

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2019 Legislative Session**

Bill No. CB-57-2019

Chapter No. 32

Proposed and Presented by Council Member Davis

Introduced by Council Member Davis, Turner, Glaros, Streeter, Hawkins, Taveras,
Franklin and Harrison

Date of Introduction October 15, 2019

ZONING BILL

1 AN ORDINANCE concerning
2 R-E Zone—Table of Uses—Apartment Housing for Elderly or Physically Handicapped Families
3 and Special Exceptions—Additional Requirements for Specific Special Exceptions
4 For the purpose of providing additional criteria for approval of Special Exceptions for
5 ‘Apartment housing for elderly or physically handicapped families’ uses in the R-E (Residential
6 -Estate) Zone of Prince George’s County, under certain specified circumstances.

7 BY repealing and reenacting with amendments:

8 Sections 27-337 and 27-441,
9 The Zoning Ordinance of Prince George's County, Maryland, being also
10 SUBTITLE 27. ZONING.
11 The Prince George's County Code
12 (2015 Edition, 2018 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
15 District in Prince George's County, Maryland, that Sections 27-337 and 27-441 of the Zoning
16 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
17 County Code, be and the same are hereby repealed and reenacted with the following
18 amendments:

19 **SUBTITLE 27. ZONING.**
20 **PART 4. SPECIAL EXCEPTIONS.**

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-337. Apartment housing for elderly or physically handicapped families.

(a) Apartment housing and related facilities for elderly or physically handicapped families may be permitted within and on the property associated with an existing building, which was formerly used for a public school that has been declared surplus by the government entity which owns (owned) it (known as a surplus public-school building), subject to the following:

(1) In addition to the requirements of Section 27-296(c), the site plan shall show the density, and the type and total number of dwelling units proposed;

(2) 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;

(3) Recreational and social amenities for the residents may be provided, if shown on the site plan and approved by the District Council; and

(4) The height, lot coverage, density, frontage, yard, and green area requirements, including restrictions on the location and height of accessory buildings, as specified for the zone in which the use is proposed, shall not apply to uses or structures provided for in this Section. The dimensions, percentages, and density shown on the approved site plan shall constitute the regulations for development under a given Special Exception.

(b) Apartment housing and related facilities for elderly or physically handicapped families may be permitted within a building other than a surplus public school building, subject to the following:

(1) 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 or handicapped families for a fixed term of not less than twenty (20) years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;

(2) In the R-18, R-18C, R-H, and R-10 Zones, the following shall apply:

(A) The owner shall be a private, nonprofit organization;

(B) In addition to the requirements of Section 27-296(c), the site plan shall show the density, type, and total number of dwelling units proposed. The minimum net lot area may

1 be reduced and density may exceed that normally permitted in the applicable zone, provided that:

2 (i) The net lot area shall not be less than fifty percent (50%) of the minimum
3 net lot area normally required in the zone; and

4 (ii) The density shall not be greater than twice that normally allowed in the
5 zone;

6 (3) In the C-S-C Zone, the following shall apply:

7 (A) The subject property shall contain at least two (2) contiguous acres and shall
8 not contain more than forty-eight (48) dwelling units per acre of net lot area. The density may be
9 increased by one (1) unit per acre for each one thousand (1,000) square feet of indoor space
10 available for common use by the residents for social, recreational, or educational purposes. The
11 indoor space shall be shown on the site plan;

12 (B) Not less than fifty percent (50%) of the net lot area shall be devoted to green
13 area; and

14 (C) The District Council shall find that existing development and uses in the
15 neighborhood (particularly on adjacent properties) will not adversely affect the proposed
16 development;

17 (4) In the R-R, R-80, and R-55 Zones, the following shall apply:

18 (A) The requirements of paragraphs (1), (2), (3), and (4) of Subsection (a), above,
19 shall be met;

20 (B) The District Council shall find that the proposed use:

21 (i) Will serve the needs of the elderly families or physically handicapped
22 families; and

23 (ii) Will not adversely affect the character of the surrounding residential
24 community. The District Council shall consider the lot size, height of the building, lot coverage
25 of all buildings on the property, setbacks from surrounding properties, street frontage, and
26 sufficiency of green area when determining the proposed development's effect on surrounding
27 residential communities.

28 (5) In the R-E Zone, the requirements of paragraphs (1), (2), (3), and (4) of Subsection
29 (a), above, shall be met provided that the subject property is composed of at least fifteen (15)
30 gross contiguous acres of land, improved with a structure used as a church with an enclosed
31 building area of at least 150,000 gross square feet. The following additional requirements shall

1 apply:

2 (A) A description of the physical appearance of the proposed building through the
3 use of architectural façade elevations visible from public areas, or through other illustrative
4 drawings, photographs, or renderings, shall be submitted and reviewed;

5 (B) Development of uses pursuant to this Subsection shall not be subject to a
6 separate site plan approval in accordance with Part 3, Division 9 of this Subtitle. Instead, the site
7 plan for such proposed development shall be reviewed as part of the special exception
8 application approval; and

9 (C) The District Council shall find that the proposed use:

10 (i) Will serve the needs of elderly families or physically handicapped
11 families; and

12 (ii) Will not adversely affect the character of the surrounding residential
13 community. In making such finding, the District Council shall consider lot size, building height,
14 lot coverage of all buildings on the property, setbacks from surrounding properties, street
15 frontage, and sufficiency of green area when determining the proposed development’s effect on
16 the surrounding communities.

17 (c) For the purposes of this Section, the term "elderly family" means a family which is
18 included within age restrictions in conformance with the Federal Fair Housing Act and
19 "physically handicapped family" means a family in which the head of the family, or his
20 dependent, is physically handicapped. A person shall be considered physically handicapped if he
21 has a physical impairment which:

- 22 (1) Is expected to be of continued and indefinite duration;
- 23 (2) Substantially impedes the ability to live independently; and
- 24 (3) Is of a nature that the ability could be improved by more suitable housing conditions

25 SECTION 2. BE IT FURTHER ENACTED that the provisions of Section 27-441 of the
26 Zoning Ordinance be and the same are hereby repealed and reenacted, with the following
27 amendments:

**PART 5. RESIDENTIAL ZONES.
DIVISION 3. USES PERMITTED.**

Sec. 27-441. Uses permitted.

(b) TABLE OF USES.

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
(7) Residential/Lodging:									
* * * * *	*	*	*	*	*	*	*	*	*
Apartment housing for the elderly or physically handicapped families in a building other than a surplus public-school building (with provisions for increased density and reduced lot size in Multifamily Zones)	X	X	X	[X]SE	SE ⁶³	SE	SE	X	X
* * * * *	*	*	*	*	*	*	*	*	*

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1 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
2 date of its adoption.

Adopted this 19th day of November, 2019.

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: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
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.