

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2013 Legislative Session**

Bill No. _____ CB-58-2013 _____
Chapter No. _____ 42 _____
Proposed and Presented by _____ Council Members Turner and Davis _____
Introduced by _____ Council Members Turner and Davis _____
Co-Sponsors _____
Date of Introduction _____ July 24, 2013 _____

ZONING BILL

1 AN ORDINANCE concerning

2 Private Schools

3 For the purpose of allowing private schools in the C-O Zone under certain circumstances.

4 BY repealing and reenacting with amendments:

5 Section 27-463,

6 The Zoning Ordinance of Prince George's County, Maryland,

7 being also

8 SUBTITLE 27. ZONING.

9 The Prince George's County Code

10 (2011 Edition).

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15 be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 6. COMMERCIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

19 **Sec. 27-463. Private Schools.**

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

6 (1) Requirements.

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

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

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

23 (D) An outdoor playground or activity area shall be provided. It shall contain at
24 least one hundred (100) square feet of usable space per student, unless the private school is for
25 special education students and the owner or applicant demonstrates that less usable space per
26 student will be adequate. In no case shall the playground or activity area have less than twenty-
27 five (25) square feet per student. The area shall be located at least twenty-five (25) feet from any
28 dwelling on an adjoining lot and buffered from adjoining uses in accordance with the provisions
29 of the Landscape Manual. The area shall be enclosed by a substantial wall or fence at least three
30 (3) feet high for grades six (6) and below, and at least five (5) feet high for other grades.

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

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

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

7 (2) Notwithstanding the above, the following requirements apply to private schools
 8 approved as a day care center prior to October 1, 2013:

9 (A) The school shall be located on a parcel or adjoining parcels of land
 10 containing a total of at least two and one-half (2 ½) acres provided that:

11 (1) The school offers a partial or complete educational program of nursery
 12 school and kindergarten, certified by the State of Maryland;

13 (2) The property is adjacent to property owned by the Commission or a
 14 municipality; and

15 (3) The enrollment of the private school does not exceed 200 students. For
 16 the purposes of this Section, enrollment shall mean the total number of students enrolled in the
 17 institution at any one (1) time. If there are separate morning, afternoon, and evening sessions,
 18 each one of which is attended by different students, enrollment shall mean the number of
 19 students enrolled in the session having the largest number of students.

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

24 (C) An outdoor playground or activity area shall be provided. It shall contain at
 25 least seventy-five (75) square feet of usable space per student consistent with that provided for
 26 the day care center, unless the private school is for special education students and the owner or
 27 applicant demonstrates that less usable space per student will be adequate. In no case shall the
 28 playground or activity area have less than twenty-five (25) square feet per student. The area
 29 shall be located at least twenty-five (25) feet from any dwelling on an adjoining lot and buffered
 30 from adjoining uses in accordance with the provisions of the Landscape Manual. The area shall
 31 be enclosed by a substantial wall or fence at least three (3) feet high for grades six (6) and below.

1 and at least five (5) feet high for other grades.

2 [(2)] (3) Site plan.

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

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

Adopted this 10th day of September, 2013.

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: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.