

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 10/7/2014  
**Reference No.:** CB-070-2014  
**Draft No.:** 2  
**Proposer(s):** Franklin  
**Sponsor(s):** Franklin  
**Item Title:** An Ordinance concerning Eleemosynary or Philanthropic Institution in the O-S and R-E Zone for the purpose of providing an exception to the special exception requirement for eleemosynary or philanthropic institutions in the Open Space (O-S) and Residential – Estate (R-E) Zones, under certain circumstances.

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**Drafter:** Karen T. Zavakos, Legislative Officer  
**Resource Personnel:** Brendon L. Laster, Chief of Staff

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>	
<b>Committee Referral:</b>	9/2/2014 - PZED	<b>Effective Date:</b>	10/7/2014
<b>Committee Action:</b>	9/16/2014 - FAV		
<b>Date Introduced:</b>	9/2/2014		
<b>Public Hearing:</b>	10/7/2014 - 10:00 AM		
<b>Council Action (1)</b>	10/7/2014 - ENACTED		
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-441(b)

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### COMMITTEE REPORTS:

#### Planning, Zoning and Economic Development

**Date 9/16/2014**

Committee Vote: Favorable with recommended amendments, 5-0 (In favor: Council Members Turner, Campos, Franklin, Harrison and Olson)

Council staff summarized the purpose of CB-70-2014 and informed the committee of written referral comments that were received. This legislation amends the Zoning Ordinance residential zone use table to provide an exception to the requirement for a special exception for an eleemosynary or philanthropic institution located in the O-S (Open Space) and R-E (Residential Estate) Zones. A special exception is not required if the property meets certain criteria contained in a new footnote to the use table.

Council Chair Franklin, the bill sponsor, informed the Committee that CB-70-2014 addresses a unique situation for a non-profit organization which has been operating on property in his district for 20 years and recently learned that the property is not properly zoned or does not have necessary zoning approvals in place for the use. Chair Franklin explained that the fundraisers and events which occur on the property are hosted strictly by volunteers.

The Planning Board opposed the legislation and provided the following written comments by letter dated September 15, 2014 to Council Chair Franklin. "It should be noted that the rental activity would typically entail higher trip generation and greater impacts on nearby road facilities, so making it a by-right use in a residential zone is problematic. At the least, the bill should clarify that the building permits for all structures shall conform to zoning standards, landscape requirements, environmental requirements, and relevant codes, and be properly permitted. The Planning Board also recommends a technical amendment to the bill. Under footnote 100 (C): delete the words 'within the Rural Tier of the County' and replace with the words 'outside the Growth Boundary in the Rural Agricultural Area.' The new language would read: 'partially outside the Growth Boundary in the Rural Agricultural Area; and...' Areas outside of the Growth Boundary are not on public water and sewer. The Growth Boundary generally conforms to the sewer envelope."

The Zoning Hearing Examiner provided testimony suggesting a clarifying amendment in footnote 100 to insert the words "not already permitted" after "or other indoor or outdoor recreational facilities". The Office of Law reviewed CB-70-2014 and determined that it is in proper legislative form with no legal impediments to its enactment.

The Committee voted favorable including the suggested amendments from the Planning Board and the Zoning Hearing Examiner. CB-70-2014 bypassed presentation and was introduced on September 2, 2014. Therefore, the amendments will be provided in the form of an amendment sheet on the date of public hearing.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

10/7/2014 - CB-70-2014 was amended on the floor as follows:

1. On Page 3, in the first sentence of Proposed Footnote 100 to Section 27-441(b)(2)(D), add "not already permitted" after "outdoor recreational facilities".
2. Revise the remaining text of Proposed Footnote 100 to Section 27-441(b)(2)(D) as follows:
  - (A) an aggregate of at least 85 acres in area;
  - (B) is split-zoned Open Space (O-S) and Residential Estate (R-E);
  - (C) partially outside the Growth Boundary of the County; and
  - (D) the eleemosynary or philanthropic institution is the title owner of the property in the land records of the County.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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