

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2000 Legislative Session

Bill No. _____ CB-59-2000
 Chapter No. _____ 47
 Proposed and Presented by _____ Council Member Estepp
 Introduced by _____ Council Member Estepp
 Co-Sponsors _____
 Date of Introduction _____ June 27, 2000

ZONING BILL

1 AN ORDINANCE concerning

2 Private Schools

3 For the purpose of modifying under certain circumstances the minimum acreage requirement,
 4 modifying the outdoor playground requirement in commercial and industrial zones for certain
 5 special education private schools, and making minor style changes.

6 BY repealing and reenacting with amendments:

7 Sections 27-463 and 27-475.06.01

8 The Zoning Ordinance of Prince George's County, Maryland,
 9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code
 12 (1999 Edition).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 15 District in Prince George's County, Maryland, that Sections 27-463 and 27-475.06.01 of the
 16 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince
 17 George's County Code, be and the same are hereby repealed and reenacted with the following
 18 amendments:

SUBTITLE 27. ZONING.

PART 6. COMMERCIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-463. Private schools.

(a) Private schools permitted (P) in Table of Uses I [in the C-O Zone,] in accordance with this Section[,] shall be limited to schools which offer a complete program of nursery school education accredited by the Maryland State Department of Education, or a complete program of academic elementary (including kindergarten), junior high (middle), or senior high school education, and shall be subject to the following:

(1) Requirements.

(A) The school shall be located on a parcel of at least five (5) acres, on which the maximum enrollment shall be four hundred (400) students. For each acre over five (5), the total enrollment may be increased by one hundred (100) students. State and local health, education, or fire regulations may reduce the number of students permitted to be enrolled. For the purposes of this Section, enrollment shall mean the total number of students enrolled in the institution at any one (1) time. If there are separate morning, afternoon, and evening sessions, each one of which is attended by different students, enrollment shall mean the number of students enrolled in the session having the largest number of students.

(B) The school may be located on a separate parcel of not less than two (2) acres if enrollment is limited to ninety (90) students, school programs are only for special education students referred from other public or private schools, and all school programs are certified or accredited by the State of Maryland.

(C) [(B)] The property shall have frontage on, and direct vehicular access to, a street having a paved surface at least thirty six (36) feet wide. This shall not apply where the property is located in sparsely settled or farm area, or where the Planning Board determines that adequate passenger debarkation areas are provided.

(D) [(C)] An outdoor playground or activity area shall be provided. It shall contain at least one hundred (100) square feet of usable space per student, unless the private school is for special education students and the owner or applicant demonstrates that less usable space per student will be adequate. In no case shall the playground or activity area have less

1 than twenty-five (25) square feet per student. The area shall be located at least twenty-five (25)
 2 feet from any dwelling on an adjoining lot and buffered from adjoining uses in accordance with
 3 the provisions of the Landscape Manual. The [play] area shall be enclosed by a substantial wall
 4 or fence at least three (3) feet high for grades six (6) and below, and at least five (5) feet high for
 5 other grades.

6 (E) [(D)] The requirements of this Section shall not apply to the use of existing
 7 public schools which have been conveyed by the Prince George's County Board of Education to
 8 either Prince George's County or to any municipality within the County, provided the County or
 9 municipality:

10 (i) Maintains ownership of the facility and operates a school in it; or

11 (ii) Leases the facility for use as a private school (of any type).

12 (2) Site plan.

13 (A) A Detailed Site Plan shall be approved for all private schools, in accordance
 14 with Part 3, Division 9, of this Subtitle.

15 **PART 7. INDUSTRIAL ZONES.**

16 **DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.**

18 **Sec. 27-475.06.01. Private schools.**

19
 20 (a) Private schools permitted (P) in the Table of Uses in accordance with this Section shall
 21 be limited to schools which offer a complete program of nursery school education accredited by
 22 the Maryland State Department of Education or a complete program of academic elementary
 23 (including kindergarten), junior high (middle), or senior high school education, and shall be
 24 subject to the following:

25 (1) **Requirements.**

26 (A) An outdoor playground or activity area shall be provided. It shall contain at
 27 least one hundred (100) square feet of usable space per student, unless the private school is for
 28 special education students and the owner or applicant demonstrates that less usable space per
 29 student will be adequate. In no case shall the playground or activity area have less than twenty-
 30 five (25) square feet per student. The area shall be located at least twenty-five (25) feet from any
 31 dwelling on an adjoining lot and buffered from adjoining uses in accordance with the provisions
 32 of the Landscape Manual. The [play] area shall be enclosed by a substantial wall or fence at

least three (3) feet high for grades six (6) and below, and at least five (5) feet high for other grades, with the following exception:

(i) A private school which has been in continuous operation since January 1, 1970, may satisfy these fencing requirements by providing another type of barrier that is subject to approval by the State Department of Human Resources.

(B) The requirements of this Section shall not apply to the use of existing public schools which have been conveyed by the Prince George's County Board of Education to either Prince George's County or any municipality within the County, provided the County or municipality:

(i) Maintains ownership of the facility and operates a school in it; or

(ii) Leases the facility for use as a private school (of any type).

(2) Site plans.

(A) A Detailed Site Plan shall be approved for all private schools, in accordance with Part 3, Division 9, of this Subtitle.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 25th day of July, 2000.

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: _____
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.