



Prince George's County Council

Agenda Item Summary

Meeting Date: 7/13/2021 **Effective Date:** 8/30/2021
Reference No.: CB-033-2021 **Chapter Number:** 20
Draft No.: 2 **Public Hearing Date:** 7/13/2021 @ 10:00 AM
Proposer(s): Ivey
Sponsor(s): Ivey, Hawkins, Anderson-Walker, Franklin, Taveras and Streeter
Item Title: AN ORDINANCE CONCERNING ZONING--DEFINITIONS--GROUP RESIDENTIAL FACILITY for the purpose of amending the definition for the use "Group Residential Facility" in the Zoning Ordinance.

Drafter: Karen T. Zvakos, Zoning and Legislative Counsel
Resource Personnel: Monica Young, Chief of Staff/Legislative Aide, Council District 5

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
05/18/2021	County Council	presented and referred	COW
	Action Text:		
	This Council Bill was presented by Council Member Ivey and referred to the Sitting as the Committee of the Whole.		
06/03/2021	COW	Held in Committee	
	Action Text:		
	A motion was made by Member Ivey, seconded by Member Turner, that this Council Bill be Held in Committee. The motion carried by the following vote:		
	Aye: 9 Hawkins, Anderson-Walker, Davis, Dernoga, Glaros, Ivey, Streeter, Taveras and Turner		
	Absent: 2 Franklin and Harrison		
06/08/2021	County Council	discharged from Committee	
	Action Text:		
	A motion was made by Council Member Ivey, seconded by Council Member Dernoga, that this Council Bill be discharged from Committee. The motion carried by the following vote:		
	Aye: 11 Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras and Turner		
06/08/2021	County Council	amended (1)	

Action Text:

A motion was made by Council Member Ivey, seconded by Council Member Anderson-Walker, that this Council Bill be amended (1). The motion carried by the following vote:

Aye: 10 Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter and Taveras

Abstain: 1 Turner

06/08/2021 County Council introduced

Action Text:

Draft 2 of this Council Bill was introduced by Council Members Ivey, Hawkins, Anderson-Walker, Franklin, Taveras and Streeter.

07/13/2021 County Council public hearing held

Action Text:

THIS PUBLIC HEARING WAS HELD

07/13/2021 County Council enacted

Action Text:

A motion was made by Council Member Ivey, seconded by Council Member Davis, that this Council Bill be enacted. The motion carried by the following vote:

Aye: 10 Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter and Taveras

Absent: 1 Turner

AFFECTED CODE SECTIONS:

27-107.01

BACKGROUND INFORMATION/FISCAL IMPACT:

This bill will amend the definition for the use "Group Residential Facility" in the Zoning Ordinance to include the term "building."

LEGISLATIVE NOTE:

On June 3, 2021, the County Council, sitting as the Committee of the Whole, considered CB-33-2021. The Planning, Housing and Economic Development Committee Director provided an overview of the bill, stating that legislation will amend Section 27-107.01(a) of the Zoning Ordinance to enlarge the definition of the use "Group Residential Facility" to include the term "Building." The Committee summarized comments received on legislative referral on the bill as follows:

The Planning Board offered comments in support of the legislation, noting that the bill would impact a property located at 3000 Lottsford Vista Road Bowie, Maryland, and that the proposed legislation would expand the number and types of structures that would be permitted under the use, since permitting other structures to be re-used as group residential facilities will promote self-sufficiency for our dependent

populations in the County.

The Planning Board also noted that the new Zoning Ordinance defines Group Residential Facility as “A residential facility operated by a responsible individual or organization,” explaining that “the term ‘residential facility’ is sufficiently broad and covers the terms ‘dwelling unit’ and ‘foster home’ listed under the current definition. In addition, the ‘residential facility’ term can be interpreted to cover the conversion of an existing building into a group residential facility. Therefore, if CB-33-2021 is enacted, there is no need to revise the definition in the adopted Zoning Ordinance.”

The Chief Zoning Hearing Examiner submitted comments on the bill, pointing out that the proposed new language, “building,” is not a use and, therefore, cannot be “operated.” Instead, the ZHE recommended that the term “unit” be stricken from the legislation in line 5 on Page 2 of the bill.

The Office of Law submitted comments in support of the legislation, stating that the bill was in proper legislative form with no legal impediments to its adoption.

Council Member Ivey, the bill’s sponsor, summarized the purpose of the legislation, which is to support prior legislation enacted by the Council to facilitate the sale of a County-owned building to a private entity for adaptive re-use to provided drug treatment services in the County. The building is currently not a residential structure.

Arthur Horne, Jr., of the Law Offices of Shipley and Horne, testified in support of the legislation, stating that the substitution of the term “facility” for the proposed term “building” on page 2 in line 5 of the bill will address the Zoning Hearing Examiner’s concern.

Council Members Glaros and Dernoga expressed concerns about the preciseness of the language in the bill, as well as potential saturation as an unintended consequence of the legislation.

On Motion by Council Member Ivey, seconded by Council Member Turner, the Committee voted 9-0 to Hold the bill in Committee of the Whole.

Thereafter, on June 8, 2021, Council Member made a Motion, seconded by Council Member Dernoga, to Discharge CB-33-2021 from the Committee of the Whole. The Motion carried 11-0.

Subsequently, Council Member Ivey made a Motion to include Amendment No. 1 to CB-33-2021, seconded by Council Member Anderson-Walker. During discussion on the Motion, the Council’s Zoning and Legislative Counsel explained that Amendment No. 1 to CB-33-2021 strikes the term “Building” proposed on Page 2, Line 5 of DR-1 of the bill, and adds the clause, “or facility of at least 20,000 square feet and located on at least 2.5 acres used for health services as an immediate precedent use,” after “Foster Home” on Page 2, Line 5. Counsel offered that the proposed new language addresses the concern about saturation and unintended consequences raised by the Committee at its June 3 work session.

Upon further discussion on the proposed amendment, the Motion carried 10-0-1 (abstain: TMT) as to Amendment No. 1.

CB-33-2021 (DR-2) was then introduced by Council Chair Hawkins at the June 8, 2021, legislative session day.

Document(s): B2021033, CB-033-2021 AIS