



PRINCE GEORGE'S COUNTY ZONING ORDINANCE INTERPRETATION

Zoning Ordinance Interpretation: INT-2025-0001

Applicant: **Bob Rose**
c/o 1078 Little Magothy View
Annapolis, MD 21409

Project Name: **18020 Queen Anne Bridge Road**

Property Address: **18020 Queen Anne Bridge Road**

Background

This request for a Zoning Ordinance Interpretation concerns a five-acre property known as Lot 3 in the Queen Anne Meadows subdivision, under Tax Account No. 3331204 (“subject property”). The subject property is zoned Agricultural and Preservation (AG) on the official Zoning Map and is within the *2022 Approved Bowie-Mitchellville and Vicinity Master Plan*. The applicant seeks to establish a farm-based alcohol production use on the property, which is permitted by right, but is subject to use-specific standards found in Section 27-5102(b)(2)(A) of the Prince George’s County Zoning Ordinance.

Request

The applicant requests an interpretation of Section 27-5102(b)(2)(A)(ii) of the Zoning Ordinance regarding whether the use of farm-based alcohol production is permitted on the subject property. The applicant contends the lot within the subdivision is no longer subject to a governance structure and regulations (i.e., a homeowners association (HOA) and recorded covenants).

Interpretation

Pursuant to Section 27-5102(b)(2)(A)(ii), farm-based alcohol production shall not be permitted on a lot or open space parcel within a subdivision that is subject to a governance structure and regulations (i.e., an HOA and recorded covenants). Lot 3, the subject property, is part of a subdivision titled Queen Anne Meadows that shares a common private right-of-way (Parcel A) with other lots within the subdivision. These lots, including the subject property, are subject to a governance structure and regulations in the form of an HOA and a recorded easement and maintenance agreement, which includes covenants for the private right-of-way. Further, pursuant to the applicable record plat and preliminary plan of subdivision (PPS), the Queen Anne Meadows subdivision, including the subject property, must have an HOA and covenants for the private road. Therefore, regardless of whether there has been a failure to maintain said HOA, the property is still subject to a requirement to have one. Therefore, farm-based alcohol production is not a permitted use for the subject property.

Procedure

Section 27-3612 of the Zoning Ordinance establishes a uniform mechanism for rendering formal written interpretations of any provision of the Ordinance.

The Prince George's County Planning Director is responsible for making interpretations of all provisions of the Ordinance including, but not limited to: (1) interpretation of the text; (2) interpretation of zone boundaries; (3) interpretation of whether an unlisted use is comparable to a listed use or not, and should be allowed in a zone or prohibited in that zone; and (4) interpretations of compliance with a condition of approval.

Textual interpretations are based on the text's relationship with other laws and considerations including, but not limited to, the plain meaning of the provision's wording, applicable definitions in Section 27-2500 of the Zoning Ordinance, common and accepted usage, and the purpose of the provision, as further described in Section 27-3612(d)(1)(B) of the Zoning Ordinance. The Planning Director's interpretation is also guided by the cardinal rules of statutory interpretation, as defined by the Maryland Supreme Court.

Analysis

Section 27-5102(b)(2)(A) contains use-specific standards for farm-based alcohol production. Pursuant to Section 27-5102(b)(2)(A)(ii):

- (ii) Farm-based alcohol production shall not be permitted on a lot or open space parcel within a subdivision that is subject to a governance structure and regulations (i.e., a homeowners' association and recorded covenants).**

The applicant requests an interpretation that concludes that the subject property is not subject to a governance structure, as stated in Section 27-5102(b)(2)(A)(ii). The applicant further asserts that under Section 24-128(b)(3) of the prior Prince George's County Subdivision Regulations, there is no requirement by the County for the establishment of a governance structure in the form of an HOA.

The subject property is part of an approved subdivision titled Queen Anne Meadows, recorded in Plat Book VJ 190 Plat No. 73, pursuant to PPS 4-97067. Condition 7 of Prince George's County Planning Board Resolution No. 97-323, granting approval of the PPS, stipulates that:

- 7. At the time of Final Plat, the applicant and the applicant, his heir, successors and/or assigns shall file covenants which satisfy the private road requirements of Section 24-128(b)(3) of the Subdivision Regulations.**

Section 24-128(b)(3) was enacted under Prince George's County Council Bill CB-109-1994, to permit private roads in the Open Space (O-S), Residential-Agricultural (R-A), and Residential-Estate (R-E) Zones, under certain circumstances. The plain language of Section-24-128(b)(3) is as follows:

- (b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**
 - (3) In any O-S, R-A, R-E, or R-R Zone, upon the submission by the subdivider of covenants running with the land, which the Planning Board finds meet the purposes and intent of this paragraph, and upon a**

finding that the subdivision will not adversely affect the development of a public road system in the area of the subject property, the Planning Board may approve the subdivision with private rural roads provided that such private rural roads are designated as common areas as herein defined, and subject to the following conditions:

- (A) The covenants shall be filed in the land records at time of filing the final plat and a certification shall be included on the record plat to the effect that the subdivision is subject to covenants.**
- (B) A resubdivision increasing the number of lots shall not be permitted unless there is a resubdivision of the entire tract.**
- (C) A maximum of eight (8) lots, two (2) acres or larger, shall be permitted in a subdivision using private rural roads and the number of lots five (5) acres or larger shall be unlimited, provided that each lot adjoining a private rural road shall be used for one-family dwelling or agricultural purposes.**
- (D) A private rural road shall not connect to more than one (1) public road and shall be constructed in accordance with the private rural road standards, pursuant to Subtitle 23 of this Code. No final plat of subdivision shall be approved without completion of the road or the posting of a completion bond with the Department of Permitting, Inspections, and Enforcement to assure completion of the road prior to the issuance of any use and occupancy permit.**

The subject property was in the O-S Zone at the time of the subdivision. The requirement for and recording reference of the covenant are noted on the final plat (Plat Book VJ 190 Plat No. 73) as Note 5, and the final plat notes that Parcel A (private road parcel) is to be conveyed to the HOA. The land for the road (Parcel A) was conveyed to the Queen Anne Meadows, Homeowners Association Inc. entity in 2002, by deed recorded in Liber 15911 folio 693. An easement and maintenance agreement for the subdivision private right-of-way is recorded in Liber 25694 folio 001 (previously having been recorded in Liber 13859 folio 288 and 13883 folio 167).

The applicant argues that the Queen Anne Meadows HOA has been “forfeited” provided by a copy of the HOA’s forfeited status on the State Department of Taxation and Assessments website. The applicant has demonstrated that there is an established HOA and recorded covenants with the applicant’s supporting documents, in accordance with the requirements for a private rural road, under Section 24-128(b)(3). Page 6, Article X of the Queen Anne Meadows Subdivision HOA Articles of Incorporation (unrecorded) states the terms for dissolution. Outside of dissolution, the HOA remains in perpetuity. A forfeiture of the HOA’s status is not akin to dissolution. A declaration by the state of the HOA’s forfeiture means that it has forfeited its eligibility to operate as a tax-exempt entity. Forfeiture does not mean that the HOA has been dissolved. Therefore, the property remains subject to a governance structure.

The applicant also provided the easement and maintenance agreement covenant recorded on June 15, 2000, in Liber 13859 Folio 288 (superseded by aforementioned recording). The easement

and maintenance agreement covenant is recognized as a governance structure and as legally binding for lots of the Queen Anne Meadows subdivision. The covenants' impact is equal to that of an HOA in establishing legal obligations and restrictions to which property owners must adhere. In particular, like the declaration of covenants for a HOA, the easement and maintenance agreement sets up the means of funding and maintaining a common facility (the private road) among the property owners that facility serves. Therefore, regardless of whether the HOA was found to be dissolved, the covenants still stand as they run with the land. The covenants are a requirement of the subdivision approved for the property, and dissolution of the covenants would not comply with the required development approvals to which Lot 3 is subject.

Section 27-3612(d) of the Zoning Ordinance outlines the uniform mechanism in which formal written interpretations are rendered. The provisions have been replicated below in **bold** text, and an analysis of the relevant findings follow below in plain text.

Section 27-3612. Interpretation (Text, Uses, and Zoning Map)

(1) Text Provisions

Interpretation of a provision's text, and its application shall be based on Section 27-1500, Relationship with Other Laws, Covenants, or Deeds, and considerations including, but not limited to, the following:

(A) The plain meaning of the provision's wording, considering any terms specifically defined in Section 27-2500, Definitions, and the common and accepted usage of terms; and

The terms "governance structure," "covenant," and "homeowners association" are not defined by Section 27-2500. However, a "Subdivision" is defined by Section 24-2300 of the Subdivision Regulations as "The process and configuration of land by which one or more lots, tracts, or parcels of land are divided, consolidated, or established as one or more lots or parcels, or other divisions of land. Subdivision also occurs when land is converted from residential to nonresidential uses or nonresidential to residential uses, or from residential or nonresidential uses to mixed-use development, and one or more lots, tracts, or parcels of land are divided, consolidated, or established." The Queen Anne Meadows Subdivision has been developed with single-family detached dwellings, and Lot 3, the subject property, was created as part of this subdivision.

"Lot" is defined by Section 27-2500 as "A designated area of land to be used, developed, or built upon as a unit (in accordance with this Subtitle), and having the minimum contiguous area required for a "lot" in the applicable zone and frontage on a public "street," or private road, right-of-way, or easement approved in accordance with Subtitle 24: Subdivision Regulations. A lot shall be made up of one (1) or more entire "record lots." The subject property is a lot within a subdivision that meets the minimum configuration required and has frontage on a private street and demonstrates that the property is part of a subdivision.

We must next use the Merriam-Webster dictionary (<https://www.merriam-webster.com/>) definitions, accessed online, to understand if the subdivision is subject to a government structure, as well as the examples of an HOA and recorded covenants. The plain meaning of these terms is broken down as follows:

“Governance” is defined as “the act or process of governing or overseeing the control and direction of something (such as a country or an organization).”

“Structure” is defined as the “aggregate of elements of an entity in their relationships to each other.”

The plain meaning of governance structure is the overseeing of a combination of elements; in this case, lots within a subdivision. The examples provided in the Zoning Ordinance include an HOA and a covenant.

“Covenant” is defined as “a written agreement or promise usually under seal between two or more parties especially for the performance of some action.” The applicant has provided an easement and maintenance agreement, which sets forth the covenants of joint responsibility for collective access to and maintenance of the private right-of-way (Parcel A) for Lots 3–8 of the Queen Anne Meadows subdivision.

“Homeowner” is defined as “a person who owns a home.”

“Association” is defined as “an organization of persons having a common interest.”

The Queen Anne Meadows subdivision is made up of Lot 3 and seven other lots, with Lots 1, 2, and 4 through 8 having existing single-family detached homes. The applicant provided the articles of incorporation for the Queen Anne Meadows, Homeowners Association, Inc (HOA). The HOA document sets the rules of how the homeowners within the subdivision will be organized and serves to govern common elements. In addition, Lots 3–8 are subject to the easement and maintenance agreement for a private right-of-way, which is a covenant that is required pursuant to the approved subdivision for the property. Accordingly, the plain meaning of the provision at issue indicates that the property is subject to a “governance structure and regulations” in the form of the HOA and easement and maintenance agreement.

(B) The purpose of the provision, as indicated by:

(i) Any purpose statement in the section(s) where the text is located;

Section 27-5102 of the Zoning Ordinance provides a general statement under provision (a)(1) that the standards for a specific principal use shall apply, regardless of what zone in which the use

may be located. The standards for specific principal uses in Section 27-5102 are particular to the nature and operation of the individual uses. This indicates that the provision at issue was intended to address the particular impacts of farm-based alcohol production on subdivisions “subject to a governance structure and regulations.”

(ii) The provision’s context and consistency with surrounding and related provisions;

In accordance with Section 27-1300 of the Zoning Ordinance, the purposes of the Zoning Ordinance are to protect the health, safety, and welfare of inhabitants of the County; to promote beneficial relationships between the uses of land and protect landowners from adverse impacts of adjoining development; and to protect the established character of residential communities. Pursuant to Section 27-5101(c) of the Zoning Ordinance, farm-based alcohol production is permitted in the AG Zone, subject to use-specific standards in Section 27-5102(b)(2)(A). The use-specific standards for a farm-based alcohol production use include that the use is not permitted on a lot within a subdivision that is subject to a governance structure.

Farm-based alcohol production is defined in Section 27-2500 as follows:

“An alcohol production facility located on a farm and using agricultural products produced on the farm. Farm breweries, distilleries, rectifiers, or wineries are licensed and regulated by the State of Maryland and Federal Law. Accessory uses may include retail sales of beverages produced on-site, as allowed by State licensing laws.”

This indicates that the purpose of Section 27-5102(b)(2)(A)(iii) of the Zoning Ordinance is to address the impact of farm-based alcohol production on properties subject to a governance structure, particularly due to the commercial aspects of the use.

(iii) Any legislative history related to the provision’s adoption;

CB-36-2009

Council Bill CB-36-2009 was enacted by the Prince George’s County Council on October 20, 2009.

This bill amended the Zoning Ordinance in effect prior to April 1, 2022 (prior Zoning Ordinance). The amendment included establishing a definition of farm wineries for the purpose of permitting farm wineries in residential zones assessed for

agricultural use. Farm wineries would be subject to certain requirements through amendments, Section 27-107.01 and Section 27-441(b) of the prior Zoning Ordinance.

CB-36-2009 took effect on January 4, 2010. Under the prior Zoning Ordinance, the use of farm-based alcohol production was identified under a similar use, farm winery. The use included specific requirements in order to be permitted which are consistent with Section 27-5102(b)(2)(A)(ii) of the current Ordinance, as follows:

Section 27-445.01. - Farm Winery.

(a) General Requirements. A Farm Winery is permitted subject to the following:

(10) The use shall not be permitted on a lot or open space within a subdivision defined as a parcel of land under which there is a governance structure and regulations (i.e., a homeowners' association and recorded covenants).

CB-013-2021

Council Bill CB-013-2021 was enacted by the Prince George's County Council on May 4, 2021.

This bill amended the prior Zoning Ordinance to establish a new use, Farm Brewery, and amended the Residential Table of Uses Permitted to allow farm brewery uses in the O-S Zone, subject to certain requirements. CB-013-2021 took effect on June 21, 2021.

The specific requirements again included restrictions relative to lots subject to a governance structure in order for the use to be permitted, which are consistent with Section 27-5102(b)(2)(A)(ii) of the current Ordinance, as follows:

Section 27-445.20. - Farm Brewery.

(a) General Requirements. A Farm Brewery is permitted subject to the following:

(10) The use shall not be permitted on a lot or open space within a subdivision defined as a parcel of land under which there is a governance structure and regulations (i.e., a homeowners' association and recorded covenants).

CR-136-2021

Pursuant to the Council's adoption of Council Resolution CR-136-2021, effective April 1, 2022, the provisions of the current

Zoning Ordinance took effect, as approved by the Council via enactment of CB-013-2018 and CB-098-2021. The subject property was placed in the AG Zone, and the Zoning Ordinance established the definition and use permissions for farm-based alcohol production.

CB-015-2024

This bill revised the definition of farm-based alcohol production to add clarification regarding the licensing requirements for the use and included revisions to Section 27-5102(b)(2)(A)(ii), none of which impacted the restriction of the use on lots subject to a governance structure.

The legislative history does not address the intent of Section 27-5102(b)(2)(A)(iii).

(iv) The general purposes served by this Ordinance, as set forth in Section 27-1300, General Purpose and Intent; and

Among other purposes of the Zoning Ordinance are those to:

- (a) Protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**
- (j) Promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**
- (k) Protect the established character of residential communities and neighborhoods;**

The provision at issue is in line with the Zoning Ordinance's purpose of "protect[ing] the established character of residential communities and neighborhoods." More specifically, farm-based alcohol production is not permitted on property subject to a governance structure, in order to avoid the potential impact of said use on an established residential subdivision which may include increased traffic and accompanying safety issues. Specifically, per its definition, farm-based alcohol production may include ancillary uses akin to a commercial use that generates additional traffic.

In this instance, allowing farm-based alcohol production and its ancillary uses at the subject property could have a substantial and disproportional impact from that anticipated under the subdivision, for residential single-family homes. In particular, the Queen Anne Meadows subdivision includes a private road serving Lots 3–8. This private road is owned by the HOA and maintained in accordance with the easement and maintenance agreement. Allowing farm-based alcohol production at the subject property might

increase traffic and maintenance requirements along the private road, in a manner not anticipated at the time the private road, HOA, and easement and maintenance agreement were established.

(v) The applicable comprehensive plans.

2014 Plan Prince George's 2035 Approved General Plan

The policies, strategies, and goals of the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) are implemented through the Zoning Ordinance. While Plan 2035 does not address the use of “farm-based alcohol production” in plain language, it does speak throughout Sections I and IV to the prioritization of community character via appropriate land uses. The Queen Anne Meadows subdivision was approved for the intent of residential use in a community of rural character.

Based on the foregoing, staff conclude that the purpose of Section 27-5102(b)(2)(A)(ii) of the Zoning Ordinance was to disallow farm-based alcohol production on lots and parcels subject to a governance structure and regulations in order to protect and preserve rural subdivisions from the impacts of noise, traffic, and road safety produced from the commercial aspects of the use.

Conclusion

The subject property is zoned AG under the Zoning Ordinance. Section 27-5102(b)(2)(A)(ii) of the Zoning Ordinance does not permit farm-based alcohol production on a property that is subject to a governance structure. While the zoning and classification of the subject property would support farm-based alcohol production, the subdivision of the land determined the properties' appropriateness specifically for residential use. The subdivision was further conditional upon the requirement for a governance structure, under which farm-based alcohol production is prohibited. As such, farm-based alcohol production is not permitted on the subject property.

* * *

This written interpretation is binding on subsequent decisions by the Planning Director or another Maryland-National Capital Park and Planning Commission (M-NCPPC) or Prince George's County administrative officials in applying the same provision of this Ordinance or the Official Zoning Map to the project at the subject property, unless the interpretation is modified in accordance with the requirements of the Ordinance or the text of the Ordinance impacting the interpretation is amended.

This written interpretation is a final decision of the Planning Director and may be appealed to the Prince George's County Board of Zoning Appeals within thirty (30) days following receipt of this interpretation by the Applicant.

James R. Hunt

James R. Hunt, MPA
Acting Planning Director

04/17/2026

Date











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Final Audit Report

2026-04-17

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