

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

2023 Legislative Session

Bill No. CB-017-2023

Chapter No. 5

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

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

Co-Sponsors _____

Date of Introduction December 12, 2022

ZONING BILL

1 AN ORDINANCE concerning

2 General Provisions—Development Authority Pursuant to the Prior Ordinance—Limitation on
 3 Townhouse and One-Family Attached Dwellings—R-A Zone

4 For the purpose of limiting the authority in the Zoning Ordinance for development of Townhouse
 5 and One-family attached dwelling uses under the prior Ordinance in the R-A (Residential
 6 Agricultural) Zone 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

1 comprehensive, wholesale revision and update of the Zoning Ordinance, Subdivision
2 Regulations, and other County regulations to ensure consistency with current general plan
3 growth management goals, vision, and policies; and

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

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

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

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

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

31 WHEREAS, within the context of discussion on the new Zoning Ordinance, the Council

1 expressed its unambiguous intent to eliminate uses permitted in the prior Ordinance by way of
2 Footnoted exceptions within the Use Tables of the Zoning Ordinance; and

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

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

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

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

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

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

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

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

SECTION 1. BE IT ENACTED by the 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, that Section 27-1903 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 27-1. GENERAL PROVISIONS.

SECTION 27-1900.

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

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

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

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

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

* * * * *

(f) Unless an application for development is already filed and accepted and constructed, development of Townhouse and One-family attached dwelling uses in the R-A (Residential Agricultural) Zone is prohibited using the prior Ordinance. Development applications pursuant to superseded authority under the enactment of CB-17-2019, being also Chapter 29, 2019 Laws

1 of Prince George's County, Maryland, is ineligible for processing under the prior Ordinance:

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

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

1 SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take on the date of its
2 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
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
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.