

# PRINCE GEORGE'S COUNTY ZONING ORDINANCE INTERPRETATION

## Zoning Ordinance Interpretation: ZOI-2026-002

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### Summary

The Transitional Provisions allow applicants with development approvals or permits for projects approved under the provisions of the prior Zoning Ordinance, or the prior Subdivision Regulations, the choice to obtain the subsequent development approvals or permits required to complete those projects by complying with the provisions of the prior Zoning Ordinance or Subdivision Regulations instead of the current Zoning Ordinance and Subdivision Regulations. Upon completion of such projects, the buildings, structures, and site features, as well as the uses for which those projects were intended, are deemed legal and conforming. In addition, properties containing legal conforming buildings, structures, and site features in existence on March 31, 2022 remain legal and conforming even if they are not in conformance with the requirements of the zone in which they were located by the Countywide Map Amendment (CR-136-2021, eff. 4/1/2022, "CMA"). The Transitional Provisions also permit these buildings, structures, and site features to be repaired or maintained, altered, extended, or enlarged to a certain degree, and restored or reconstructed in certain circumstances pursuant to the provisions of the prior Zoning Ordinance. In addition, until April 1, 2032, property owners may obtain Use & Occupancy permits for uses that were allowed in the use tables applicable to their properties on March 31, 2022. Development applications for projects that are not subject to the Transitional Provisions shall be reviewed in accordance with the current Zoning Ordinance and Subdivision Regulations.

### Background

This request for a Zoning Ordinance Interpretation concerns the application and intent of the Transitional Provisions as set forth in Sections 27-1701 through 27-1707 of the Prince George's County Zoning Ordinance (Zoning Ordinance).

Pursuant to Section 27-3612(c)(2) of the Zoning Ordinance, an application for a formal written interpretation of the text of the Zoning Ordinance may be initiated by the District Council, the Planning Board, or any person having a contractual interest in land in the County. The Planning Board initiated this request at its February 5, 2026, meeting to provide clarification regarding the applicability of the Transitional Provisions, considering the number of recent inquiries and the significance of these provisions to the County's development review processes.

In 2018, the County Council adopted CB-13-2018, "An Ordinance Concerning the Zoning Ordinance of Prince George's County for the purpose of replacing the Zoning Ordinance of Prince George's County, being also and the same Subtitle 27 of the County Code, with a new Zoning Ordinance." CB-13-2018 repealed and replaced existing Subtitle 27 of the Prince George's County Code. See Zoning Ordinance (ZO) § 27-1701 (now § 27-1401). It also established transitional rules governing development applications pending as of the effective date of the Zoning Ordinance and development approvals and permits approved under the provisions of the prior Zoning Ordinance. These provisions were codified in Part 27-1 (General Provisions) of Subtitle 27 and currently

consist of Sections 27-1701 through 27-1707 (the Transitional Provisions). The current Zoning Ordinance became effective on April 1, 2022 following the adoption of the CMA..

The Transitional Provisions are the product of extensive coordination and collaboration among the Prince George's County Council, Council staff, the Zoning Hearing Examiners, the Office of the County Executive, the Planning Board, members of the County Land Use Bar, the Maryland Building Industry Association, numerous development stakeholders, and other interested parties. They were not drafted in isolation or adopted hastily. Rather, they emerged from a multi-year process involving detailed study, multiple iterations, and substantive revisions. Following initial deliberations and refinements in 2018, the provisions were further evaluated and amended in 2021, 2022, 2023, and 2024 in response to stakeholder feedback and implementation experience.

## **Request**

Interpretation of the Transitional Provisions contained in Sections 27-1701 through 27-1707 of the Zoning Ordinance to determine what development approvals and permits initiated or approved under the prior Zoning Ordinance, and now subject to transition under the current regulations, may continue to proceed in accordance with the prior Zoning Ordinance and Subdivision Regulations.

## **Interpretation**

### **Section 27-1701. Purpose and Intent**

This Section states that the purpose and intent of the Transitional Provisions is to allow the owners of properties with development and/or development applications of any type approved and/or constructed under the prior Zoning Ordinance or Subdivision Regulations, including development applications approved pursuant to the provisions of Section 27-1900, the right to proceed and utilize the prior Zoning Ordinance and Subdivision Regulations as permitted herein. In addition, the owners of properties subject to the Transitional Provisions are entitled to obtain approvals for certain uses based on the zoning district in which the property is located, and to make revisions or amendments to certain approvals, as permitted herein.

### **Section 27-1702. Violations Continue**

This Section states that any violation of the prior Zoning Ordinance remains a violation under the current Ordinance even if such violation is considered legal under the current Zoning Ordinance. For example, illegally obtained approvals do not gain legal status merely due to the enactment of the new ordinance. All enforcement actions proceed under Part 27-8 (Enforcement).

### **Section 27-1703. Applications Pending Prior to the Effective Date of this Ordinance**

This Section allows development applications, including permit applications, pending prior to April 1, 2022, the right to obtain the approvals necessary to complete the projects proposed in such applications pursuant to the provisions of the prior Zoning Ordinance and Subdivision Regulations.

### **Section 27-1704. Projects Which Received Development or Permit Approval Under the Provisions of the Prior Zoning Ordinance**

This Section allows applicants with development approvals or permits for projects approved under the provisions of the prior Zoning Ordinance, or Subdivision Regulations, the choice to obtain the

subsequent development approvals or permits required to complete those projects by complying with the provisions of the prior Zoning Ordinance or Subdivision Regulations. Applicants with such development approvals or permits may also revise or amend such approvals or permits under the provisions of the prior Zoning Ordinance as necessary to complete the projects proposed under such “grandfathered” development approvals or permits. When a grandfathered development approval or permit expires or is revoked, however, this Section requires any subsequent development of the land to be subject to the procedures and standards of the current Zoning Ordinance.

- 27-1704(a): Applies to development approvals (except Zoning Map Amendments) or permits of any type that were granted before April 1, 2022, or approved under the prior Zoning Ordinance or Subdivision Regulations pursuant to an application submitted under Section 27-1900 during the three-year period between April 1, 2022 and April 1, 2025. Applicants can also pursue extensions of time for such development approvals or permits under the provisions of the prior Zoning Ordinance or Subdivision Regulations but approvals for Conceptual Site Plans (CSP), Special Permits, Comprehensive Sketch Plans, or Comprehensive Design Plans (CDP) (that previously had unlimited terms) are capped at 20 years.

Example: Comprehensive Design Plan CDP-24999 was submitted on March 28, 2020, accepted on March 30, 2022, and approved on May 6, 2022. This CDP remains valid for 20 years from its date of approval (May 6, 2042).

- 27-1704(b): The projects proposed or approved in the development approvals or permits qualifying under Section 27-1704(a) may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the prior Zoning Ordinance and prior Subdivision Regulations. Accordingly, projects not proposed or approved in a development approval or permit qualifying under Section 27-1704(a), except as otherwise revised or amended under Section 27-1704(e), must proceed under the current Zoning Ordinance and Subdivision Regulations. This subsection also applies to certain stormwater management concept plans and grading permits, and explicitly excludes a narrow group of multifamily projects, as listed.

Example 1: A CSP is approved by the Planning Board on June 1, 2022. The CSP is valid until June 1, 2042. Any subsequent applications for the project proposed in the CSP, such as for a preliminary plan of subdivision or detailed site plan, may be reviewed under the prior Subdivision Regulations or Zoning Ordinance respectively.

Example 2: Building and Use and Occupancy permits were approved for the construction of an auto parts store in 1997 and the project was completed in 2001. An application filed in 2026 to replace the store with a fast-food restaurant with drive-through is not eligible to be reviewed and approved under the prior Zoning Ordinance and Subdivision Regulations.

- 27-1704(c): The development approvals or permits qualifying under Section 27-1704(a) that expire, or are revoked, may no longer be used to obtain subsequent development approvals under the prior Zoning Ordinance or Subdivision Regulations.

Example: The subject property has no approvals other than a detailed site plan (DSP) for a project approved in January 2022. The DSP expired in January 2025. In 2026, the owner of

the subject property submits an application for the same project. The new project must proceed under the current Zoning Ordinance.

- 27-1704(d): The buildings, structures, and site features constructed pursuant to the projects proposed in the development approvals or permits qualifying under Section 27-1704(a), and any subsequent development approvals and permits permitted to be approved under the prior laws pursuant to Section 27-1704(b), are deemed legal and conforming. In addition, the uses proposed or approved in such development approvals or permits are deemed legal and conforming. These buildings, structures, site features, and uses are thereafter subject to Section 27-1707.

This Section also provides that the twenty-year period for the use of a Conceptual Site Plan (CSP), Special Permit, Comprehensive Sketch Plan, or Comprehensive Design Plan (CDP) qualifying under Section 27-1704(a) terminates upon the adoption of a Zoning Map Amendment or Planned Development Zoning Map Amendment for the property subject to such approvals.

The phrase “for all purposes,” in this subsection read in context with the entirety of Section 27-1704 refers to any subsequent development approval or permit allowed to be reviewed and approved pursuant to Section 27-1704(b). It does not extend to any development application whatsoever for a property subject to the approval of a Conceptual Site Plan (CSP), Special Permit, Comprehensive Sketch Plan, or Comprehensive Design Plan (CDP), or a property subject to “All other development approvals” such as a detailed site plan.

Example 1: The subject property obtained approval of a CSP for the proposed development of a multifamily building in 2004. In 2023, as permitted by Section 24-1903 of the Subdivision Regulations, the owner of the subject property obtained approval of a preliminary plan of subdivision under the provisions of the prior Subdivision Regulations. In 2024, as permitted by Section 27-1704(b) of the current Zoning Ordinance, the owner obtained approval of a DSP under the provisions of the prior Zoning Ordinance for the multifamily building. The project thereafter received all necessary permits in 2025 for the construction and occupancy of the building. Although the location of the multifamily building violates the setback provisions of the zone in which the property is currently located, and multifamily uses are not allowed in such zone, both the building and the multifamily use are deemed legal and conforming.

Example 2: The subject property obtained approval of a building permit in 1987 and completed construction and obtained Use and Occupancy Permits in 1991. The property owner now seeks to tear down the building and construct a new building. The new project is required to proceed under the current Zoning Ordinance and Subdivision Regulations.

- 27-1704(e): The development approvals or permits qualifying under Section 27-1704(a), and any subsequent development approvals and permits permitted to be approved under the prior laws under Section 27-1704(b), may be revised or amended as necessary to complete the projects proposed in such approvals or permits. It also confirms that applicants are not required to use the prior Zoning Ordinance but may request approvals under the current Zoning Ordinance. This provision also authorizes the installation of EV charging stations subject only to approval of the DPIE Director even if such installation would be considered a “new” project under the Transitional Provisions.

- 27-1704(f): This Section provides applicants proceeding under the current Zoning Ordinance and/or Subdivision Regulations the authority to utilize approvals obtained under the prior Zoning Ordinance and Subdivision Regulations. If an applicant chooses to do so, they must comply with all prior applicable conditions of approval. If an applicant chooses not to utilize an approval under the prior Zoning Ordinance or Subdivision Regulations, such prior approvals will not apply to the new project.
- 27-1704(g)-(i): These Sections confirm that projects in Legacy Zones (LCD, LMXC, LMUTC) are permitted to continue to develop under the provisions of the prior Zoning Ordinance subject to the development approvals they have received.

This interpretation is consistent with ZOI-2023-002, which used Section 27-1704(g) to confirm that amendments to qualifying prior approvals for a property originally zoned Residential Medium Development under the prior Zoning Ordinance, now zoned Legacy Comprehensive Design, may still be reviewed under the original Ordinance unless the applicant chooses to be reviewed under the current Ordinance.

- 27-1704(j): Allows continuation of development and new developments related to building permits issued prior to October 16, 1975, **and** granted by special exception, so long as the full scope of the special exception entitlement is preserved. This subsection does not authorize any expansion beyond what the special exception approval contemplated.
- 27-1704(k): This Section confirms that projects that were in the M-X-T Zone are permitted to continue to develop under the provisions of the prior Zoning Ordinance subject to the development approvals they have received.
- 27-1704(l): This Section limits the applicability of the Transitional Provisions to the development and approval of tobacco shops, electronic cigarette shops, and retail tobacco businesses in certain cases.

Example: A still valid detailed site plan approved under the prior Zoning Ordinance for a tobacco shop cannot obtain approval of building or use and occupancy permits for the shop if it will be located within a five-mile radius of another tobacco shop, electronic cigarette shop, or retail tobacco business even if such use would be permitted at that location under the prior Zoning Ordinance.

- 27-1704(m): This Section is specific to a particular set of properties in the IE Zone which may elect to be reviewed under the provisions of the CGO Zone.
- 27-1704(n): This Section provides an exception to the limitations imposed by Section 27-1704(b) to permit certain large-scale projects in the M-X-T Zone the right to obtain development approvals and permits under the prior Zoning Ordinance during the entire validity period of the Conceptual Site Plan (CSP) that would not otherwise be eligible under the Transitional Provisions such as the reconstruction of an existing building (but not the entire project). The Section also grants access to the prior Zoning Ordinance and the use table of the M-X-T Zone. It also provides that upon expiration of the CSP, any approved Detailed Site Plans for the area constitute the approved development plans.

**Section 27-1705. Temporary Authorization for Outdoor Seating**

This Section contains the District Council's findings concerning local recovery efforts initiated in response to COVID-19 that recognized the need to establish an expedited administrative process to allow certain Eating and Drinking Establishment Uses to offer new or expanded outdoor seating on adjacent or shared exterior spaces in Prince George's County. Until April 1, 2024, all provisions of the current and prior Zoning Ordinances, including those related to site plan conformance, minimum setbacks, and parking requirements, were suspended. This pause allowed the County to authorize outdoor dining at existing lawful establishments using the Eating and Drinking Establishment Uses Principal Use Category in adjacent or shared exterior spaces, provided the establishment remained in compliance with all regulations. The DPIE Director was also directed to establish and administer an expedited process to authorize such uses.

Any authorized establishment lawfully using the Eating and Drinking Establishment Uses Principal Use Category that is offering new or expanded outdoor dining must comply with all State and County laws and regulations, except where this Subtitle suspends them. Regardless of any provision of this Subtitle or Subtitle 28 - Civil Monetary Fines or Penalties, Prince George's County has the authority to immediately revoke existing Eating and Drinking Establishment Uses if establishments fail to comply with any State or County laws or requirements stated here. The enforcement of these requirements and all other relevant State and County laws and regulations will be performed as needed by State or County authorities, with assistance from Prince George's County law enforcement when necessary.

**Section 27-1706. Prohibited laws under the Prior Zoning Ordinance**

Unless a development has vested rights under Maryland law, the following laws shall not apply to any development or permit application filed under 27-1703, 27-1704, 27-1903, or 27-1904. The previously approved uses listed below are strictly prohibited and cannot be processed under the prior Zoning Ordinance in certain circumstances:

- Amending the Commercial Table of Uses Permitted to allow townhouse uses in the C-0 (Commercial Office) Zone (CB-008-2021).
- Amending the residential table of uses to permit a mix of residential and commercial/retail uses in the R-E (Residential Estate) Zone of Prince George's County (CB-050-2021).
- Allowing townhouse and one-family detached dwelling uses in the R-A (Residential Agricultural) Zones of Prince George's County (CB-17-2019).
- Permitting limited Class 3 fill uses to reclaim former surface mining properties for public use in the R-A (Residential Agricultural) Zones of Prince George's County (CB-088-2018).
- Allowing, without requiring a special exception, limited Class 3 fill uses to reclaim former sand and gravel mining properties for public use in the R-A (Residential-Agricultural) Zone (CB-089-2018).

**Section 27-1707. Grandfathered Buildings, Structures, Site Features, and Uses**

Section 27-1707 grandfathers certain buildings, structures, site features, and uses and provides authority to proceed with certain projects under the provisions of the prior Zoning Ordinance.

**For Buildings, Structures, and Site Features**

- 1) As discussed above, under Section 27-1704(b), projects proposed or approved in the development approvals or permits qualifying under Section 27-1704(a) may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the prior Zoning Ordinance and prior Subdivision Regulations. Pursuant to Section 27-1704(d), once completed, the buildings, structures, and site features are deemed legal and conforming and are subject to the provisions of Section 27-1707 as follows:
  - a) Under Section 27-1707(b), if the completed building, structure, or site feature is not in conformance with the requirements of the zone in which it is located, it is deemed a legal conforming building, structure, or site feature until April 1, 2032 even if the District Council approves a new zone for the property that would cause the building, structure, or site feature to be nonconforming.
  - b) Under Section 27-1707(b)(1), the completed building, structure, or site feature:
    - (i) May be repaired or maintained;
    - (ii) May be altered, extended, or enlarged by the greater of ten percent of the gross square footage or 30,000 gross square feet without approval of a detailed site plan, provided the alteration, extension, or enlargement conforms to the building line setback or build-to line, yard, and height regulations of the zone in which the building, structure, or use would have been located prior to April 1, 2022; and
    - (iii) May be restored or reconstructed if unintentionally destroyed by fire or other calamity if a building permit for such restoration or reconstruction is issued within two calendar years from the date of destruction, and construction pursuant to the permit has begun within six calendar months after the date of issuance (or lawful extension of the permit) and proceeds to completion in a timely manner.
- 2) Development Approvals or Permits issued before 4/1/22 for buildings, structures, and site features constructed prior to 4/1/22 are also subject to Section 27-1707.
  - a) Under Section 27-1707(a), if the building, structure, or site feature was a legal nonconforming building, structure, or site feature on March 31, 2022, and is not in conformance with the requirements of the zone in which it is located on April 1, 2022, it remains a legal nonconforming building, structure, or site feature.

- b) Under Section 27-1707(b), if the building, structure, or site feature was a legal conforming building, structure, or site feature on March 31, 2022, and is not in conformance with the requirements of the zone in which it is located on April 1, 2022, it is deemed a legal conforming building, structure, or site feature until April 1, 2032 even if the District Council approves a new zone for the property that would cause the building, structure, or site feature to be nonconforming. Under Section 27-1707(b)(1), the building, structure, or site feature:
- (i) May be repaired or maintained;
  - (ii) May be altered, extended, or enlarged by the greater of ten percent of the gross square footage or 30,000 gross square feet without approval of a detailed site plan, provided the alteration, extension, or enlargement conforms to the building line setback or build-to line, yard, and height regulations of the zone in which the building, structure, or use would have been located prior to April 1, 2022; and
  - (iii) May be restored or reconstructed if unintentionally destroyed by fire or other calamity if a building permit for such restoration or reconstruction is issued within two calendar years from the date of destruction, and construction pursuant to the permit has begun within six calendar months after the date of issuance (or lawful extension of the permit) and proceeds to completion in a timely manner.

Alterations, extensions, and enlargements in excess of what is permitted in (1)(b)(ii) and (2)(b)(ii) above shall be subject to Section 27-1707(c).

### Uses

- 3) Under Section 27-1707(a), a Use and Occupancy Permit issued before 4/1/22 for a use that was legally nonconforming on 3/31/22, that is not in conformance with the requirements of the zone in which it is located on April 1, 2022, remains a legal nonconforming use.
- 4) Under Section 27-1707(b), a Use and Occupancy Permit issued before 4/1/22 for a use that was legally conforming on 3/31/22, which is not in conformance with the requirements of the zone in which it is located on April 1, 2022, is deemed a legal conforming use until April 1, 2032 even if the District Council approves a new zone for the property that would cause the use to be nonconforming.
- 5) Under Section 27-1707(b), a Use and Occupancy Permit may also be issued for projects completed under (1) above for uses that were permitted on that property pursuant to the Use Table in effect for that property on 3/1/22. Such uses shall be deemed legal and conforming until April 1, 2032 even if the District Council approves a new zone for the property that would cause the use to be nonconforming.

For Uses Subject to (4) and (5) above:

- a) Such legal conforming uses may not be discontinued for a period exceeding three (3) years unless either:
  - i) The building or structure in which the use is being conducted is being restored or reconstructed pursuant to Part 27-7;
  - (ii) The Planning Board determines upon written request that the conditions of nonoperation were beyond the control of the person who was in control of the property during the period of nonoperation; or
  - (iii) The discontinuation is for the sole purpose of correcting Code violations.
- 6) Until April 1, 2032, a property owner may obtain a new Use & Occupancy permit for uses that were permitted on their property pursuant to the Use Table in effect for that property on March 31, 2022 and shall be subject to all conditions and required approvals applicable to such uses under the prior Zoning Ordinance.

## Procedure

Section 27-3612 of the current 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; (4) interpretations of compliance with a condition of approval.

Section 27-3612(d)(1)(A) provides that the Planning Director's interpretations will consider the plain meaning of the text, and this interpretation is made in accordance with such provisions and pursuant to the common law as developed by the Maryland Supreme Court.

"The cardinal rule of statutory interpretation is to ascertain and effectuate the real and actual intent of the Legislature....

To ascertain the intent of the General Assembly, we begin with the normal, plain meaning of the language of the statute. If the language of the statute is unambiguous and clearly consistent with the statute's apparent purpose, our inquiry as to legislative intent ends ordinarily and we apply the statute as written, without resort to other rules of construction. We neither add nor delete language so as to reflect an intent not evidenced in the plain and unambiguous language of the statute, and we do not construe a statute with "forced or subtle interpretations" that limit or extend its application.

We, however, do not read statutory language in a vacuum, nor do we confine strictly our interpretation of a statute's plain language to the isolated section alone. Rather, the plain language must be viewed within the context of the statutory scheme to which it belongs, considering the purpose, aim, or policy of the Legislature in

enacting the statute...

In every case, the statute must be given a reasonable interpretation, not one that is absurd, illogical, or incompatible with common sense.”

*Crawford v. Cnty. Council of Prince George's Cnty.*, 482 Md. 680, 697 (2023)  
(quoting *Lockshin v. Semsler*, 412 Md. 257, 274-76, (2010) citations omitted).

## Analysis

The current Zoning Ordinance, which became effective on April 1, 2022, is the culmination of more than a decade of work to replace the prior Zoning Ordinance of Prince George’s County, which had not undergone a comprehensive update in over 50 years. At the time of drafting and adoption, both the Planning Department and the Prince George’s County Council were fully cognizant of the significant impact the new regulatory framework would have on pending and approved development applications, in-process projects, and recently approved developments that might require subsequent phases, amendments, or revisions during implementation.

Because these projects could not be addressed on a case-by-case basis, Part 27-1700 of the current Zoning Ordinance establishes a comprehensive set of Transitional Provisions designed to ensure that eligible development approvals or permits lawfully initiated or obtained under the prior Ordinance remain viable, subject to defined temporal and structural limitations. As noted in the CB-077-2022 M-NCPPC Staff Report, “[t]he complexities of the prior regulations posed a major complicating factor that contributed to the process of developing the transition provisions of the new Zoning Ordinance and Subdivision Regulations, known informally as ‘grandfathering provisions.’”

Given such complexity, Sections 27-1701 through 1707 function as a transition architecture between the prior and current Zoning Ordinance and Subdivision Regulations. These provisions aim to reconcile the complete repeal of the prior Zoning Ordinance with the protection of reliance interests, approved entitlements, and ongoing development. The Transitional Provisions **do not create perpetual development rights**, they set the eligibility standards to proceed under the prior Ordinance.

More specifically, the Transitional Provisions are a layered transitional framework that: i) preserves prior approvals; ii) allows elective transition; iii) protects large legacy mixed-use projects; iv) secures approved development plans; v) prevents unintended nonconforming status, and vi) encourages eventual integration into the provisions of the current Ordinance.

In addition to the plain meaning of the text, the intent of the Transitional Provisions, as historically interpreted by the Planning Department and the Planning Board, is to “cover previously built development, projects that have submitted applications that were not yet decided when the new ordinances took effect, and **future applications that would be part of a “grandfathered” chain of entitlements**. To protect projects that were contemplated by property owners and developers but that had not yet filed any application, the ordinance allowed, at the sole discretion of the applicant, an unrestricted [...] overlap period codified in Section 27-1900 wherein the applicant can continue to file its first application under the prior ordinances [...]. **A first application accepted for processing prior to April 1, 2022 also allows the project to obtain the remainder of its entitlements using the prior ordinance.**” *CB-014-2023 M-NCPPC Staff Report (emphasis added)*.

During subsequent revisions to the Transitional Provisions, developers and members of the land use bar raised concerns regarding the treatment of certain uses under the transition and grandfathering framework. In particular, concerns were expressed that the ability to re-tenant vacant nonresidential space was more limited than anticipated. In response, amendments were adopted to the Transitional Provisions and Part 27-7 of the Zoning Ordinance ensure access to the use table in the prior Ordinance, thus protecting substantial infrastructure-intensive investments and avoiding circumstances in which previously approved development rights would become economically infeasible or unusable solely as a result of the current Ordinance.

Furthermore, this “grandfathering window” reflects the legislative recognition that “one size does not fit all.” Given the complexity and diversity of development projects within the County, the Transitional Provisions establish varying timeframes during which eligible projects may proceed under the prior Ordinance, provided they continue to advance in good faith toward final approvals and construction. This means that once the Department determines that a project has been built out and deemed as completed, any new physical development for the same parcel or property other than pursuant to Section 27-1707 is considered as a new project required to comply with the provisions of the current Zoning Ordinance.

By limiting the application of the Transitional Provisions to any subsequent applications related to the development approval or permit issued, understanding that those future applications are relevant to implement the intent of the original approval, Part 1700 establishes a defined sunset for the use of the prior Zoning Ordinance, in accordance with the purpose of the new Zoning Ordinance, to entirely repeal the prior Ordinance. In other words, legislative intent is that, over time, development within the County will stop being considered under the provisions of the prior Ordinance in order to further the type of development that the current Ordinance intends in Part 27-1300, as it was backed by the County Council in 2018 and 2024, and extensively addressed in Plan 2035.

“To address Council concerns of the length of time the prior codes could continue to be used, the Council imposed 20-year periods of validity for application case types that previously never expired (e.g. Conceptual Site Plans and Comprehensive Design Plans), and subsequent steps in “grandfathered” entitlement chains remained available to developers only for so long as the validity of prior approvals remained intact. As a result, projects will be using the prior codes for decades into the future, even under the existing transitional provisions”. *CB-014-2023 M-NCPPC Staff Report*

In addition to the common law provisions governing textual interpretations, Section 27-3612 of the Zoning Ordinance requests the Planning Director consider additional factors when making an interpretation.

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

Section 27-1700 finds that there is a need to apply certain procedures, regulations, zones, uses, and/or other aspects embodied within the prior Zoning Ordinance to allow grandfathered development approvals to be utilized. Accordingly, Sections 27-1701 through 27-1707 govern how development rights, applications, and approvals that existed before the effective date of the current Zoning Ordinance (April 1, 2022) are treated under the new zoning regime and whether they are subject to be reviewed and decided pursuant to the prior Zoning Ordinance, and sets their expiration sunset for applications that are subject to

the Transitional Provisions. This interpretation, therefore, covers each provision's text and its application.

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

Section 27-1700, in its entirety, is designed and implemented to effectuate the purpose of allowing use of the prior Zoning Ordinance under certain circumstances. As mentioned herein, the Council carefully deliberated the Transitional Provisions in 2018, making multiple revisions, and then further refined the provisions in 2024 in response to stakeholder concerns. The result was the transition and grandfathering provisions currently found in Section 27-1700, which are also found and consistent with Sections 27-1900, 24-1700, and 24-1900 of the new Zoning Ordinance and Subdivision Regulations.

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

Council Bill CB-13-2018 effective on April 1, 2022, was the legislative vehicle that comprehensively replaced Subtitle 27 of the Prince George's County Code and replaced the prior Ordinance. The key principle of CB-13-2018 was to grant some level of protection to pending applications, allowing them to continue under the Zoning Ordinance in effect when they were filed or approved, unless the applicant elects to be processed under the current Ordinance.

Accordingly, it included transitional and grandfathering provisions to ensure that the current Zoning Ordinance and Subdivision Regulations do not interfere with on-going projects, including new projects that were about to be submitted and accepted prior to the effective dates of the new Subtitles.

Subsequent revisions and amendments were considered between 2018 and 2024, as mentioned, in response to stakeholder concerns. Such revisions were proposed in CB-98-2021, CB-68-2022, CB-73-2023, and, finally CB-15-2024, adopted on July 16, 2024, which modified the grandfathering and Transitional Provisions of the current Zoning Ordinance.

CB-15-2024 was an omnibus bill designed to resolve ambiguities, refine procedures, and correct implementation issues that arose after April 1, 2022. CB-15-2024 was the result of substantial collaboration among numerous key stakeholders, including the County land use bar, the Maryland Building Industry Association, numerous developers, and others.

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

The Transitional Provisions as interpreted herein, are consistent with the general purposes of the Zoning Ordinance, particularly to *(c) Promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services; [... ] (f) Support redevelopment and infill development within established areas of the County.* As such, the approved transition and grandfathering provisions were designed to avoid interference with ongoing projects, including new projects that were about to be submitted or that would be submitted and accepted prior to April 1, 2024, eventually extended to April 1, 2025.

**But more importantly, the current Zoning Ordinance (including Section 1700) was carefully crafted to meet the demands of the current land use in the County, the need for higher and better-quality development, as requested by the County Council and the County’s residents. For this reason, the Transitional Provisions set specific deadlines to use the prior Ordinance to introduce a new wave of sustainable development that is consistent with the following, but not limited to the following purposes:**

“(d) Guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business; [...] (e) Support pedestrian-friendly, higher-intensity, mixed-use development in the appropriate locations, including support and emphasis upon a framework for multi-modal forms of mobility for pedestrians, bicyclists, transit users, and motorists; [...] (i) Ensure a high level of quality development in general, for the benefit of all citizens and residents, throughout 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; [...] (m) Provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents; (n) Prevent the overcrowding of land;”

**(v) The applicable comprehensive plans.**

The current Zoning Ordinance, as adopted, is by itself the primary vehicle to implement the Plan Prince George's 2035 Approved General Plan (Plan 2035). More specifically, Plan 2035 land use section LU4.4 states:

LU4.4 Identify additional strategies that may reduce the amount of residential and commercial development that is no longer economically viable and has been approved but not constructed throughout the County. **Evaluate various codes and procedures including validity periods and the effect on adequate public facilities.** (Emphasis added) P.27

Accordingly, the Transitional Provisions and Section 1900 (Grandfathering provisions) are consistent with LU4.4 as they set specific deadlines plus a two-year period (eventually extended to three years) to finish a determined project and/or get the approvals needed pursuant to the prior Ordinance and more importantly, to construct approvals that have not been completed as “Past Development Approvals Impact Future Growth [...] If we do not pursue change, the magnitude of this pipeline will ensure that past development trends and policies will continue to shape Prince George’s County for decades, undermining its economic competitiveness in the region and its ability to accommodate the needs of its changing population” Plan 2035. P. 16

The purpose and intent of the Transitional Provision are also consistent with the following policies:

LU1.2 Revise and update the Zoning Ordinance, Subdivision Ordinance, and other County regulations to ensure they are consistent with and support the Plan 2035 growth management goals, vision, and policies. Conduct a comprehensive analysis of the

Zoning Ordinance, including its use tables, zoning districts and densities, and variance criteria. P. 24

LU4.2 Create a working group to address the magnitude of the residential pipeline in Established Communities and Rural and Agricultural Areas. Potential strategies to reduce the pipeline include amending the County code to limit validity periods, reevaluating approved adequate public facilities for projects that have not provided assurances that public infrastructure will be constructed in a timely manner, and requiring performance bonding prior to recordation of final plat. P 27

## Conclusion

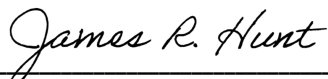
In summary, the Transitional Provisions, as originally adopted and subsequently amended, balance developer expectations and reliance interests with the County's authority to implement and enforce its current zoning framework by:

1. Authorizing the continuation and completion of projects and applications under the prior Zoning Ordinance and Subdivision Regulations where such approvals or applications were lawfully obtained and substantially underway prior to April 1, 2022.
2. Preserving certain development rights for a defined and time-limited period, based on the type of approval and project.
3. Establishing grandfathering standards that clarify and protect the legal and conforming status of buildings, structures, uses, and site features constructed pursuant to approved development under the prior Ordinance.
4. Maintaining the ability to enforce violations that existed under the prior Ordinance and ensuring that unlawful development does not acquire legal status through transition.
5. Incorporating subsequent legislative amendments that extend, limit, or clarify the duration and scope of transitional rights.

\* \* \*

**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.**

  
\_\_\_\_\_  
James R. Hunt, MPA  
Acting Planning Director

3/27/2026\_\_\_\_\_

Date