

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2020 Legislative Session**

Resolution No. CR-48-2020  
Proposed by The Council Chair (by request – County Executive)  
Introduced by Council Members Turner, Streeter, Harrison, Hawkins, Taveras, Davis,  
Franklin and Glaros  
Date of Introduction June 2, 2020

**RESOLUTION**

1 A RESOLUTION concerning

2 Eating and Drinking Establishments—Zoning Regulations—Outdoor Seating—Temporary  
3 Authorization

4 For the purpose of implementing, on an emergency basis, specific State and local government  
5 directives for the reopening of eating and drinking establishments in Prince George’s County,  
6 thereby furthering the economic recovery during the ongoing Coronavirus (“COVID-19”) global  
7 health pandemic in the County, by temporarily suspending certain restrictions on outdoor seating  
8 arising under Subtitle 27 of the Prince George's Code, being also the Prince George's County  
9 Zoning Ordinance, and providing a temporary expedited administrative process to authorize  
10 outdoor dining to otherwise lawful eating and drinking establishment uses on adjacent exterior  
11 space or shared exterior space, under certain specified circumstances.

12 WHEREAS, the President of the United States proclaimed that the COVID-19 outbreak in  
13 the United States constituted a national emergency beginning March 1, 2020; and

14 WHEREAS, on March 5, 2020, the Governor of the State of Maryland declared  
15 a state of emergency and a catastrophic health emergency for the State of Maryland, which was  
16 renewed on March 17, 2020, April 20, 2020, and May 6, 2020, to control and prevent the spread  
17 of COVID-19; and

18 WHEREAS, the World Health Organization, on March 11, 2020, announced that the  
19 COVID-19 outbreak can be characterized as a pandemic; and

20 WHEREAS, Prince George’s County, Maryland previously issued the following emergency  
21 declarations: Executive Order Number 6-2020 dated March 16, 2020; Executive Order Number

1 7-2020 dated April 13, 2020; CR-31-2020 adopted May 11, 2020; Executive Order Number  
2 8-2020 dated May 14, 2020 and Executive Order Number 10-2020 dated May 28, 2020; and

3 WHEREAS, unemployment in Prince George's County, Maryland is currently at  
4 approximately fifteen percent and many of the jobs created in the County over the last five years  
5 have been lost due to the economic downturn caused by the current health crisis; and

6 WHEREAS, the Order of the Governor of the State of Maryland, issued March 16, 2020,  
7 closed all restaurants and bars to the general public and only permitted sales of food and  
8 beverages that are promptly taken from the premises (carry-out or drive-through basis) and to  
9 delivering food and beverages to customers off the premises; and

10 WHEREAS, eating and drinking establishments located in Prince George's County have  
11 suffered a significant decline in revenue while limited to carry-out, drive-through and delivery  
12 sales; and

13 WHEREAS, the Order of the Governor of the State of Maryland Number 20-05-27-01,  
14 issued May 27, 2020 and was effective May 29, 2020, along with Prince George's County  
15 Executive Order Number 10-2020 issued May 28, 2020 and was effective on June 1, 2020,  
16 authorizes restaurants, bars, and other similar establishments that sell food or beverages for  
17 consumption on-premises to serve food and beverages to customers for consumption in outdoor  
18 seating areas, with certain limitations; and

19 WHEREAS, Prince George's County Maryland's has begun to show a downward trend in  
20 the number of positive cases, hospitalizations, and deaths; and there continues to be an increase  
21 in Prince George's County, Maryland's testing capacity, contact tracing and supply of personal  
22 protective equipment to support moving towards a modified re-opening or restart of certain  
23 businesses and activities; and

24 WHEREAS, restaurants, bars, and cafes are regulated as eating and drinking establishment  
25 uses pursuant to the Prince George's County Code, including its local zoning laws set forth in  
26 Subtitle 27, being also the Zoning Ordinance for Prince George's County; and

27 WHEREAS, the County Zoning Ordinance requires eating and drinking establishment uses  
28 to specify any outdoor seating areas on its approved Detailed Site Plan or Special Exception Site  
29 Plan, to comply with all other provisions in the local zoning laws prior to issuance of a use and  
30 occupancy permit to commence operations of the use, and to operate the establishment in  
31 compliance with the provisions of the approved Detailed or Special Exception Site Plan and use

1 and occupancy permit at all times; and

2 WHEREAS, the District Council anticipates that a significant number of otherwise existing  
3 lawful eating and drinking uses located in the County will apply for immediate authorization to  
4 provide outdoor seating or expand outdoor seating areas for customers despite the fact that said  
5 outdoor seating may not have been included on their applicable Detailed or Special Exception  
6 Site Plan; and

7 WHEREAS, in furtherance of local recovery efforts resulting from the COVID-19 health  
8 crisis, the District Council finds critical need to create and implement an expedited  
9 administrative process to authorize certain eating and drinking establishment uses in the County  
10 to offer newly created or expanded outdoor seating on adjacent exterior space or shared exterior  
11 space in Prince George's County during the local declaration of emergency caused by the  
12 COVID-19 public health emergency; and

13 WHEREAS, pursuant to the Prince George's County Charter, a Resolution has the force  
14 and effect of law but of a temporary or administrative character.

15 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
16 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
17 Regional District in Prince George's County, Maryland, that, all provisions of Subtitle 27 of the  
18 Prince George's County Code, being also the Zoning Ordinance of Prince George's County,  
19 including but not limited to the provisions concerning site plan conformance, minimum setbacks  
20 and minimum parking, shall be suspended and not subject to violation or enforcement action to  
21 allow for Prince George's County to authorize outdoor dining to otherwise existing lawful eating  
22 and drinking establishment uses on adjacent exterior space or shared exterior space in Prince  
23 George's County, after compliance with all requirements stated herein and so long as the  
24 establishment remains in compliance with the requirements stated herein.

25 BE IT FURTHER RESOLVED that, notwithstanding any provision of Subtitle 27 of the  
26 Prince George's County Code, being also the Zoning Ordinance of Prince George's County, the  
27 Prince George's County Department of Permitting, Inspections and Enforcement ("DPIE") shall  
28 establish and administer an expedited administrative process to authorize otherwise existing  
29 lawful eating and drinking establishment uses on adjacent exterior space or shared exterior space  
30 in Prince George's County, after compliance with all requirements stated herein and so long as  
31 the lawful eating and drinking establishment uses remains in compliance with the requirements

1 | stated herein.

2 |       BE IT FURTHER RESOLVED that a lawful eating and drinking establishment that is  
3 | authorized to offer newly created or expanded outdoor dining must comply with all State and  
4 | County laws and regulations with the exception of the laws that are suspended herein, the  
5 | requirements stated herein, and the requirements stated in the Order of the Governor of the State  
6 | of Maryland Number 20-05-27-01, issued May 27, 2020 and effective May 29, 2020, namely,  
7 | that all staff must wear Face Coverings, in accordance with the Face Coverings Order, patrons  
8 | must be seated at least six feet away from each other, except for households seated together;  
9 | eating and drinking establishments must not allow groups larger than six persons to be seated  
10 | together, except members of the same household; eating and drinking establishments shall not  
11 | serve food in a buffet format; and eating and drinking establishments shall clean and disinfect  
12 | each table between each seating in accordance with CDC and MDH guidelines, using cleaning  
13 | products that meet the criteria of the U.S. Environmental Protection Agency for use against  
14 | COVID-19.

15 |       BE IT FURTHER RESOLVED that, notwithstanding any provision of Subtitles 27 and 28  
16 | of the Prince George's County Code, Prince George's County may rescind forthwith any  
17 | approval granted to an otherwise existing lawful eating and drinking establishment use to offer  
18 | newly created or expanded outdoor seating for failure to comply with any State or County laws  
19 | or regulations and any requirement stated herein.

20 |       BE IT FURTHER RESOLVED that the enforcement of the requirements herein and all  
21 | other State and County laws and regulations for eating and drinking establishments shall be  
22 | performed as required by State or County laws and regulations, with the assistance of Prince  
23 | George's County law enforcement as needed.

24 |       BE IT FURTHER RESOLVED that this Resolution shall remain in effect until the  
25 | rescission of the State and County emergency declarations or terminated or amended sooner by  
26 | Resolution by the County Council of Prince George's County, Maryland, sitting as the District  
27 | Council for that part of the Maryland-Washington Regional District in Prince George's County,  
28 | Maryland.

29 |       BE IT FURTHER RESOLVED that this Resolution shall take effect on the day it is  
30 | adopted.

31 |

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

Adopted this 2nd day of June, 2020.

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: \_\_\_\_\_  
Todd M. Turner  
Council Chair

ATTEST:

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