

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2021 Legislative Session

Resolution No. CR-69-2021
Proposed by Council Member Ivey
Introduced by Council Members Ivey, Hawkins, Davis, Franklin, Anderson-Walker,
Dernoga, Harrison, Turner, Taveras, Glaros and Streeter
Date of Introduction June 15, 2021

RESOLUTION

1 A RESOLUTION concerning

2 Extension of Temporary Restaurant Outdoor Seating Authorization

3 For the purpose of extending the temporary suspension of certain restrictions on outdoor seating
4 arising under Subtitle 27 of the Prince George's County Code, being also the Prince George's
5 County Zoning Ordinance, and providing for the extension of temporary expedited
6 administrative process to authorize outdoor dining to otherwise lawful eating and drinking
7 establishment uses on adjacent exterior space or shared exterior space, under certain
8 circumstances to further economic recovery.

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

11 WHEREAS, on March 5, 2020, the Governor of the State of Maryland declared a state of
12 emergency and a catastrophic health emergency for the State of Maryland to control and prevent
13 the spread of COVID-19; and

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

16 WHEREAS, the Prince George's County, Maryland has previously issued the following
17 emergency declarations: Executive Order Number 6-2020 dated March 16, 2020; Executive
18 Order Number 7-2020 dated April 13, 2020; CR-31-2020 adopted May 11, 2020; Executive
19 Order Number 8-2020 dated May 14, 2020; Executive Order Number 10-2020 dated May 28,
20 2020; CR-51-2020 adopted June 9, 2020; Executive Order Number 13-2020 dated June 12,
21 2020; Executive Order Number 15-2020 dated June 25, 2020; CR-64-2020 adopted July 7, 2020;

1 Executive Order Number 20-2020 dated September 3, 2020; CR-90-101 adopted September 15,
2 2020 ; CR-101-2020 adopted October 13, 2020; CR-125-2020 adopted November 17, 2020; and
3 Executive Order 27-2020 dated December 15, 2020; CR-02-2021 adopted January 12, 2021;
4 Executive Order 3-2021 dated January 26, 2021; CR-13-2021 adopted February 16, 2021;
5 Executive Order 8-2021 adopted March 11, 2021; CR-33-2021 adopted March 30, 2021; and

6 WHEREAS, the County Council adopted CR-48-2020 on June 2, 2020, temporarily
7 suspending certain restrictions on outdoor seating arising under Subtitle 27 of the Prince
8 George's County Code, for the reopening of eating and drinking establishments to further the
9 economic recovery by authorizing and providing for a temporary expedited administrative
10 process to authorize outdoor dining to otherwise lawful eating and drinking establishment uses
11 on adjacent exterior space or shared exterior space; and

12 WHEREAS, these suspensions have proven to be successful and beneficial to the county,
13 residents and businesses; and

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

17 WHEREAS, Subtitle 27 requires eating and drinking establishment uses to specify any
18 outdoor seating areas on its approved Detailed Site Plan or Special Exception Site Plan, to
19 comply with all other provisions in the local zoning laws prior to the issuance of a use and
20 occupancy permit to commence operations of the use, and to operate the establishment in
21 compliance with the provisions of the approved Detailed or Special Exception Site Plan and use
22 and occupancy permit at all times; and

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

28 WHEREAS, in furtherance of local recovery efforts resulting from the COVID-19 health
29 crisis, the District Council finds a continued benefit to create and implement an expedited
30 administrative process to authorize certain eating and drinking establishment uses in the County
31 to offer newly created or expanded outdoor seating on adjacent exterior space or shared exterior

1 space in Prince George’s County; and

2 WHEREAS, pursuant to the Prince George’s County Charter, a Resolution has the full
3 force and effect of law, but of a temporary or administrative nature.

4 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George’s
5 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
6 Regional District in Prince George’s County, Maryland, that all provisions of Subtitle 27 of the
7 Prince George’s County Code, being also the Zoning Ordinance of Prince George’s County,
8 including but not limited to the provisions concerning site plan conformance, minimum setbacks
9 and minimum parking, shall be suspended and not subject to violation or enforcement action to
10 allow for Prince George’s County to authorize outdoor dining to otherwise existing lawful eating
11 and drinking establishment uses on adjacent exterior space or shared exterior space in Prince
12 George’s County, after compliance with all requirements stated herein and so long as the
13 establishment remains in compliance with the requirements stated herein.

14 BE IT FURTHER RESOLVED that a lawful eating and drinking establishment that is
15 authorized to offer newly created or expanded outdoor dining must comply with all State and
16 County laws and regulations with the exception of the laws that are suspended herein, the
17 requirements stated herein.

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

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

27 BE IT FURTHER RESOLVED that this Resolution shall remain in effect until December
28 31, 2022, or amended sooner by Resolution by the County Council of Prince George’s County,
29 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
30 District in Prince George’s County, Maryland.

31 BE IT FURTHER RESOLVED that this Resolution shall take effect on the day it is

1 | adopted.

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

Adopted this 6th day of July, 2021.

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: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council