

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2022 Legislative Session

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**Reference No.:** CB-071-2022

**Draft No.:** 1

**Committee:** PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

**Date:** 9/15/2022

**Action:** FAV

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### **REPORT:**

Committee Vote: Favorable 3-0 (In favor: Council Members Franklin, Harrison, and Turner)

The Planning, Housing and Economic Development (PHED) Committee convened on September 13, 2022, and September 15, 2022, to consider CB-71-2022. At the September 13 Committee worksession, the Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. This bill amends the Zoning Ordinance to permit Apartment Housing for Elderly and Physically Disabled in the Local Transit Oriented LTO-Edge zone by special exception, and an increase in density, not greater than twice that normally allowed in the zone.

The Planning Board opposed the legislation with explanation of their position in a July 21, 2022, letter to the Council Chairman as follows:

“CB-71-2022 amends the principal use table for the Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones to allow apartment housing for elderly or physically handicapped families in the Local Transit Oriented-Edge (LTO-E) Zone as a special exception. The bill also amends the additional requirements for specific special exception use regulations to allow the density for elderly or physically handicapped families to be no greater than twice the density normally allowed in the LTO-E Zone.

Many of the provisions within CB-71-2022 are unnecessary because CB-68-2022, the omnibus technical corrections bill for the new Zoning Ordinance proposes to eliminate the special exception requirement and permit apartment housing for elderly or physically handicapped families by right in most Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones. The enactment of CB-68-2022, eliminates the need for the portions of CB-71-2022 that address the use. CB-71-2022, if enacted, would also create a conflict because the bill proposes to permit the use subject to special exception approval, which is contrary to the language in CB-68-2022.

The Planning Board notes the term "physically disabled families" is not used in the new Zoning Ordinance; the correct term is "physically handicapped families."

The Planning Board believes the maximum density language regarding apartment housing for elderly or physically handicapped families included in CB-71-2022 should be deleted. The increased density for the use should not be permitted in only one zone. The Planning Board also does not believe it is appropriate to incorporate density regulations in CB-68-2022 (the bill focuses on technical issues). Instead, the District Council should have a broader policy discussion on which zones should be permitted to increase density for apartment housing for elderly or physically handicapped families.

The Planning Board recommends deferring discussion on the maximum residential density for this use until substantive Zoning Ordinance updates are in discussion in early 2023.”

The Chief Zoning Hearing Examiner submitted comments in a memorandum dated August 24, 2022, recommending changes to the purpose clause as follows:

“As drafted, the purpose clause would lead one to believe that the Special Exception is only required if the use is allowed to have more density than otherwise permitted in the Zone. However, the revised use table in Section 27-5101 of the Zoning Ordinance is clearly changing the use from one that is prohibited entirely to one that is permitted by Special Exception. The density will just be one of the Special Exception requirements that must be met. Additionally, there is nothing in the bill that references “multifamily senior citizen dwellings”, but that is the terminology currently in the purpose clause.

I therefore suggest that the purpose clause be amended as follows: ‘For the purpose of permitting Apartment Housing for Elderly or Physically Disabled Families in the Local Transit Oriented-Edge (LTO-E) Zone by special exception.’”

During the September 13 Committee meeting, Jon Robinson and Carol Hurwitch testified in opposition to the legislation. Town of Capitol Heights Administrator Beverly Habada and First Baptist Church of Capitol Heights Pastor Harold Dugger provided testimony in support of CB-71-2022. The bill was held in Committee to allow additional time for the bill sponsor to consider options to address Planning Board’s recommendation.

At the September 15 Committee meeting, PHED Committee Chair Franklin commented that in his discussion with Council Member Streeter, his desire was to move forward with CB-71-2022 and address the density issues in conjunction with CB-68-2022.

After discussion, on a motion by Committee Chair Franklin and second by Council Member Hawkins, the Committee voted favorable, 3-0, on CB-71-2022 as drafted.