

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

---

**Meeting Date:** 7/25/2000

**Reference No.:** CB-59-2000

**Proposer:** Estep

**Draft No.:** 2

**Sponsors:** Estep

**Item Title:** An Ordinance modifying under certain circumstances the minimum acreage requirement, modifying the outdoor playground requirement in commercial and industrial zones for certain special education private schools; and making minor style changes

---

**Drafter:** Steven M. Gilbert  
Principal Counsel

**Resource** John Timms  
**Personnel:** Legislative Aide

---

**LEGISLATIVE HISTORY:**

**Date Presented:** 5/23/2000

**Executive Action:** \_\_\_/\_\_\_/\_\_\_

**Committee Referral:** 5/23/2000 PZED

**Effective Date:** 9/11/2000

**Committee Action:** 6/19/2000 FAV(A)

**Date Introduced:** 6/27/2000

**Public Hearing:** 7/25/2000 11:00 A.M.

**Council Action:** 7/25/2000 ENACTED

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

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

---

**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

DATE: 6/19/2000

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Scott, Maloney and Wilson).

Staff summarized the amendments to the Zoning Ordinance proposed by this legislation and commented on a Proposed Draft-2 (DR-2) prepared on the basis of Planning Board comments on the bill. CB-59-2000 modifies the minimum acreage and outdoor playground requirements for certain private schools in the commercial and industrial zones. Draft-1 eliminated the requirement that private schools be located on parcels of five acres or more in the commercial zones. It also allowed

the outdoor play area requirement of at least 100 square feet to be reduced to no less than 25 square feet for special education students if the owner or applicant demonstrates that less usable space per student will be adequate.

The Planning Board provided the following comments on Draft-1. Development Review Division staff and Community Planning Division staff have reviewed CB-59-2000 and have a general policy objection to the bill. It should be noted that the bill applies only to private schools with an academic curriculum, not vocational or technical schools. The text amendment would allow private educational institutions to be located in existing shopping centers or other vacant commercial or industrial buildings on small acreages, surrounded by incompatible industrial and commercial uses, with inadequate outdoor play areas. The County's policy has been to encourage private academic schools as long as there is adequate acreage to support the use, the use is compatible with the neighborhood, and there are adequate resources for the students, such as an adequate playground. This policy is reflected in the existing regulations.

A concern has been voiced that the standards for private academic schools are currently different in the commercial and industrial zones. In the commercial zones, private schools must be located on parcels of five acres or more. In industrial zones, they can be located on parcels of any size. If inconsistency is a concern, it is recommended that the industrial standards be made more restrictive so as to match the commercial standards.

The Planning Board recommended that in order to address the bill's purpose of accommodating a new state-mandated, state-certified, private education program for public school students with problems, the legislation should be amended to focus more narrowly on this issue. If it is not currently possible to locate appropriate sites within the County for such a program due to restrictions on private schools in the Zoning Ordinance, the Zoning Ordinance should be modified to allow such a program to happen, as long as it adheres to the policy guidelines stated above.

Proposed DR-2 modifies the purpose clause to read: "For the purpose of modifying under certain circumstances the minimum acreage requirement, modifying the outdoor playground requirement in commercial and industrial zones for certain special education private schools, and making minor style changes." On page 2, the new draft leaves the 5-acre minimum requirement in Section 27-463(a)(1)(A) and provides a new subsection (B) as follows: "(B) The school may be located on a separate parcel of not less than two (2) acres if enrollment is limited to ninety (90) students, school programs are only for special education students referred from other public or private schools, and all school programs are certified or accredited by the State of Maryland." As recommended by the Planning Board, the new language more narrowly defines the issue and type of school that the legislation is intended to address. Faroll Hamer, representing the Planning Board, indicated that their concerns with the original draft were addressed with the amendments in Proposed DR-2.

Michelle Davis, President and Founder of the Heart Academy, spoke in support of the legislation indicating her desire to start a program in the County for children with behavioral disorders. Ms. Davis stated that she has had difficulty locating a site that meets current requirements for private schools. She commented that the school is planned for no more than 40 students with approximately 28 clinical and educational staff members. Ms. Davis commented that she does not anticipate a problem with the reduction in the outdoor playground area due to the type of specialized program that is intended for this school and the fact that all of the students would not be outside at the same

time.

The County Executive takes no position on the legislation. The Legislative Officer has determined that the bill is in proper legislative form. The Office of Audits and Investigations has determined there should be no negative fiscal impact on the County as a result of enacting CB-59-2000.

Council Member Scott suggested that legislation may be necessary to amend the requirements for private schools in the industrial zones to provide consistency with the commercial zones as indicated in the Planning Board's comments. The Committee voted favorably on the amendments as contained in Draft-2.

### **BACKGROUND INFORMATION/FISCAL IMPACT**

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

The bill modifies private school requirements in commercial and industrial zones. In commercial zones, the bill eliminates enrollment limitations and the requirement that private schools must be located on parcels of five acres or more. In commercial and industrial zones, the bill allows reduced playgrounds for special education private schools. The bill also makes minor style changes.

### **CODE INDEX TOPICS:**