

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

2023 Legislative Session

Resolution No. CR-005-2023
Proposed by Council Members Dernoga, Blegay, Burroughs, Ivey, Olson, Oriadha
Introduced by Council Members Dernoga, Blegay, Burroughs, Ivey, Olson, Oriadha
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4 processing of development applications pursuant to the superseded prior Zoning Ordinance of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.
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

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

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

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the Council adopted CR-136-2021 on November 29, 2021, declaring therein that the prior Zoning Ordinance would be superseded and of no further force and effect from April 1, 2022; and

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

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

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

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

WHEREAS, Part 1 of the new Zoning Ordinance provides Transitional Provisions for those 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 within
 13 the prior Ordinance, 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 within the prior, superseded
 17 Ordinance; and

18 WHEREAS, there is a need to further clarify the intention of the Council in defining the
 19 terms of the authority for development using the prior Ordinance based on certain "Footnote"
 20 exceptions to the Table of Permitted Uses in the prior Ordinance; and

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

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

26 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
 27 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 28 Regional District in Prince George's County, Maryland, that the following Chapter Laws of
 29 Prince George's County, Maryland, enacted pursuant to Title 22, Land Use Article, Annotated
 30 Code of Maryland, be and the same are hereby SUSPENDED, pending the final action to enact
 31 CB-012-2023:

CB-008-2021

(Chapter 7, 2021 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING C-O ZONE for the purpose of amending the Commercial Table of Uses Permitted to permit Townhouse uses in the C-O (Commercial Office) Zone, under certain circumstances.

Proposer(s): Turner

Effective: 6/21/2021

CB-023-2021

(Chapter 19, 2021 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING I-3 ZONE for the purpose of amending the Industrial Table of Uses in the Zoning Ordinance to permit Moving and Storage, Motor Freight Shipping and Receiving Facilities, and Warehousing uses in the I-3 (Planned Industrial/Employment Park) Zone of Prince George's County, under certain specified circumstances.

Proposer(s): Harrison

Effective: 7/26/2021

CB-050-2021

(Chapter 39, 2021 Laws of Prince George's County, Maryland)

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

Proposer(s): Davis

Effective: 1/03/2022

CB-055-2021

(Chapter 41, 2021 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING R-55 ZONE-REGULATIONS for the purpose of modifying certain regulations related to single family development in the R-55 zone on transit-oriented properties.

Proposer(s): Hawkins

Effective: 1/03/2022

CB-081-2021

(Chapter 47, 2021 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING R-A ZONE for the purpose of allowing varied residential density and lot size on R-A Zone land currently used for equestrian recreational activity.

Proposer(s): Harrison

Effective: 1/3/2022

CB-083-2021

(Chapter 48, 2021 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING APARTMENT HOUSING FOR THE ELDERLY for the purpose of permitting Apartment Housing for the Elderly in the R-18 Zone, subject to Detailed Site Plan but not Special Exception review under certain circumstances.

Proposer(s): Turner

Effective: 1/3/2022

CB-106-2021

(Chapter 58, 2021 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING ONE-FAMILY ATTACHED DWELLINGS FOR THE ELDERLY for the purpose of permitting one-family attached dwellings for the elderly in the R-R Zone, under certain circumstances.

Proposer(s): Davis

Effective: 1/3/2022

CB-041-2020

(Chapter 39, 2020 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING R-R ZONE--LOT COVERAGE REGULATIONS for the purpose of amending the Lot Coverage Regulations in the (R-R) Rural Residential Zone of Prince George's County, under certain circumstances.

Proposer(s): Harrison

Effective 9/9/2020

CB-054-2020

(Chapter 48, 2020 Laws of Prince George's County, Maryland)

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

Proposer(s): Streeter

Effective: 11/17/2020

CB-069-2020

(Chapter 52, 2020 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING R-55 ZONE for the purpose of permitting multifamily dwellings in the R-55 (One-Family Detached Residential) Zone of Prince George's County, under certain specified circumstances.

Proposer(s): Taveras

Effective: 1/4/2021

CB-010-2019

(Chapter 9, 2019 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING M-X-T ZONE for the purpose of permitting limited industrial uses in the M-X-T Zones of Prince George's County, under certain specified circumstances.

Proposer(s): Davis

Effective: 8/5/2019

CB-013-2019

(Chapter 12, 2019 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING C-O ZONE for the purpose of permitting Eating or Drinking Establishments, with drive-through service, in the C-O (Commercial Office) Zone, under certain circumstances.

Proposer(s): Turner

Effective: 9/9/2019

CB-018-2019

(Chapter 10, 2019 Laws of Prince George's County, Maryland)

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

Proposer(s): Davis

Effective: 6/18/2019

CB-019-2019

(Chapter 11, 2019 Laws of Prince George's County, Maryland)

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

Proposer(s): Davis

Effective: 6/18/2019

CB-045-2019

(Chapter 30, 2019 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING C-S-C ZONE - TABLE OF USES for the purpose of permitting by right 'Gas Station', 'Food or beverage store' in combination with a gas station, 'Apartment housing for the elderly or physically handicapped', 'Dwelling, multifamily', and 'Townhouse' uses in the C-S-C (Commercial Shopping Center) Zone of Prince George's County, under certain circumstances.

Proposer(s): Turner
Effective: 11/19/2019

CB-060-2019

(Chapter 34, 2019 Laws of Prince George's County, Maryland)

AN ORDINANCE CONCERNING O-S ZONE for the purpose of amending the criteria for development of single-family detached, single-family attached, and townhouse residential uses within the O-S (Open Space) Zone of Prince George's County to allow rough grading of land under certain circumstances.

Proposer(s): Turner
Effective: 1/6/2020

CB-088-2018

(Chapter 54, 2018 Laws of Prince George's County, Maryland)

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

Proposer(s): Franklin
Effective: 12/10/2018

CB-089-2018

(Chapter 55, 2018 Laws of Prince George's County, Maryland)

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

Proposer(s): Franklin
Effective: 12/10/2019

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