

# PRINCE GEORGE'S COUNTY ZONING ORDINANCE INTERPRETATION

Zoning Ordinance Interpretation:            ZOI-2024-002

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**Applicant:**                            3442 Bladensburg Road LLC c/o Warespace  
**Project Name:**                    3442 Bladensburg Road  
**Property Address:**            3442 Bladensburg Road, Cottage City, MD 20722

## Background

This request for a Zoning Ordinance Interpretation solely concerns property within the *2009 Approved Port Towns Sector Plan and Sectional Map Amendment*. The Applicant owns three parcels with Tax Account Nos. 5565308, 1783950, 1711597 ("Subject Property"). The Subject Property is zoned Commercial, Service (CS) on the official Zoning Map. In the prior Zoning Ordinance, the Subject Property was zoned Mixed Use Transportation Oriented (M-X-T) and subject to the *2009 Approved Port Towns Sector Plan and Sectional Map Amendment* Development District Overlay (D-D-O). The Subject Property was governed by a unique provision in the D-D-O which permitted I-1 uses for a specific assemblage of properties pursuant to a footnote contained in the D-D-O table of uses. As such, this Zoning Ordinance Interpretation applies only to the treatment of uses on the Subject Property.

## Request

Does Section 27-1704 of the current Zoning Ordinance allow permitted uses in the I-1 Zone for the Subject Property until at least April 1, 2032?

## Interpretation

Section 27-1704 only allows the property owner/tenant of the Subject Property to conduct I-1 uses on the Subject Property if they obtained a development approval or permit for such I-1 use (i) prior to April 1, 2022, or (ii) on or after April 1, 2022 if the development approval or permit was approved pursuant to an application filed under Section 27-1900 of the Zoning Ordinance. If they obtained such a development approval or permit, the use as described in the permit is grandfathered and deemed legal and conforming until the development approval or permit expires or is revoked. In other words, the use described in the development approval or permit is allowed until April 1, 2032 as long as the development approval or permit does not expire or get revoked. Through adoption of a unique footnote designed for a specific assemblage of properties including the Subject Property, under the specific facts and circumstances of this application, the owner/tenant has acquired a development approval and is entitled to obtain approvals for use permitted in the I-1 Zone until April 1, 2032.

## 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.

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 current 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

The Applicant is requesting an interpretation of Section 27-1704 of the Zoning Ordinance. Specifically, the Applicant is asking if Section 27-1704 allows the Subject Property to use the prior Zoning Ordinance, and if uses permitted in the I-1 Zone are allowed on the Subject Property, as noted in the Development District Overlay use table footnote.

The Subject Property is improved with a warehouse that was constructed in 1967, and available permitting history shows that several use and occupancy permits have been issued for the property in the past. The various use and occupancy permits that have been issued to the Subject Property indicate that it was being used for industrial purposes for the vast majority of its history. This is relevant due to the specific provisions of Section 27-1704 of the current Zoning Ordinance, which speak to development approvals that were issued under the prior Zoning Ordinance.

Section 27-1704 provides the required findings related to transitional provisions of the current Zoning Ordinance. The relevant provisions have been replicated below in **bold** text, and an analysis of the relevant findings follow below in plain text.

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

- (a) Except for a zoning map amendment (ZMA) of any type, development approvals or permits of any type approved under the prior Zoning Ordinance or prior Subdivision Regulations prior to April 1, 2022 remain valid for the period of time specified in the prior Zoning Ordinance or prior Subdivision Regulations.**
- (c) If the development approval or permit expires or is revoked (i.e., for failure to comply with the terms and conditions of approval), any subsequent development of the land shall be subject to the procedures and standards of this Ordinance, unless it is refiled in accordance with Section 27-1903.**

- (d) Development approvals or permits of any type approved under the prior Zoning Ordinance or prior Subdivision Regulations or otherwise subject to this Section are “grandfathered” and all buildings, uses, structures, or site features are deemed legal and conforming, and subject to the provisions of Section 27-1707.**

Section 27-1704(a) allows the property owner/tenant to conduct uses on the Subject Property if they obtained a development approval or permit (i) prior to April 1, 2022, or (ii) on or after April 1, 2022, if the development approval or permit was approved pursuant to an application filed under Section 27-1900 of the Zoning Ordinance. (See 27-1903(f)). If they obtained such a development approval or permit, and it is still valid, the uses as allowed by the development approval or permit are grandfathered and deemed legal and conforming (27-1704(d)).

Such existing uses would include the I-1 uses as provided for within the provisions of the Development District Overlay Zone in the *2009 Approved Port Towns Sector Plan and Sectional Map Amendment (SMA)*. The Subject Property, currently zoned CS, was formally zoned M-X-T/D-D-O in the prior Zoning Ordinance and is subject to the provisions of the *SMA*. Through the adoption of the *SMA*, a unique footnote was included for a specific area of land to further the purposes of the D-D-O. The land included the Subject Property and the intent of the Council was to allow the properties within the defined area to utilize all uses permitted in the I-1 Zone, as defined by the use tables from the prior Zoning Ordinance.

As the Subject Property was specifically identified to have access to and the utilization of the prior Zoning Ordinance for all purposes as modified by the *SMA*, such provisions of the D-D-O use table supersede that of the prior Zoning Ordinance and the uses permitted in the prior I-1 Zone are allowed on the Subject Property as provided herein.

Section 27-3612 of the current 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).**

- (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. The provisions in Section 27-1704 in accordance with Section 27-1900, and Part 27-7, further this purpose.

- (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. Section 27-1707 of the current Zoning Ordinance, as one example, states that,

“Notwithstanding any other provision of this Ordinance to the contrary, at the time that any development ceased to be protected by all grandfathering provisions contained herein...”

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

Council Bill CB-15-2024 was adopted by the Prince George's County Council on July 16, 2024, which modified the grandfathering and transitional provisions of the current Zoning Ordinance. The grandfathering provisions are at the center of the Applicant's request in relation to the Subject Property and have been a part of the new Zoning Ordinance in some fashion since its adoption in 2018.

The *2009 Approved Port Towns Sector Plan and Sectional Map Amendment* was approved by the Prince George's County Council on October 6, 2009, through Council Resolution 72-2009. *The sectional Map Amendment rezoned the property from I-1 to M-X-T.* Through the adoption of the Sector Plan, a footnote was included for a specific area of land that included the Subject Property, which allowed for properties within the defined area to utilize all uses permitted in the I-1 Zone, as defined by the use tables from the prior Zoning Ordinance.

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

Among other purposes, the Zoning Ordinance promotes the implementation of the General Plan, Area Master Plans, Sector Plans, and Functional Master Plans. Section 27-1704 in accordance with Section 27-1900 and Part 27-7 furthers this purpose by allowing the Subject Property to continue to conduct certain uses allowed by the Port Towns Sector Plan, which includes uses permitted in the I-1 Zone.

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

Plan Prince George's 2035 Approved General Plan economic prosperity section policy 7 states:

Policy 7 - Maintain and promote the economically healthy industrial areas identified in the 2010 Prince George's County Industrial Land Needs and Employment Study.

The 2010 Prince George's County Industrial Land Needs and Employment Study identified the Subject Property as an industrial area faced with encroachment and states that it should be retained.


**Conclusion**

The Subject Property is zoned CS under the current Zoning Ordinance, and formerly zoned M-X-T/D-D-O) under the prior Zoning Ordinance. The Subject Property is governed by a unique footnote designed for a specific assemblage of properties to further the purposes of the D-D-O. Section 27-1704, therefore, in accordance with Section 27-1900 and and the *2009 Approved Port Towns Sector Plan and Sectional Map Amendment* allows for the utilization of the prior Zoning Ordinance to conduct I-1 uses on the Subject Property as described herein.

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**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.**

  
[Lakisha Hull \(Jan 23, 2025 17:25 EST\)](#)

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Lakisha Hull, AICP, LEED AP BD+C  
*Planning Director*

01/23/2025

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Date






# ZOI-2024-002\_final\_

Final Audit Report

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