

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

2023 Legislative Session

Resolution No. _____

CR-004-2023

Proposed by Council Members Blegay, Burroughs, Dernoga, Ivey, Olson, Oriadha, Watson

Introduced by Council Members Blegay, Burroughs, Dernoga, Ivey, Olson, Oriadha, Watson

Co-Sponsors _____

Date of Introduction _____

December 12, 2022

RESOLUTION

1 A RESOLUTION concerning

2 Transitional Provisions—Limitations—Use of Prior Ordinance

3 For the purpose of approving, with the force and effect of law, certain limitations on the time for
 4 processing of development applications pursuant to the superseded prior Zoning Ordinance of
 5 Prince George's County for development of Townhouse and One-family dwelling uses in the R-
 6 A (Residential Agricultural) Zone of Prince George's County.

7 WHEREAS, the County Council, sitting as the District Council of Prince George's County
 8 for that portion of the Maryland-Washington Regional District located in Prince George's
 9 County, holds broad legislative authority to enact and amend the text of the zoning laws for the
 10 County; and

11 WHEREAS, in its approval of the current general plan for the County in 2014, *Plan Prince*
 12 *George's 2035*, the District Council included specific Land Use Policies calling for a
 13 comprehensive, wholesale revision and update of the Zoning Ordinance, Subdivision
 14 Regulations, and other County regulations to ensure consistency with current general plan
 15 growth management goals, vision, and policies; and

16 WHEREAS, over the next four (4) years, the County Council, the Prince George's County
 17 Planning Board, and Executive Branch agencies of the County Government engaged the citizens
 18 and residents of the County to garner input and to shape the text of a new Zoning Ordinance for
 19 the County; and

20 WHEREAS, after convening multiple public hearings and public work sessions concerning
 21 the proposed draft and extensive revisions, on October 23, 2018, the Council approved a new

comprehensive Zoning Ordinance for the County via enactment of CB-013-2018, being also Chapter 37, 2018 Laws of Prince George’s County, Maryland, in order to: move away from obsolete land use policies and development procedures; facilitate sustainable development; invest strategically and capitalize on our transportation network for high-quality, compact mixed-use development and housing opportunities; foster and promote community character and preservation of precious County resources; and streamline and optimize the development review procedures to ensure clarity and transparency in the development of land in the County; and

WHEREAS, on July 23, 2019, via adoption of CR-27-2019, the Council directed initiation of a Countywide Sectional Map Amendment process (“CMA”) to implement the updated zoning classifications reflected in the new Zoning Ordinance in order for the new zoning laws to take effect; and

WHEREAS, the District Council and the Planning Board conducted public hearings on the proposed CMA in order to maximize public input on the proposed CMA and, after multiple public discussions about how to implement a new zoning map of the County, the Council adopted CR-136-2021 on November 29, 2021, declaring therein that the prior Zoning Ordinance would be superseded and of no further force and effect from April 1, 2022; and

WHEREAS, during the pendency of the CMA process, the Council made various technical corrections to the text of the new comprehensive Zoning Ordinance via enactment of CB-98-2021 (Ch. 53, 2021 Laws of Prince George’s County) on November 16, 2021, in order to clarify its intent and to guard against, to the maximum extent practicable, such potential unintended consequences affecting the public health, safety, and welfare of the County; and

WHEREAS, within the context of discussion on the new Zoning Ordinance, the Council expressed its unambiguous intent to eliminate uses permitted in the prior Ordinance by way of Footnoted exceptions within the Use Tables of the Zoning Ordinance; and

WHEREAS, within the superseded prior Ordinance, there appeared 378 numbered “Footnote” exceptions to the Permitted Use tables, more specifically 148 Residential Zone, 89 Commercial Zone, 80 Industrial Zone, 38 Comprehensive Design Zone, and 23 Mixed-Use Zone exceptions, respectively; and

WHEREAS, all exceptions permitted under the prior Ordinance not carried forward in the new Zoning Ordinance were superseded by operation of law on and after April 1, 2022; and

1 WHEREAS, Part 1 of the new Zoning Ordinance provides Transitional Provisions for those
 2 development projects approved and/or constructed pursuant to valid authority under the prior
 3 Ordinance, as well as a limited grandfathering period for those property owners desiring to
 4 proceed with development pursuant to the prior Ordinance, not to exceed two (2) years from the
 5 effective date of the new Zoning Ordinance, or April 1, 2024; and

6 WHEREAS, while there is limited authority to develop using the provisions of the prior
 7 Ordinance for certain properties, the new Zoning Ordinance expressly encourages development
 8 in accordance with the new Zoning Ordinance, rather than the limited authority of the prior
 9 Ordinance provided by the Council in Part 1 of the Zoning Ordinance; and

10 WHEREAS, in furtherance of realizing the goals and visions for land use and development
 11 within the current General Plan for the County, *Plan Prince George's 2035*, there is a need to
 12 modify the amount of development authorized under the prior Ordinance to be consistent with
 13 longstanding County land use and development vision; and

14 WHEREAS, the Council has reviewed the array of legislative enactments approved within
 15 the prior Ordinance, and it has determined that certain specific prior enactments therein are
 16 inconsistent with County policies; and

17 WHEREAS, the Council further observes that the referral comments scrutinized the basis
 18 for enactment of certain land use and development regulations within the prior, superseded
 19 Ordinance as to Townhouse and One-family detached dwelling uses in the R-A (Residential
 20 Agricultural) Zone; and

21 WHEREAS, there is a need to further clarify the intention of the Council in defining the
 22 terms of the authority for development using the prior Ordinance based on certain "Footnote"
 23 exceptions to the Table of Permitted Uses in the prior Ordinance; and

24 WHEREAS, a companion bill to this Resolution has been introduced to codify the
 25 provisions of this Resolution; and

26 WHEREAS, pursuant to Title 14, Land Use Article, Annotated Code of Maryland, as well
 27 as prescriptions set forth in the local laws of the County, a Resolution has the force and effect of
 28 law, but of a temporary or administrative character.

29 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
 30 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 31 Regional District in Prince George's County, Maryland, that the following Chapter Law of Prince

George's County, Maryland, enacted pursuant to Title 22, Land Use Article, Annotated Code of Maryland, be and the same is hereby SUSPENDED, pending the final action to enact CB-017-2023:

CB-017-2019
(Chapter 29, 2019 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING R-A ZONE for the purpose of permitting Townhouse and One-family attached dwelling uses in the R-A (Residential Agricultural Zones of Prince George's County, under certain circumstances.

Proposer(s): Davis

Effective: 1/6/2020

BE IT FURTHER RESOLVED that, prior to the adoption date of this Resolution, any development application, including a permit application, that is filed and accepted pursuant to authority of the prior Ordinance may be reviewed and decided in accordance with the prior Zoning Ordinance.

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Resolution is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Resolution, since the same would have been adopted without the incorporation in this Resolution of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its adoption.

Adopted this 12th day of December, 2022.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: Thomas E. Dernoga
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Donna J. Brown
Clerk of the Council