

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

Bill No. CB-052-2023

Chapter No. _____

Proposed and Presented by Council Members Blegay and Dernoga

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Townhouse and Townhouse-Related Uses – Temporary Limitation on Development

3 For the purpose of providing a temporary, subject to periodic review, regulation on
4 development of Townhouse and Townhouse-Related uses inconsistent with approved
5 comprehensive plans, and to incentivize development of Townhouse and Townhouse-related
6 uses on property located in specified Centers, Activity Centers, Transit-Oriented, or
7 Revitalization Areas in furtherance of the public health, safety, and welfare of the residents of
8 Prince George's County.

9 BY adding:

10 Sections 27-12000 and 27-12001,
11 The Zoning Ordinance of Prince George's County, Maryland,
12 being also
13 SUBTITLE 27. ZONING.
14 The Prince George's County Code
15 (2019 Edition; 2022 Supplement).

16 WHEREAS, the County Council of Prince George’s County sits as the District Council for
17 that portion of the Maryland-Washington Regional District in Prince George’s County; and

18 WHEREAS, Division II of the Land Use Article (the “Regional District Act”) confers
19 broad authority upon the County Council, sitting as the District Council, to perform land use and
20 zoning functions; and

1 WHEREAS, Title 21 of the Regional District Act requires that, on a decennial basis, the
2 District Council review and approve a comprehensive plan for land use and development in the
3 County, known as a General Plan of development; and

4 WHEREAS, pursuant to Section 21-104 of the Regional District Act, the elements of a
5 General Plan include existing and forecasted population, including population distribution;
6 housing demand and needs, and the amount, type, quality, and general location of housing;
7 existing land uses, forecasts of land absorption rates or markets, and analyses of the amount,
8 general location, and interrelationships among different categories of land use; staging of
9 development and the fiscal or economic impact of those improvements; and physical resources
10 and conditions, including water and air quality, climate, noise, open spaces, scenic areas,
11 vegetation, forests, agricultural lands, and other areas of environmental or ecological importance
12 or sensitivity; and an evaluation of the probable consequences of major recommendations of the
13 general plan on the general physical and social environment and population of the regional
14 district; and

15 WHEREAS, pursuant to Section 21-105 of the Regional District Act, the District Council is
16 charged with reviewing and approving local Planning Area and Area Master Plans that include
17 greater detail than the General Plan, but is not limited to the contents of the General Plan; and

18 WHEREAS, the 2014 General Plan, *Plan Prince George's 2035*, is the current general plan
19 for the County, setting forth the vision for growth and development organized around designated
20 Centers and Transit-Activity Areas to incentivize develop at or near transit stations, and leverage
21 physical and economic development opportunities in the public interest and for the benefit of
22 County residents; and

23 WHEREAS, Housing Policy 1 in *Plan Prince George's 2035* is to “[c]oncentrate medium-
24 to high-density housing development in Regional Transit Districts and Local Centers with
25 convenient access to jobs, schools, child care, shopping, recreation, and other services to meet
26 projected demand and changing consumer preferences”; and

27 WHEREAS, *Plan Prince George's 2035* set new unit distribution goals in Regional Transit
28 Districts and Local Centers at fifty percent (50%) and twenty-five percent (25%) respectively;
29 and

30 WHEREAS, the new unit distribution observed from 2014–2022 in Regional Transit
31 Districts and Local Centers has been twenty-three percent (23%) and twenty-two percent (22%)

1 respectively; and

2 WHEREAS, the Metropolitan Washington Council of Governments, in its 2019 document,
3 *The Future of Housing in Greater Washington*, set a regional target that “at least 75% of all new
4 housing should be in Activity Centers or near high-capacity transit; and

5 WHEREAS, the Climate Action Plan adopted by the County Council via CR-032-2022
6 stresses the need for smart growth and, specifically, Implementation Step 5 of Priority
7 Recommendation M-7, “Discourage zoning changes that would allow for higher residential
8 density in areas outside of Activity Centers,” reads as follows: “Revise Subtitle 27 (Zoning), Part
9 6 (Commercial Zones), Division 3 (Uses Permitted) and Part 7 (Industrial Zones), Division 3
10 (Uses Permitted) to prohibit new multi-family and townhouse development in rural areas and to
11 establish a cap on such development in suburban areas outside Activity Centers”; and

12 WHEREAS, there is an overabundance of development of Townhouse and Townhouse-
13 related residential uses at a density above that called for in the current General Plan for the
14 County; and

15 WHEREAS, since the adoption of the 2014 General Plan for the County, *Plan Prince*
16 *George’s 2035*, the Council has amended the Zoning Ordinance via twenty-four (23) legislative
17 amendments and one (1) amendment to the County Subdivision Regulations to permit
18 Townhouse and Townhouse-related development not otherwise permitted by law; and

19 WHEREAS, the Council has been advised by the Maryland-National Capital Planning
20 Commission that it is not meeting its targets for development articulated in *Plan Prince George’s*
21 *2035*, and subsequently adopted Area Master Plans that refine the General Plan vision; and

22 WHEREAS, it is the desire of the District Council to realize the vision of *Plan Prince*
23 *George’s 2035* through realignment of the local zoning laws with the approved General Plan
24 vision; and

25 WHEREAS, Section 22-104 of the Regional District Act confers broad legislative authority
26 for the District Council to, by local law, adopt and amend the text of the local zoning laws to
27 regulate the development and uses of land, including such expressly stated purposes as the
28 density and distribution of population; the location and uses of buildings and structures and any
29 units in those buildings for residential purposes; and the uses of land for building; and

30 WHEREAS, it is the finding of the District Council that a temporary limitation on
31 Townhouse and Townhouse-related residential uses is necessary to preserve the character of our

1 more suburban residential areas while incentivizing development at our designated Centers and
2 Revitalization Areas; now, therefore,

3 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
4 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
5 District in Prince George's County, Maryland, that Sections 27-12000 and 27-12001 of the
6 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince
7 George's County Code, be and the same are hereby added

8 **SUBTITLE 27. ZONING.**

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

10 **SECTION 27-12000. TEMPORARY LIMITATIONS ON TOWNHOUSE**
11 **DEVELOPMENT.**

12 **Sec. 27-12001. Temporary Limitation on Townhouse and Townhouse-Related**
13 **Development.**

14 Beginning July 1, 2023, and continuing until July 1, 2025, unless repealed by act of the
15 Council, the development of any Townhouse or Townhouse-related residential use shall be
16 limited to property: (1) within specified Regional Transit Districts, Local Transit Centers, and
17 Local Centers designated within the current general plan, *Plan Prince George's 2035*; (2) within
18 designated Council of Government Activity Centers; or (3) designated Transit-Oriented or
19 Revitalization areas, unless such development is subject to a previously approved Detailed Site
20 Plan for Townhouse and Townhouse-related uses.

21 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Ordinance are
22 severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
23 clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a court of
24 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
25 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
26 Ordinance, since the same would have been adopted without the incorporation in this Ordinance
27 of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph,
28 subsection, or section.

29 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
30 (45) calendar days after its adoption.

Adopted this ____ day of _____, 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.