

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

**Meeting Date:** 10/1/96

**Reference No.:** CB-71-1996

**Proposer:** Russell, Scott

**Draft No.:** 2

**Sponsors:** Russell, Scott

**Item Title:** An Ordinance for the purpose of permitting attached housing for the elderly in the R-R Zone by Special Exception, subject to certain requirements

**Drafter:**

**Resource Personnel:** Mary Lane  
PZ&ED Committee Director

**LEGISLATIVE HISTORY:**

**Date Presented:** 6/18/96

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

**Committee Referral:**(1) 6/18/96 PZED

**Effective Date:** 12/13/96

**Committee Action:**(1) 7/24/96 HELD

**Committee Action:**(2) 9/18/96 FAV (A)

**Date Introduced:** 10/1/96

**Pub. Hearing Date:** (1) 10/29/96 1:30 P.M.

**Council Action:** (1) 10/29/96 Enacted

**Council Votes:** SD:A, DB:A, JE:A, IG:N, AMc:A, WM:N, RVR:A, AS:A, MW:A

**Pass/Fail:** P

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

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

DATE: 9/18/96

Committee Vote: Favorable as amended, 3-1 (In favor: Council Members Wilson, Estepp and Russell;  
in opposition: Council Member Maloney).

A number of amendments were proposed as a result of the discussion held by Committee on July 24. Leslie Romine presented the amendments, which included a requirement for a recreational facilities plan (new subsection 27-352.01(a)(3)), a rewording of subsection 27-352.01(a)(4) to allow the minimum lot size to be varied from the standard R-R Zone lot size, and a new Special Exception requirement regarding site design (Section 27-352.01(a)(6)).

There was discussion regarding the enforceability of the covenants, and the inability of adjacent landowners to enforce them. The Office of Law recommended that the covenants should run to the benefit of the County, rather than the M-NCPPC. Joe Meinert, representing the City of Bowie, spoke in general support of the proposed amendments, but suggested several refinements. First, he recommended that all of the requirements of Section 24-137(g), regarding clustering, be incorporated into the legislation. He also recommended three additional site design guidelines, a requirement for compatibility of lots with adjoining, existing development, and a requirement that a substantial number of dwelling units shall be one or one and one-half stories. The Committee agreed to incorporate the three new site design guidelines into the legislation. A final amendment was agreed to that disallows a Special Exception for this use if the subject property is adjoining land in the R-O-S or O-S Zones, unless it is separated by an arterial roadway.

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

DATE: 7/24/96

HELD in Committee.

This legislation will permit attached housing, which includes two or more attached units, or townhouses, by Special Exception in the R-R zone, provided the units are elderly housing, as defined by the State and Federal Fair Housing Laws. Page 4 of the legislation includes additional requirements for this Special Exception, as follows: the site plan must show the type and total number of dwelling units proposed, the Council must find that the subject property is suitable and of sufficient size for the type of development proposed; recreational and social amenities may, but are not required to be provided; most of the development regulations for the R-R Zone shall not apply, except for the density; and a covenant shall be recorded in land records establishing that this will be elderly housing for 65 years. Staff noted that the Zoning Ordinance requires that it remain elderly housing beyond that period, unless the text of the Ordinance is amended in the future.

A proposed amendment was offered for of the section of the bill regarding exemptions from development regulations. This amendment adds lot size to the list, which is necessary in order to develop townhouses, and adds "any other requirements of the specific zone" to the list of exemptions. This language mirrors the exemption language for planned retirement communities. Staff also noted a technical amendment to the use table. A letter from Council Member Scott in support of the legislation was read to the Committee by Committee staff. The Legislative Officer finds the bill to be in proper legislative form. The Bowie City Council voted a favorable recommendation for the bill, but recommended that the following five amendments be made. 1.) recreational facilities and social amenities should be required to be provided; 2.) a minimum percentage of useable land area shall be established for active and passive recreational facilities and social oriented amenities; 3.) recreational facilities and amenities, equivalent in dollar value to what would be required if the project were not senior housing, should be provided on-site. 4.) the lot area, coverage, green area, yard, and building bulk requirements for projects in the R-T Zone shall be used as minimum guidelines in the respective zones where these are proposed; 5.) explore the use of comparable building setbacks and buffer areas between the senior housing and adjacent uses. Dale Hutchison, representing the Planning Board,

explained that the Planning Board opposed the legislation because it was mistakenly assuming the use would be permitted by right. However, since the proposal is for a Special Exception, the Board's concerns are addressed, provided appropriate development guidelines for elderly housing are included.

Abigale Bruce-Watson, of Linowes and Blocher, Bob Kaufman, of M.T. Rose Consulting, and Mike Callas, representing C.H. Bowie, spoke in support of the legislation. It was explained that C.H. Bowie is the owner of the property that precipitated this legislation, located in the vicinity of Routes 450 and 197. Their property includes 9 acres of R-R Zoned land, and 9 acres of C-M Zoned Land. It was noted that a variety of housing for the elderly is currently permitted by Special Exception in the R-R Zone, including apartment housing for the elderly, medical/residential campus, and planned retirement community. This legislation will allow the County to respond to the market for single-story attached housing for the elderly.

There was some concern expressed by the Committee members regarding the Council's authority to adjust land uses for specific classes of people, such as senior citizens. Joyce Nichols responded that State law grants the Council the general authority to govern land use, and the authority to make this type of distinction is included.

Following a discussion, it was agreed that the legislation would be held until September in order to give staff the opportunity to propose amendments addressing some of the concerns that had been expressed. The Committee directed staff to use the comments proposed by the City of Bowie as a basis.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

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

Currently, attached housing for the elderly is only permitted in the residential zones where townhouses and other one-family attached dwelling units for all ages are permitted. This legislation will permit this use in the R-R Zone, by Special Exception. The maximum allowable density for the R-R Zone, which is 2.17 dwelling units per net acre, may not be exceeded. Also, additional requirements are incorporated into the Ordinance for the approval of the Special Exception.

## **CODE INDEX TOPICS: (ZONING)**

### **Special Exceptions**

#### ***Additional Requirements for specific Special Exceptions***

Eating or drinking establishment .....	27-352
<u>Elderly housing (one-family attached dwellings) .....</u>	<u>27-352.01</u>
Farm implement sales or repair; farm supply sales.....	27-353