COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2024 Legislative Session

Resolution No. CR-022-2024

Proposed by Council Member Ivey

Introduced by Council Members Ivey, Harrison, Watson, Hawkins, and Fisher

Co-Sponsors

Date of Introduction March 26, 2024

RESOLUTION

A RESOLUTION concerning

Zoning Ordinance Transitional Provisions—Extension of Time for Access to Prior Ordinance

For the purpose of approving, as a legislative enactment of the District Council having the force and effect of law, an extension of the time for applications to be approved and considered under the prior Ordinance from April 1, 2024, to April 1, 2026.

WHEREAS, the County Council, sitting as the District Council, approved a new, comprehensive County Zoning Ordinance by way of its adoption of Chapter 33, 2018 Laws of Prince George's County (Council Bill No. "CB-013-2018") on October 23, 2018; and

WHEREAS, the approval of CB-013-2018 represents the culmination of three successive years' work by the Council to engage the public and community stakeholders on zoning and development processes and to leverage the assistance of professional consultants to build a new Ordinance that is user-friendly while protecting those core values that are the essence of the local jurisdiction; and

WHEREAS, during this monumental public undertaking, the Council carefully assessed, discussed, and weighed the costs and benefits associated with implementation of a wholesale replacement to the local zoning laws in open session; and

WHEREAS, during public work sessions conducted in the consideration of CB-013-2018, the Council received written and verbal comments from the public, particularly the development community, concerning the protection of viable development and land assets while transitioning to the new zoning classifications and development regulations of a new Zoning Ordinance, and

WHEREAS, of specific interest to the Council were two (2) public work sessions before the Council in its entirety, convened as Committee of the Whole, on September 10 and September 18, 2018, respectively, concerning the length of time appropriate to protect the interests of stakeholders during the transition to the new zones and development procedures of a new Zoning Ordinance; and

WHEREAS, the testimony of the community stakeholders requested a period of five (5) years from the effective date of the new Ordinance to accomplish the transition, with the staff of the Planning Department believed no delay could be construed as legally defensible; and

WHEREAS, during its subsequent discussion of the transition time within Section 27-1703(b) of the new Zoning Ordinance, the Council stated its intention to strike a balance between the five-year recommendation of the community and no transition discussed by the Planning Department, and

WHEREAS, in so doing, the Council Committee voted to approve an initial two-year transition period for access to review and approval using the prior Zoning Ordinance, which could be extended thereafter as the Council deems appropriate; and

WHEREAS, as a result, the Council approved CB-013-2018 with a two-year transition period for access to the prior Ordinance which, in order to become effective, depended on the Council's review and approval of a countywide rezoning process to implement the new and updated zoning classifications within the new Zoning Ordinance; and

WHEREAS, on July 23, 2019, the Council initiated the Countywide Map Amendment ("CMA") process via adoption of Council Resolution No. CR-027-2019, thereby approving an approval matrix, as well as goals, concepts, guidelines, and a public participation program for the process; and

WHEREAS, throughout the Council's consideration of the CMA, the Council carried forward its two-year proviso for transitional access to the prior Ordinance; and

WHEREAS, soon after the CMA process was underway, the nation was stricken by the worldwide COVID-19 pandemic which, besides compelling the Council's shift to all-virtual transaction of public business, imposed oppressive economic, workforce, and supply chain impacts nationwide, particularly in the development industry in Prince George's County; and

WHEREAS, during the public hearing processes and public work sessions concerning the CMA, the Council heard repeated calls from community stakeholders to extend the time for

access to the prior Ordinance to protect valuable financial investments in development projects throughout the County; and

WHEREAS, when the Council approved the CMA by way of its adoption of Council Resolution No. CR-136-2021 on November 21, 2021, the Council set April 1, 2024, as the terminal date for the two-year access period to application review and approval using the prior Ordinance, with the understanding that the Council could revisit the issue at any time prior to its expiration on April 1, 2024; and

WHEREAS, during the same legislative year, the Council also approved related legislation, Chapter No. 53, 2021 Laws of Prince George's County (Council Bill No. "CB-098-2021"), which approved technical corrections and other procedural adjustments to the new Zoning Ordinance, which were intended to be in place on the effective date of the new Ordinance on April 1, 2024; and

WHEREAS, based on the public testimony during consideration of CB-098-2021, the Council restated its power to revisit the time for access to the prior Ordinance and added a provision in Section 27-1904 of the Ordinance requesting that applicants state the basis of the preference for approval under the prior Ordinance in lieu of the new; and

WHEREAS, the Council has reviewed the Statements of Justification submitted with development proposals choosing to proceed pursuant to the prior Ordinance, and finds the following reasons significant: (1) impact from the COVID-19 pandemic continues to negatively affect the housing and development industries, particularly the costs and availability of supplies and labor; (2) COVID-19 substantially impacted the housing market, prompting developers to overhaul their design plans, particularly in the multifamily housing sector, to meet market demands; (3) the new Zoning Ordinance does not address the approved land use and development policies of long-approved area master plans, sector plans, and other comprehensive plans, particularly those that are regulatory, resulting in untenable and/or uncertain development approvals; and (4) the County's definitive act to extend access to the prior Ordinance use tables is helpful but insufficient to ensure appropriate development using the standards and regulations of only the new Ordinance; and

WHEREAS, the Council has determined that it is in the interest of the County public safety, health, and welfare to extend the time for access to review and approval of development proposals under the prior Ordinance for a period of two (2) years, being until April 1, 2026,

which in turn may be extended by such subsequent legislative action of the Council; and

WHEREAS, a zoning bill to amend the Zoning Ordinance, Council Bill No. CB-015-2024, is an omnibus corrective bill addressing the new Zoning Ordinance; and

WHEREAS, the Planning, Housing, and Economic Development Committee reviewed CB-015-2024 at its March 21, 2024, work session and favorably voted to include amendments to Sections 27-1703 and 27-1901 of the Zoning Ordinance to provide an additional two (2) years for access to the prior Ordinance, which extends that time until April 1, 2026; and

WHEREAS, while CB-015-2024 is moving through the legislative approval process but will not be effective prior to the current April 1, 2024, expiration date, this Resolution will temporarily extend that time until CB-015-2024 is effective; and

WHEREAS, pursuant to local zoning authority, as well as Section 1017(c) County Charter, a Resolution has the force and effect of law but of temporary or administrative character.

NOW, THEREFORE, BE IT RESOLVED 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, the time for applications filed pursuant to the prior Ordinance, as set forth in Sections 27-1703 and 27-1901 of the Prince George’s County Code, be and the same is hereby EXTENDED for a period of two (2) years, expiring on April 1, 2026.

BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its adoption.

Adopted this 26th day of March, 2024.

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: Jolene Ivey

Jolene Ivey
Chair

ATTEST:

Donna J. Brown

Donna J. Brown
Clerk of the Council