

**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4 processing of development applications pursuant to the superseded prior Zoning Ordinance of  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

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

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

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16 would be superseded and of no further force and effect from April 1, 2022; and

17 WHEREAS, during the pendency of the CMA process, the Council made various technical  
18 corrections to the text of the new comprehensive Zoning Ordinance via enactment of CB-98-  
19 2021 (Ch. 53, 2021 Laws of Prince George’s County) on November 16, 2021, in order to clarify  
20 its intent and to guard against, to the maximum extent practicable, such potential unintended  
21 consequences affecting the public health, safety, and welfare of the County; and

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

25 WHEREAS, within the superseded prior Ordinance, there appeared 378 numbered  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

29 WHEREAS, all exceptions permitted under the prior Ordinance not carried forward in the  
30 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

1 George’s County, Maryland, enacted pursuant to Title 22, Land Use Article, Annotated Code of  
2 Maryland, be and the same is hereby SUSPENDED, pending the final action to enact CB-017-  
3 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

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

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

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

Adopted this 12<sup>th</sup> 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  
Chair

ATTEST:

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