

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2023 Legislative Session

Bill No. CB-012-2023

Chapter No. 1

Proposed and Presented by Council Members Dernoga, Blegay, Burroughs, Ivey, Olson, Oriadha

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

Co-Sponsors _____

Date of Introduction December 12, 2022

ZONING BILL

1 AN ORDINANCE concerning

2 General Provisions—Development Authority Pursuant to the Prior Ordinance—Limitations on
 3 Development

4 For the purpose of limiting the authority in the Zoning Ordinance for development under the
 5 prior Ordinance superseded by the revised Subtitle 27 of the Prince George's County Code,
 6 being also the Zoning Ordinance of Prince George's County.

7 BY repealing and reenacting with amendments:

8 Section 27-1903,

9 The Zoning Ordinance of Prince George's County, Maryland,

10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code

13 (2019 Edition; 2022 Supplement).

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

18 WHEREAS, in its approval of the current general plan for the County in 2014, Plan Prince
 19 George's 2035, the District Council included specific Land Use Policies calling for a
 20 comprehensive, wholesale revision and update of the Zoning Ordinance, Subdivision

1 Regulations, and other County regulations to ensure consistency with current general plan
2 growth management goals, vision, and policies; and

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

7 WHEREAS, after convening multiple public hearings and public work sessions concerning
8 the proposed draft and extensive revisions, on October 23, 2018, the Council approved a new
9 comprehensive Zoning Ordinance for the County via enactment of CB-013-2018, being also
10 Chapter 37, 2018 Laws of Prince George’s County, Maryland, in order to: move away from
11 obsolete land use policies and development procedures; facilitate sustainable development;
12 invest strategically and capitalize on our transportation network for high-quality, compact
13 mixed-use development and housing opportunities; foster and promote community character and
14 preservation of precious County resources; and streamline and optimize the development review
15 procedures to ensure clarity and transparency in the development of land in the County; and

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

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

25 WHEREAS, during the pendency of the CMA process, the Council made various technical
26 corrections to the text of the new comprehensive Zoning Ordinance via enactment of CB-98-
27 2021 (Ch. 53, 2021 Laws of Prince George’s County) on November 16, 2021, in order to clarify
28 its intent and to guard against, to the maximum extent practicable, such potential unintended
29 consequences affecting the public health, safety, and welfare of the County; and

30 WHEREAS, within the context of discussion on the new Zoning Ordinance, the Council
31 expressed its unambiguous intent to eliminate uses permitted in the prior Ordinance by way of

1 Footnoted exceptions within the Use Tables of the Zoning Ordinance; and

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

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

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

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

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

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

24 WHEREAS, the Council further observes that the referral comments scrutinized the basis
25 for enactment of certain land use and development regulations within the prior, superseded
26 Ordinance; and

27 WHEREAS, there is a need to further clarify the intention of the Council in defining the
28 terms of the authority for development using the prior Ordinance based on certain “Footnote”
29 exceptions to the Table of Permitted Uses in the prior Ordinance; now, therefore,

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
3 District in Prince George's County, Maryland, that Section 27-1903 of the Zoning Ordinance of
4 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
5 be and the same is hereby repealed and reenacted with the following amendments:

6 **SUBTITLE 27. ZONING.**

7 **PART 27-1. GENERAL PROVISIONS.**

8 **SECTION 27-1900.**

9 **Sec. 27-1903. Development Pursuant to Prior Ordinance.**

10 (a) Development proposals for property within the LCD, LMXC, and LMUTC zones are
11 ineligible for application of the prior Zoning Ordinance. All development proposed in the zones
12 set forth in this Section shall develop in accordance with the requirements of this Ordinance,
13 unless subject to the Transitional Provisions set forth in Section 27-1700, Transitional
14 Provisions, of this Subtitle.

15 (b) Notwithstanding procedures specified in Sections 27-548.09.01 and 27-548.26 of the
16 prior Zoning Ordinance, development proposals within a Transit District Overlay Zone (TDOZ)
17 or Development District Overlay Zone (DDOZ) may not include requests to change the
18 boundary of the approved TDOZ or DDOZ or change the underlying zones.

19 (c) [Development] Except as otherwise provided in this Section, proposals or permit
20 applications of any type for properties in all other zones of the County may utilize the prior
21 Zoning Ordinance or Subdivision Regulations for development of the subject property.

22 (d) Notwithstanding the abrogation provisions in Section 27-1901, if an application that
23 elects to utilize the prior ordinance for development of uses other than those prohibited pursuant
24 to this Section is filed and accepted within 2 years from the effective date of this ordinance, the
25 development project shall be reviewed in accordance with the Zoning Ordinance and Subdivision
26 Regulations in existence at the time of the acceptance of a development application.

27 * * * * *

28 (f) Unless an application for development is already filed and accepted and/or constructed,
29 the following enactments are ineligible for processing under the prior Ordinance:

30 **CB-008-2021 (Chapter 7, 2021 Laws of Prince George's County, Maryland) AN**
31 **ORDINANCE CONCERNING C-O ZONE for the purpose of amending the Commercial Table**

1 of Uses Permitted to permit Townhouse uses in the C-O (Commercial Office) Zone, under
 2 certain circumstances.

3 **CB-050-2021 (Chapter 39, 2021 Laws of Prince George’s County, Maryland) AN**

4 ORDINANCE CONCERNING R-E ZONE for the purpose of amending the residential table of
 5 uses to permit development of a mix of residential and commercial/retail uses in the R-E
 6 (Residential Estate) Zone of Prince George’s County, under certain circumstances.

7 **CB-054-2020 (Chapter 48, 2020 Laws of Prince George’s County, Maryland) AN**

8 ORDINANCE CONCERNING I-1 ZONE for the purpose of permitting concrete recycling
 9 facility uses in the I-1 (Light-Industrial) Zones of Prince George’s County, under certain
 10 circumstances.

11 **CB-018-2019 (Chapter 10, 2019 Laws of Prince George’s County, Maryland) AN**

12 ORDINANCE CONCERNING DEFINITIONS for the purpose of adding a definition of a
 13 Merchandise Logistics Center and amending the definition of Regional Urban Community in the
 14 County Zoning Ordinance.

15 **CB-019-2019 (Chapter 11, 2019 Laws of Prince George’s County, Maryland) AN**

16 ORDINANCE CONCERNING M-X-T ZONE for the purpose of amending the regulations of
 17 the M-X-T (Mixed Use-Transportation Oriented) Zone through site plan development review
 18 processes.

19 **CB-088-2018 (Chapter 54, 2018 Laws of Prince George’s County, Maryland) AN**

20 ORDINANCE CONCERNING CLASS 3 FILL RECLAMATION for the purpose of permitting
 21 limited Class 3 fill uses as a method of reclaiming former surface mining properties for public
 22 use in the R-A (Residential Agricultural) Zones of Prince George’s County, under certain
 23 circumstances.

24 **CB-089-2018 (Chapter 55, 2018 Laws of Prince George’s County, Maryland) AN**

25 ORDINANCE CONCERNING CLASS 3 FILL RECLAMATION for the purpose of permitting,
 26 without the requirement for a special exception, limited Class 3 fill uses as a method of
 27 reclaiming former sand and gravel mining properties for public use in the R-A (Residential-
 28 Agricultural) Zone, under certain circumstances.

29 SECTION 2. BE IT FURTHER ENACTED that, prior to the effective date of this
 30 Ordinance, any development application, including a permit application, that is filed and
 31 accepted pursuant to authority of the prior Ordinance may be reviewed and decided in

1 | accordance with the prior Zoning Ordinance.

2 | SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance are
3 | severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
4 | clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a court of
5 | competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
6 | words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
7 | Ordinance, since the same would have been adopted without the incorporation in this Ordinance
8 | of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph,
9 | subsection, or section.

10 | SECTION 4. BE IT FURTHER ENACTED that the enactment of this Ordinance shall
11 | supersede the adoption of Council Resolution No. CR-005-2023, and CR-005-2023 shall be of
12 | no further force and effect from the effective date of this Ordinance.

1 SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
2 date of its adoption.

Adopted this 17th day of January, 2023.

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

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.