

**PRINCE GEORGE'S COUNTY COUNCIL**  
**COMMITTEE REPORT**  
**2016 Legislative Session**

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**Reference No.:** CB-018-2016  
**Draft No.:** 2  
**Committee:** PLANNING, ZONING AND ECONOMIC DEVELOPMENT  
**Date:** 05/04/2016  
**Action:** FAV (A)

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**REPORT:**

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Franklin, Glaros, Taveras, and Toles)

Council staff summarized the purpose of the legislation and informed the Committee of written referral comments that were received. Council Member Franklin, the bill's sponsor, informed the Committee that he sponsored CB-18-2016 to facilitate the use of a property in his district as a shelter for survivors of domestic violence. Mr. Franklin commented that the legislation will expand the County's ability to protect and expand the location of safe places for these survivors.

The Zoning and Legislative Counsel presented a Proposed Draft-2 (DR-2) that included additional language in a new subsection (a) to Section 27-445.16 to address comments provided by the Chief Zoning Hearing Examiner concerning uniformity.

The Planning Department staff suggested revisions to the legislation:

Amend the language on page 5, line 7 under Section 27-445.16 Eleemosynary or philanthropic institutions for domestic violence as follows.

**The language in the bill would read:** Notwithstanding any requirement set forth within [Section 24-128 of the County 7 Subdivision Regulations, nor any requirement set forth in] this Subtitle, an eleemosynary or philanthropic institution use within a building containing no more than 10,000 square feet of gross floor area situated on a lot or parcel with not more than 1 acre, for use by an organization providing temporary emergency shelter, family, and/or social services for survivors of domestic violence and their families, shall be a permitted use in the R-R (Rural Residential) Zone.

The Chief Zoning Hearing Examiner (ZHE) provided the following comments:

- Section 27-445.16 permits an eleemosynary or philanthropic institution “notwithstanding” any requirement in Section 24-128 of the Subdivision Regulations (a section dealing with private roads and easements) or any requirement of the Zoning

Ordinance. The ZHE requested further clarification as to the intent of the bill. If the language is truly intended to exempt this use from every requirement of the Zoning Ordinance (parking, sign regulations, use and occupancy permits, setbacks, etc.) there could be an issue raised as to whether it would then violate the requirement that all regulations be uniform for each class or kind of development throughout a zone, or that it violates constitutional Due Process provisions. If it is not the sponsor's intent to allow the use to operate in such a manner the language requires further revision.

- CB-18-2016 mentions Section 24-128 and CB-19-2016 amends that Section to make it clear, again, that “notwithstanding any other provision of the Subdivision Regulations” the Department of Permitting, Inspections and Enforcement shall issue a “permit” for an eleemosynary or philanthropic use that meets the language in CB-18-2016. This language raises the same concerns above (i.e., is the intent to not require subdivision for lots upon which such uses are located, or dedication, or adequate public facilities review, etc.). It also raises the questions as to why the language is being inserted into a Section governing private roads and easements, and what type of “permit” must be issued.

The Office of Law reviewed CB-18-2016 and found it to be in proper legislative form with no legal impediments to its enactment.

Ms. Glenda Hodges, of Still I Rise, testified in support of the legislation.

The Committee voted favorably including the suggested Planning Department staff revision as well as an additional amendment on page 5, line 15 to strike “an eleemosynary or philanthropic institution use within a” prior to “building” and insert “an adaptive reuse of an existing”. The Committee's favorable vote also included the new subsection (a) Legislative Findings, on page 5, as included in Proposed DR-2 and a revision to Section 3 on page 6, to make the legislation effective on the date of its adoption.