

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

Resolution No. CR-003-2023
Proposed by Council Members Dernoga, Blegay, Burroughs, Ivey, Olson and Oriadha
Introduced by Council Members Dernoga, Blegay, Burroughs, Ivey, Olson and Oriadha
Co-Sponsors _____
Date of Introduction December 12, 2022

RESOLUTION

1 A RESOLUTION concerning
2 Repeal of Certain Zoning Enactments—Suspension of Effective Date
3 For the purpose of approving, with the force and effect of law, the suspension of the effective
4 date of certain recently enacted zoning laws pertaining to development in Prince George’s
5 County.
6 WHEREAS, the County Council, sitting as the District Council of Prince George’s County
7 for that portion of the Maryland-Washington Regional District located in Prince George’s
8 County, holds broad legislative authority to enact and amend the text of the zoning laws for the
9 County; and
10 WHEREAS, in its approval of the current general plan for the County in 2014, *Plan Prince*
11 *George’s 2035*, the District Council included specific Land Use Policies calling for a
12 comprehensive, wholesale revision and update of the Zoning Ordinance, Subdivision
13 Regulations, and other County regulations to ensure consistency with current general plan
14 growth management goals, vision, and policies; and
15 WHEREAS, over the next four (4) years, the County Council, the Prince George’s County
16 Planning Board, and Executive Branch agencies of the County Government engaged the citizens
17 and residents of the County to garner input and to shape the text of a new Zoning Ordinance for
18 the County; and
19 WHEREAS, after convening multiple public hearings and public work sessions concerning
20 the proposed draft and extensive revisions, on October 23, 2018, the Council approved a new
21 comprehensive Zoning Ordinance for the County via enactment of CB-013-2018, being also

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

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

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

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

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

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

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

30 WHEREAS, Part 1 of the new Zoning Ordinance provides Transitional Provisions for those
31 development projects approved and/or constructed pursuant to valid authority under the prior

1 Ordinance, as well as a limited grandfathering period for those property owners desiring to
2 proceed with development pursuant to the prior Ordinance, not to exceed two (2) years from the
3 effective date of the new Zoning Ordinance, or April 1, 2024; and

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

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

12 WHEREAS, the Council has reviewed the array of legislative enactments approved during
13 the 2021 Legislative Year, and it has determined that certain specific prior enactments therein are
14 inconsistent with County policies; and

15 WHEREAS, the Council further observes that the referral comments scrutinized the basis
16 for enactment of certain land use and development regulations during the 2022 Legislative Year;
17 and

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

20 WHEREAS, by adoption of this Resolution, the effective dates of the affected zoning
21 enactments will be suspended and will no go into effect; and

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

25 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
26 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
27 Regional District in Prince George's County, Maryland, that the following Chapter Laws of
28 Prince George's County, Maryland, enacted pursuant to Title 22, Land Use Article, Annotated
29 Code of Maryland, be and the same are hereby SUSPENDED, pending the final action to enact
30 CB-013-2023, CB-014-2023, CB-015-2023, CB-016-2023, and CB-018-2023:

CB-069-2022

AN ORDINANCE CONCERNING M-X-T ZONE TRANSITION for the purpose of enabling properties that were in the M-X-T Zone prior to the effective date of the new zoning ordinance to elect to conform to the requirements of the CGO Zone.

CB-077-2022

AN ORDINANCE CONCERNING AN ORDINANCE CONCERNING ZONING-GENERAL PROVISIONS-TRANSITIONAL PROVISIONS for the purpose of clarifying and updating the scope of the Transitional Provisions the Zoning Ordinance of Prince George’s County, being also Chapter 37, 2018 Laws of Prince George’s County, Maryland (CB-013-2018), as amended by Chapter 53, 2021 Laws of Prince George’s County, Maryland (CB-098-2021).

CB-078-2022

AN ORDINANCE CONCERNING ZONING-ZONES AND ZONE REGULATIONS-PRINCIPAL USES-SPLIT-ZONED PROPERTY for the purpose of clarifying the development regulations and use tables applicable to the development of lots that were split zoned as a result of approval of the Countywide Map Amendment by the District Council.

CB-079-2022

AN ORDINANCE CONCERNING IE ZONE TRANSITIONAL PROVISIONS for the purpose of modifying the lot coverage and green area requirements for previously I-1 zoned properties and permitting distribution warehouses in the IE Zone.

CB-097-2022

AN ORDINANCE CONCERNING ZONING-ZONES AND ZONE REGULATIONS-BASE ZONES-EXPEDITED TRANSIT-ORIENTED DEVELOPMENT for the purpose of clarifying the development regulations applicable to certain expedited transit-oriented development in Transit-Oriented/Activity Center Base Zones within the new Zoning Ordinance of Prince George’s County, being also Chapter 37, 2018 Laws of Prince George’s County, Maryland (CB-013-2018), as amended by Chapter 53, 2021 Laws of Prince George’s County, Maryland (CB-098-2021).

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 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
Chair

ATTEST:

Donna J. Brown
Clerk of the Council