevant testimony or documentation. The Board of Appeals shall issue a resolution within fifteen (15) days of the completion of the public hearing, and shall submit a copy of same to the appellant and the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~.

* * * *

Section 20-43.3. Review of application for permit.

* * * *

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- (a) If the Department upon review of the application determines that the proposed work conforms with the design and construction standards, the Department of Economic and Community Development ~~Community Planning and Business Services~~ shall notify the applicant of the amount of the permit fee and the amount and types of bond required.

* * * *

Section 20-43.4. Permit fees.

* * * *

- (b) The Mayor shall set the fees for activities and services performed by the Department of Economic and Community Development ~~Community Planning and Business Services~~ in carrying out its responsibilities under this subsection. Fees shall be subject to review and revision periodically as experience dictates to insure that the fees are equitable and in line with the costs of administration.

* * * *

Section 20-44.12. Planting of roadside trees.

* * * *

- (b) *Planting required.* The permittee shall be required to plant roadside trees within the limits of the permit area and shall be responsible for all costs associated with such planting.
 - (1) In accordance with the design and construction standards, the applicant shall be responsible for preparing an engineering plan detailing the location of the trees, their coordination with driveway aprons, streetlights, utilities, etc., and specifying the species to be planted. When the distance between the curb and the sidewalk is less than six (6) feet, trees may be planted three (3) feet from the sidewalk in the direction away from the road. A ten (10) feet wide tree maintenance easement shall be required if there is less than five (5) feet from the tree to the right-of-way limit. The applicant shall consider such things as conflicts with utilities and traffic control devices when preparing the design. The plan shall be subject to review and approval by the Department of Public Works and the Department of Economic and Community Development ~~Community Planning and Business Services~~ and/or Planning Commission.

* * * *

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Section 20-48.6. Referrals.

Upon introduction of the ordinance for abandonment and closing, the Mayor and City Council shall refer the application to the Director of the Department of Public Works, the Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~, the Chief of Police and to any other City Department, commission, agency or committee which the Mayor and City Council shall designate, such referrals being for the purpose of review and recommendation by such Department, commission, agency or committee. The Mayor and City Council shall specify in its referral the date when such report or recommendation is to be returned to the Mayor and City Council.

* * * *

Section 20-49.27. Penalties.

(a) Any person who violates any provision of Section 20-48.15 shall be guilty of a municipal infraction and shall be subject to a fine of one hundred dollars (\$100.00) for the first offense and four hundred dollars (\$400.00) for any subsequent offense. Any person who violates any provisions of Section 20-48.16 of this article shall be guilty of a municipal infraction and shall be subject to a fine of fifty dollars (\$50.00) for the first offense and four hundred dollars (\$400.00) for any subsequent offense.

Any person who violates any provisions of Section 20-49.16 of this article shall be guilty of a municipal infraction and shall be subject to a fine of fifty dollars (\$50.00) for the first offense and four hundred dollars (\$400.00) for any subsequent offense.

Any person who violates any provisions of Section 20-49.19 of this article shall be guilty of a municipal infraction and shall be subject to a fine of four hundred dollars (\$400.00) for the first offense and four hundred dollars (\$400.00) for any subsequent offense. Each day upon which a violation occurs shall be a separate offense. The Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ or their designee shall be authorized to issue municipal infraction citations pursuant to this subsection.

* * * *

Section 20-50.2. Prohibited discharges.

(a) *Generally.* It shall be unlawful for any person to discharge into any sewer owned or operated by the City, or which is supervised by the City, or which is located in the City, any liquid or substance which he or she knows or has reason to believe may be harmful to any sewer main or appurtenance thereto or to the City sewer system, or



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any sewer system located in the City, or which impedes or tends to impede the flow of liquids or substances in any sewer located in the City; and it shall be unlawful for any person to discharge into any storm sewer owned or operated by the City, or which is supervised by the City, or which is located within the City, any sewage of any kind, or any petroleum product of any kind, or any liquid or substance detrimental in human life or health.

- (b) *Violations; penalties.* The violation of any act prohibited in Subsection (a) hereof, is hereby declared to be a municipal infraction, and not a misdemeanor, the penalty for which shall be a fine of one hundred dollars (\$100.00) for any single initial violation and two hundred dollars (\$200.00) for each subsequent or continuing violation. The Director of the Department of Economic and Community Development ~~Community Planning and Business Services~~ or the Chief Building Official, and officers of the City Police Department, shall be authorized to issue municipal infraction citations for any violation of Subsection (a).

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

PASSED this ___ day of _____, 2022.

ATTEST:

KIMBERLEY A. RAU, MMC
Clerk to the City Council

BRENCIS D. SMITH
President of the City Council

APPROVED this ___ day of _____, 2022.

CRAIG A. MOE
Mayor