

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No. **O-18-09**
Introduced By **City Council**
Date Introduced **April 2, 2018**
First Reading **April 2, 2018**
Second Reading **April 9, 2018**
Date Adopted **April 9, 2018**
Date Effective **May 7, 2018**

AN ORDINANCE concerning

BUILDING CONSTRUCTION

FOR repealing and re-enacting Chapter 63 of the City Code

BY repealing and reenacting, with amendments

Chapter 63 – Building Construction

Sections 63-7 and New Section 63-8 (both as amended by ordinance 90-02)

Code of the City of Seat Pleasant

1994 Edition, as amended

SECTION 1. BE IT ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that Sections 63-7 and the new Section 63-8 of the Code of the City of Seat Pleasant (1994, as amended), be and they hereby are repealed and reenacted, with amendments, to read as follows:

Chapter 63 – Building Construction

§63-7. PAVED SURFACES.

IMPERVIOUS SURFACES ON RESIDENTIAL PROPERTIES.

- A. NOTWITHSTANDING THE PRINCE GEORGE'S COUNTY CODE PROVISIONS RELATION TO IMPERVIOUS SURFACE COVERAGE, THE IMPERVIOUS SURFACE AREA OF THE FRONT YARD OF ANY RESIDENTIAL PROPERTY IN THE CITY OF SEAT PLEASANT SHALL NOT EXCEED TWENTYFIVE PERCENT (25%) OF THE TOTAL AREA OF THE FRONT YARD.
- B. DEFINITIONS.
(1) "FRONT YARD" SHALL MEAN IN ADDITION TO THE DEFINITION IN THIS

CHAPTER, THAT FOR BUILDINGS ON CORNER LOTS WHERE THE BUILDING FACES AN INTERSECTION RATHER THAN EITHER OF THE STREETS, THE FRONT YARD SHALL BE THE TRIANGULAR AREA BETWEEN THE PAVED STREETS AND A LINE DRAWN ACROSS THAT SIDE OF THE BUILDING NEAREST THE STREET AND FACING THE INTERSECTION.

(2) "PERVIOUS SURFACE" SHALL INCLUDE BUT NOT BE LIMITED TO, PAVERS, BRICK, AND GRAVEL AND ALL PAVED AND PREPARED DRIVABLE SURFACES PURSUANT TO THIS CODE. NON-DRIVABLE SURFACES, INCLUDING A SIDEWALK NO WIDER THAN 42", SHALL NOT BE COUNTED AS IMPERVIOUS SURFACE FOR THE PURPOSES OF THIS SUBSECTION.

C. ANY PROPERLY PERMITTED PERVIOUS SURFACE COVERAGE EXISTING THAT DOES NOT COMPLY WITH THE RESTRICTIONS CONTAINED IN THIS SECTION SHALL BE DEEMED A LEGAL NONCOMFIRMING USE. ANY REPLACEMENT OF THE IMPERVIOUS SURFACE TO PERVIOUS SURFACE SHALL CONFORM TO THE REQUIREMENTS OF THIS SECTION. REPLACEMENT MEANS ANY WORK ON AT LEAST FIFTY PERCENT (50%) OF THE IMPERVIOUS SURFACE FOR ANY REASON,

§63-8 PAVING AND DRIVEWAY PERMIT

A. NO PERSON MAY INSTALL, WIDEN, EXTEND, OR ENLARGE, OR INSTALL ANY IMPERVIOUS SURFACE, INCLUDING GRAVEL, CONCRETE, OR ASPHALT IN THE FRONT YARD OF RESIDENTIAL PROPERTY IN THE CITY OF SEAT PLEASANT. ALL CONSTRUCTION OF WALKWAYS, DRIVEWAYS, ETC., MUST BE INSTALLED. WITH PERVIOUS MATERIAL INCLUDING BUT NOT LIMITED TO PAVERS, AND BRICK, WHICH WORK SHALL NOT COMMENCE WITHOUT A PRINCE GEORGE'S COUNTY AND CITY OF SEAT PLEASANT PERMIT. IT SHALL BE THE POLICY OF THE CITY THAT THE ADDITIONAL OF GRAVEL SIMILAR TO THE EXISTING GRAVEL OVER THE EXISTING GRAVEL FOOT PRINT SHALL BE CONSIDERED MAINTENANCE AND SHALL NOT REQUIRE A PERMIT.

B. THE APPLICATION FOR A PERMIT SHALL CONTAIN ALL INFORMATION RELEVANT AND NECESSARY TO DETERMINE WHETHER THE PERMIT MAY BE ISSUED, INCLUDING, BUT NOT LIMITED TO:

(1) THE APPLICANT'S FULL NAME, CURRENT ADDRESS, TELEPHONE NUMBER, PROOF OF IDENTITY AND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PROPERTY OWNER, IF NOT THE SAME AS THAT OF THE APPLICANT;

(2) A FULL DESCRIPTION OF THE PROPOSED INSTALLATION, INCLUDING THE MATERIAL THAT WILL BE INSTALLED, THE SQUARE FOOTAGE OF THE AREA TO BE COVERED, AND THE SPECIFIC LOCATION ON THE PROPERTY OF THE PROPOSED INSTALLATION; AND

(3) A SITE PLAN OR OTHER PLAN OR PLAT ACCEPTABLE TO THE CODE ENFORCEMENT DEPARTMENT DRAWN TO SCALE REFLECTING THE LOCATION OF ALL STRUCTURES ON THE PROPERTY, ANY AND ALL EXISTING IMPERVIOUS SURFACES,

THE TOTAL SQUARE FOOTAGE OF ALL IMPERVIOUS SURFACES CURRENTLY LOCATED ON THE PROPERTY, THE TOTAL AREA OF THE LOT OR PROPERTY IN QUESTION AND THE ZONING OF THE PROPERTY.

- C. AT THE TIME OF FILING A PAVING PERMIT APPLICATION, THE APPLICANT SHALL PAY A PERMIT FEE OF FIFTY DOLLARS (\$50.00). THE PERMIT FEE SHALL ACCOMPANY THE APPLICATION. A LATE FEE OF TWENTY-FIVE DOLLARS (\$25.00) SHALL BE ASSESSED FOR FAILING TO APPLY FOR THE PERMIT PRIOR TO BEGINNING THE WORK.
- D. THE CODE ENFORCEMENT DIVISION SHALL BE RESPONSIBLE FOR ISSUING PERMITS OR EXCEPTIONS UNDER THIS ARTICLE WITH THE APPROVAL OF THE CITY ADMINISTRATOR. THE APPLICATION FOR A PERMIT MAY BE DENIED, GRANTED OR GRANTED WITH REASONABLE AND NECESSARY CONDITIONS. THE APPLICANT MAY APPEAL THE DENIAL OF A PERMIT OR A SPECIAL EXCEPTION TO THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE PURSUANT TO THIS CODE.
- E. THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE MAY GRANT AN EXCEPTION TO THE RESTRICTION CONTAINED IN SECTION 63-8 (A) ABOVE, WHEN AN APPLICANT CAN PROVE TO THE CODE ENFORCEMENT OFFICER SATISFACTION:
 - (1) THAT THE APPLICANT MUST INSTALL AN IMPERVIOUS SURFACE COVERAGE LIMITATION IN ORDER TO INSTALL SUCH SURFACE FOR MEDICAL REASON (I.E., TPO CONSTRUCT A RAMP TO ACCESS A HOUSE OR PROVIDE PARKING FOR A HANDICAPPED PERSON WHO RESIDES AT THE PROPERTY); OR
 - (2) THAT THE APPLICANT CANNOT OTHERWISE PROVIDE FOR ANY OFF-STREET PARKING ON THEIR PROPERTY.
- F. THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE MAY ONLY GRANT AN EXCEPTION FOR THE MINIMUM AMOUNT NECESSARY AND MAY IMPOSE REASONABLE NECESSARY CONDITIONS. IN NO EVENT SHALL AN EXCEPTION ALLOW THE IMPERVIOUS SURFACE AREA IN THE FRONT YARD OF A RESIDENTIAL PROPERTY TO EXCEED A TOTAL OF FIFTY (50%) OF THE TOTAL AREA OF THE FRONT YARD OR VIOLATE ANY COUNTY, STATE OR FEDERAL LAW AS TO IMPERVIOUS SURFACES.

((7)) 9. VIOLATIONS AND PENALTIES.

Any person who shall violate the provisions of this chapter shall be guilty of a municipal infraction and shall, upon conviction thereof, be sentenced to pay a fine of \$400 per day and costs.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

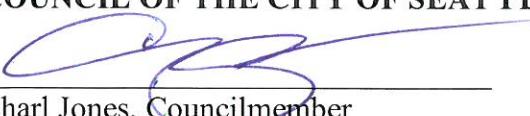
SECTION 3. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

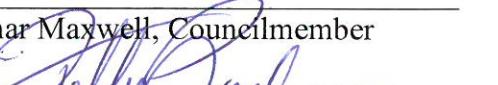
SECTION 4. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 5. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

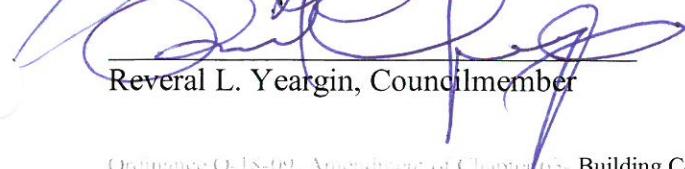
SECTION 6. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that the City Clerk shall certify to the adoption of this ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

COUNCIL OF THE CITY OF SEAT PLEASANT


Charl Jones, Councilmember

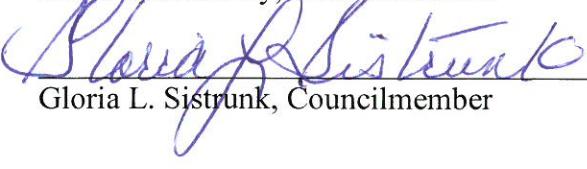

Lamar Maxwell, Councilmember


Kelly Porter, Councilmember


Reveral L. Yeargin, Councilmember


Hope Love, Councilmember


Shireka McCarthy, Councilmember


Gloria L. Sistrunk, Councilmember

ATTEST:

Dashaun N. Lanham
Dashaun N. Lanham, CMC
City Clerk

APPROVED:

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this 9th April 2018

Dashaun N. Lanham
Dashaun N. Lanham, CMC
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby (APPROVE) (DISAPPROVE) of this Ordinance this 10th day of April, 2018.

Eugene W. Grant, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.