

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 11/20/2012  
**Reference No.:** CB-105-2012  
**Draft No.:** 1  
**Proposer(s):** Franklin, Turner, Toles  
**Sponsor(s):** Franklin, Turner, Toles, Lehman, Patterson  
**Item Title:** An Ordinance allowing eleemosynary or philanthropic institutions in the R-80 Zone under certain circumstances.

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**Drafter:** Council Staff  
**Resource Personnel:** Brendon Laster, Chief of Staff District 9

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>	
<b>Committee Referral:</b>	10/16/2012 - PZED	<b>Effective Date:</b>	1/7/2013
<b>Committee Action:</b>	11/7/2012 - FAV		
<b>Date Introduced:</b>	10/16/2012		
<b>Public Hearing:</b>	11/20/2012 - 10:00 AM		
<b>Council Action (1)</b>	11/20/2012 - ENACTED		
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:-		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-441

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### COMMITTEE REPORTS:

#### PZED Committee Report

**Date 11/7/2012**

Committee Vote: Favorable, 4-0 (In favor: Council Members Franklin, Olson, Patterson and Toles)

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-105-2012 allows eleemosynary or philanthropic institutions in the R-80 Zone without a special exception under certain circumstances provided in a new footnote 94.

The Office of Law reviewed CB-105-2012 and found it to be in proper legislative form with no legal impediments to its enactment. The Planning Board opposes the legislation and provided comments in a letter dated November 6, 2012 from Chair Hewlett to Council Chair Harrison concerning this position. The Chief Zoning Hearing Examiner provided a memorandum dated October 26, 2012 to Committee staff regarding her concerns with the legislation as drafted.

Arthur Horne, of Shipley & Horne, P.A., and Cheryl Petty Garnette, representing Ivy Community Charities, testified in support of the legislation.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This legislation removes the special exception requirement for an eleemosynary or philanthropic institution in the R-80 Zone if the use is located on property owned by a non-profit organization.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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