

INTER-OFFICE MEMORANDUM

PRINCE GEORGE'S COUNTY, MARYLAND

TO: Jackie Brown, Director
Planning, Housing, and Economic Development Committee

FROM: Maurene Epps McNeil, Chief Zoning Hearing Examiner

DATE: September 29, 2021

RE: CB-106-2021

The bill is amending the special exception requirement for "Elderly Housing (One-Family Attached Dwellings), noted below, to add separate provisions for such uses in the R-R Zone.

These are the current provisions:

Sec. 27-352.01. Elderly housing (one-family attached dwellings).

- (a) Attached one-family dwellings for the elderly (and related facilities) may be permitted, subject to the following:
- (1) The subject property shall not be adjoining property in the R-O-S or O-S Zones, unless it is separated by an arterial roadway;
 - (2) The site plan shall show the density (which shall not exceed the maximum allowable density of the zone in which the use is located, as set forth in Section 27-442(h), and the type and total number of dwelling units proposed (which may also include one-family detached dwellings);
 - (3) The District Council shall find that the subject property is suitable for the type of development proposed and is of sufficient size to properly accommodate the proposed number of dwelling units;
 - (4) A recreational facilities plan shall be submitted demonstrating that sufficient recreational facilities or opportunities are provided to serve the prospective resident population, consistent with their needs and abilities. Facilities may be provided on-site or within adjoining development. In any case, but particularly if on adjoining property, there shall be a staging plan for the facilities constructed. Recreational areas should be clustered together to increase levels of activity, use of amenities, and the sense of vitality of the community;
 - (5) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, and any other requirements of the specific zone in which the use is proposed (excluding density, which shall be governed by Section 27-352.01(a)(2)) shall not apply to uses and structures provided for in this Section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception;

- (6) The owner of the property shall record among the Land Records of Prince George's County a declaration of covenants which establishes that the premises will be solely occupied by elderly families for a fixed term of not less than sixty five (65) years. The covenant shall run to the benefit of the County; and
- (7) The following guidelines should be considered:
 - (A) Dwelling units should be clustered around a central focal point or public space and should avoid linear design. Open space should be oriented to provide the best possible separation or buffer from adjoining single-family detached uses. The requirements of Section 24-137(g)(1), (2), and (5) through (10) shall serve as guidelines for site layout.
 - (B) No less than ten percent (10%) of the land area should be devoted to open space, recreation facilities, and social-oriented amenities.
 - (C) If a community building is proposed, no less than three (3) physically separate areas, which shall include the separation of a single room, should be provided within the building for recreational and social-oriented amenities of varying activity levels.
 - (D) Each outdoor space intended for active recreation should be a minimum of fifty (50) feet in width in least dimension, with a minimum area of five thousand (5,000) square feet.

I would first note that nothing in the body of the bill would limit the language to the use in the R-R Zone. Accordingly, I would amend p. 2 line 39 to add "in the R-R Zone" after "may be permitted".

The current language in (a)(4) provides more clarity on the types of recreational facilities and some idea as to when the off-site amenities might be added. Paragraph (6) in the bill should at least be revised to require the plan.

Finally, the new part (7) should insert a period after "application" on line 56, and start the new sentence as follows: "The covenants shall run to the benefit of the County, shall be approved by the District Council, and filed in the Land Records for Prince George's County at the time the final subdivision plat is recorded."