

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**SITTING AS THE DISTRICT COUNCIL**

**1999 Legislative Session**

Bill No. \_\_\_\_\_ CB-24-1999

Chapter No. \_\_\_\_\_ 41

Proposed and Presented by \_\_\_\_\_ Council Member Hendershot

Introduced by \_\_\_\_\_ Council Member Hendershot

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_ October 26, 1999

**ZONING BILL**

1 AN ORDINANCE concerning

2 Day Care Facilities in Multifamily Developments

3 For the purpose of permitting day care centers for children in multifamily developments under  
4 certain circumstances and clarifying the status of day care centers in multifamily units.

5 BY repealing and reenacting with amendments:

6 Section s 27-242, 27-419.01, 27-441, 27-445.03, and 27-568,

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

8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (1995 Edition, 1998 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
14 District in Prince George's County, Maryland, that Sections 27-242, 27-419.01, 27-441,  
15 27-445.03, and 27-568 of the Zoning Ordinance of Prince George's County, Maryland, being  
16 also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and  
17 reenacted with the following amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 3. ADMINISTRATION.**

20 **DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES, AND USES.**

**Subdivision 1. General Requirements and Procedures.**

**Sec. 27-242. Alteration, extension, or enlargement.**

**(a) In general.**

(1) A nonconforming building or structure, or a certified nonconforming use (except as provided for in this section) may be altered, enlarged, or extended, provided that:

(A) The alteration, enlargement, or extension conforms to the building line setback, yard, and height regulations of the zone in which the use is located; and

(B) A special exception has been approved by the District Council, in accordance with Part 4 of this Subtitle.

**(b) Exceptions.**

\* \* \* \* \*

**(7) Improvements to multifamily development.**

(A) In multifamily developments existing as of January 1, 1990, in the R-30, R-30C, R-18, R-18C, R-10, and R-H Zones, the following improvements do not require a Special Exception:

(i) Fence or wall;

(ii) Trash enclosure;

(iii) Guard booth;

(iv) Canopy;

(v) Playground and outdoor play area for a day care center for children;

(vi) Landscaping;

(vii) Day care centers for children in multifamily units;

(viii) Antenna, otherwise permitted in the zone; [and]

(ix) Equipment room for telecommunications located inside an existing building[.] ; and

(x) Day care center for children located within an existing free-standing building in a project in excess of one hundred (100) units, with a maximum of one (1) per project, provided that (a) it is located in a "Hot Spot" as defined in State law or "Revitalization Area", (b) it is operated by a non-profit entity, and (c) at least 50% of the children are residents of the project.

(B) Such improvements shall conform to any applicable regulations in this Subtitle.

\* \* \* \* \*

## **PART 5. RESIDENTIAL ZONES**

### **DIVISION 1. GENERAL**

#### **Sec. 27-419.01. Improvements to existing multifamily development.**

(a) In multifamily developments existing as of January 1, 1990, in the R-30, R-30C, R-18, R-18C, R-10, and R-H Zones, the following improvements may be added pursuant to the issuance of building permits, regardless of whether such existing development conforms with the current requirements of the Subtitle:

- (1) Fence or wall;
- (2) Trash enclosure;
- (3) Guard booth;
- (4) Canopy;
- (5) Playground and outdoor play area for a day care center for children;
- (6) Landscaping;
- (7) Day care centers for children in multifamily units;
- (8) Antenna, otherwise permitted in the zone;
- (9) Equipment room for telecommunications located inside an existing building.
- (10) Day care center for children located within an existing free-standing building in a project in excess of one hundred (100) units, with a maximum of one (1) per project, provided that (a) it is located in a "Hot Spot" as defined in State law or "Revitalization Area", (b) it is operated by a non-profit entity, and (c) at least 50% of the children are residents of the project.

(b) Such improvements shall conform to any applicable regulations in this Subtitle.

### **DIVISION 3. USES PERMITTED.**

#### **Sec. 27-441. Uses permitted.**

\* \* \* \* \*

**(b) TABLE OF USES**

<i>USE</i>	<i>R-O-S</i>	<i>O-S</i>	<i>R-A</i>	<i>ZONE</i> <i>R-E</i>	<i>R-R</i>	<i>R-80</i>	<i>R-55</i>	<i>R-35</i>	<i>R-20</i>
* * *	*		*	*		*	*	*	*
<b>(2) INSTITUTIONAL/EDUCATIONAL:</b>									
* * *	*	*	*	*	*	*	*	*	*
<b>Day care center for children:</b>									
<b>(A) Accessory to a publicly-owned recreational facility, a school, a surplus school building, improved property (other than a school) that is under the control of the Board of Education, a church, a public building, or a community building, in accordance with Section 27-445.03<sup>34</sup></b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>(B) Accessory to a multifamily dwelling or project when located within a community room for the sole use of the residents or employees, in accordance with Section 27-445.03</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>[(C) All others]</b>	<b>[SE]</b>	<b>[SE]</b>	<b>[SE]</b>	<b>[SE]</b>	<b>[SE]</b>	<b>[SE]</b>	<b>[SE]</b>	<b>[SE]</b>	<b>[SE]</b>
<b><u>(C) Accessory to a multifamily development when located within an existing building in accordance with Section 27-445.03</u></b>	<b><u>X</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
<b><u>(D) All others</u></b>	<b><u>SE</u></b>	<b><u>SE</u></b>	<b><u>SE</u></b>	<b><u>SE</u></b>	<b><u>SE</u></b>	<b><u>SE</u></b>	<b><u>SE</u></b>	<b><u>SE</u></b>	<b><u>SE</u></b>
* * *	*	*	*	*	*	*	*	*	*

USE	ZONE								
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H	
* * *	*	*	*	*	*	*	*	*	*
(2) INSTITUTIONAL/EDUCATIONAL:									
* * *	*	*	*	*	*	*	*	*	*
Day care center for children:									
(A) Accessory to a publicly-owned recreational facility, a school, a surplus school building, improved property (other than a school) that is under the control of the Board of Education, a church, a public building, or a community building, in accordance with Section 27-445.03 <sup>34</sup>	P	P	P	P	P	P	P	P	
(B) Accessory to a multifamily dwelling or project when located within a community room for the sole use of the residents or employees, in accordance with Section 27-445.03	X	P	P	P	P	P	P	P	
[(C) All others]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
<u>(C) Accessory to a multifamily development when located within an existing building in accordance with Section 27-445.03</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>(D) All others</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
* * *	*	*	*	*	*	*	*	*	*

**DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.**

**Sec. 27-445.03. Day care center for children.**

(a) A day care center for children permitted (P) in the Table of Uses shall be subject to the following:

(1) Requirements.

(A) An ample outdoor play or activity area shall be provided, in accordance with the following:

(i) All outdoor play areas shall have at least seventy-five (75) square feet of play space per child for fifty percent (50%) of the licensed capacity or seventy-five (75) square feet per child for the total number of children to use the play area at one (1) time, whichever is greater;

(ii) All outdoor play areas shall be located on the same lot as the center at least twenty-five (25) feet from any dwelling on an adjoining lot, and shall be enclosed by a substantial wall or fence at least four (4) feet in height;

(iii) A greater set back from adjacent properties or uses or a higher fence may be required by the Planning Board if it determines that it is needed to protect the health and safety of the children utilizing the play area;

(iv) The play area shall contain sufficient shade during the warmer months to afford protection from the sun;

(v) Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to insure safe operation of the area; and

(vi) Outdoor play shall be limited to the hours between 7 A.M. and 9 P.M.

(2) Site plan.

(A) A Detailed Site Plan shall be approved for the center, in accordance with Part 3, Division 9, of this Subtitle to insure compliance with the provisions of the section.

(B) In addition to the submittal requirements of Part 3, Division 9, the Detailed Site Plan shall show:

(i) The proposed enrollment;

(ii) The location and use of all buildings located on adjoining lots;

(iii) The location and size of outdoor play or activity areas; and

(iv) The location, quantity, and type of screening and landscaping.

(C) For no more than one (1) day care center for children located within an existing free-standing building in a multifamily development in excess of one hundred (100) units, in lieu of the requirements of Part 3, Division 9, the Detailed Site Plan shall be limited to show:

- (i) The proposed enrollment;
- (ii) An area which includes the existing free-standing building, the outdoor play area, and any other building located within one hundred (100) feet of either;
- (iii) The location and size of outdoor play or activity areas; and
- (iv) The location, quantity, and type of screening and landscaping within the area depicted.

(3) Enrollment.

(A) For the purposes of this section, enrollment shall mean the largest number of children enrolled in the center in any one (1) session.

**PART 11. OFF-STREET.**

**DIVISION 2. PARKING FACILITIES.**

**Subdivision 3. Minimum Requirements.**

**Sec. 27-568. Schedule (number) of spaces required, generally.**

\* \* \* \* \*





<i>TYPE OF USE</i>	<i>NUMBER OF SPACES</i>	<i>UNIT OF MEASUREMENT</i>
<b>(3) INSTITUTIONAL/EDUCATIONAL:</b>		
Adult day care center	1.0	3 occupants (including operators)
Assisted Living Facility (CB-72-1996)	1.0	3 residents
Church or similar place of worship	1.0 +1.0	4 seats in main auditorium 4 seats in other rooms occupied at same time as main auditorium
Day care center for children	1.0	8 children
<u>Day care center for children within an existing multifamily development in excess of one hundred (100) units</u>	<u>0.0</u>	<u>(None required)</u>
Family day care	0.0	(None required)
Hospital	1.5	Bed
Nursing home	1.0	3 beds
* * * * *	*	* * * *

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

Adopted this 23rd day of November, 1999.

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: \_\_\_\_\_  
M. H. Jim Estepp  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
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.