

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 9/21/99

Reference No.: CB-46-1999

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot

Item Title: An Ordinance concerning Apartment Housing for
Elderly or Handicapped Families in a Building Other
than Surplus Public School Building

Drafter: Jackie Brown
PZED Committee Director

Resource Carol B. White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: __/__/__

Committee Referral: 7/6/99 C.O.W.

Effective Date: 11/8/99

Committee Action: 7/13/99 FAV

Date Introduced: 7/6/99

Public Hearing: 7/27/99 1:30 P.M.

Council Action: 9/21/99 ENACTED

Council Votes: JE:A, DB:A, IG:A, TH:A, WM:N, RVR:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

9/21/99 – CB-46-1999 (DR-1) amended on the floor; DR-2 enacted

COMMITTEE OF THE WHOLE REPORT

DATE: 7/13/99

Committee Vote: Favorable, 5-3-1 (In favor: Council Members Estepp, Bailey, Gourdine, Hendershot and Wilson; Opposed: Council Members Maloney, Scott and Shapiro; Abstained: Council Member Russell)

Staff gave an overview of the legislation and informed the Committee of referral comments that were received. This bill bypassed presentation and was introduced on July 6, 1999. Since the legislation was advertised for public hearing after introduction, staff explained that no substantive amendments could be made to the bill. Any non-substantive amendments could be

considered and

proposed after the public hearing and prior to adoption. Staff also explained that the amendment to the Zoning Ordinance proposed by this legislation had been discussed at a Planning, Zoning and Economic Development (PZED) Committee meeting in conjunction with a different bill,

CB-21-1999. The nature of the discussion and PZED Committee action is contained in the Committee report for that bill.

The Planning Board supports CB-46-1999 with a recommended amendment to not only permit apartment housing for elderly or handicapped families in a building other than a surplus public school building by special exception in the R-T Zone, but also in the R-35, R-20, R-30 and R-30C Zones. The Board provided comments indicating that this will make it consistent throughout the Ordinance to permit “Housing for the Elderly or Handicapped Families” in all residential zones, except the larger lot zones, by a special exception. The special exception process will assure that appropriate standards and conditions are met by the development.

John Lally, Esq., representing Glendale Baptist Church, and Anthony Maclin, Pastor, Glendale Baptist Church, spoke in support of this legislation. Pastor Maclin informed the Committee of the Church’s desire to develop the type of apartment housing defined in the legislation adjoining the Church property. Carmen Anderson, representing the Prince George’s Civic Federation, spoke in opposition to the bill.

Some Members expressed concern that this legislation will apply to all R-T zoned property in the County and will allow apartment housing throughout the County without any development standard restrictions applicable to the zone.

The Office of Law and the Legislative Officer determined that the bill is in proper legislative form. The Office of Audits and Investigations reviewed CB-46-1999 for its fiscal impact on the County and determined there should be no negative impact as a result of enacting this legislation.

The Committee discussed possible amendments to the bill as suggested by the Planning Board as well as the suggestion to limit the use to certain R-T property. It was determined that the amendments recommended by the Planning Board are substantive and could not be made prior to adoption of the legislation without advertisement of an additional public hearing.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The Zoning Ordinance allows, by Special Exception, apartment housing for elderly or handicapped families in a building other than a surplus public school building in the R-R, R-80, R-55, R-18, R-18C, R-10 and R-H Zones. This legislation amends the Residential Use Tables to permit apartment housing for elderly or handicapped families in a building other than a surplus public school building, by Special Exception, in the R-T Zone.

CODE INDEX TOPICS: