

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/19/2011  
**Reference No.:** CB-014-2011  
**Draft No.:** 2  
**Proposer(s):** Harrison  
**Sponsor(s):** Campos, Patterson  
**Item Title:** An Ordinance allowing buildings or structures used by Churches or Similar Places of Worship located in residential zones to be eighty (80) feet in height, provided that, for each one (1) foot increase in height, every yard is increased by one (1) foot.

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**Drafter:** Karen T. Zavakos, Legislative Officer  
**Resource Personnel:** Rodney Streeter, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	5/3/2011	<b>Executive Action:</b>	
<b>Committee Referral:</b>	5/3/2011 - PZED	<b>Effective Date:</b>	9/6/2011
<b>Committee Action:</b>	6/1/2011 - HELD 6/15/2011 - FAV(A)		
<b>Date Introduced:</b>	6/21/2011		
<b>Public Hearing:</b>	7/19/2011 - 10:00 AM		
<b>Council Action (1)</b>	7/19/2011 - ENACTED		
<b>Council Votes:</b>	WC:-, MRF:A, AH:-, LJ: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:

27-442

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### COMMITTEE REPORTS:

#### PZED Committee Report

**Date 6/15/2011**

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

Staff summarized the purpose of the legislation and informed the committee of a Proposed Draft-2 (DR-2) which was prepared at the sponsor's request. Proposed DR-2 changes the title and purpose clause of CB-14-2011 from "An Ordinance to allow institutional buildings or structures located in residential zones to be one hundred twenty (120) feet in height, provided that, for each one (1) foot increase in height, every yard is increased by one (1) foot" to "An Ordinance concerning Churches or Similar Places of Worship for the purpose of allowing buildings or structures used by Churches or Similar Places of Worship located in residential zones to be eighty (80) feet in height, provided that, for each one (1) foot increase in height, every yard is increased by one (1) foot. Also, on page 3 of Proposed DR-2, the word "institutional" was removed from footnote 7 and a new footnote 12 is added.

Council Member Harrison, the bill's sponsor, informed the committee that she presented CB-4-2011 to facilitate the development of churches with proposed building heights which exceed the current height limitation in residential zones. Ms. Harrison noted that her proposal to allow an increase to 80 feet with the requirement for every yard to be increased by 1 foot for each 1 foot increase in height is still lower than the current maximum height limitation for public and quasi-public buildings which is 120 feet.

The Office of Law reviewed CB-14-2011 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board supports CB-14-2011 with amendments and provided a letter dated June 14, 2011 with details of their position and suggested amendments as follows.

On page 3, under footnote 7, remove the words "one hundred twenty (120) and replace with the word sixty (60)." Add the word "building" in front of the word "height" in the beginning and end of the sentence. Remove the word "one (1)" in front of the word "feet" and replace with the words "two (2) additional feet." This change will require all public and quasi-public buildings in a residential zone to have a maximum height of sixty (60) feet and a two (2) foot setback requirement to protect the integrity of the neighborhood.

The new footnote would read as follows: "The building height of public and quasi-public buildings may be increased to sixty (60) feet, provided that, for each one (1) foot increase in building height, every yard of required setback is increased by two (2) additional feet."

On page 4, under footnote 12, add the word "building" in front of the word "height." Next, remove the word "eighty (80)" in front of the word "feet" and replace with the word "sixty (60)." Also, remove the word "one (1)" in front of the word "feet" and replace it with the word "two (2)." Lastly, add the word "additional" in front of the word "two (2)."

The new footnote 12 would read as follows: "The building height of churches or similar places of worship may be increased to sixty (60) feet, provided that, for each one (1) foot increase in building height, every yard of required setback is increased by two (2) additional feet."

The sixty (60) foot building height limitation was recommended to address compatibility concerns with adjacent properties. It should be noted that church steeples and domes are exempt from building height requirements. The maximum building height in residential zones is thirty-five (35) to forty (40) feet. Section 27-107.-01 (Definitions) defines a Church as a "Building", "Structure," or area of land, which is primarily used for conducting organized religious services and "Accessory Uses" customarily associated with the "Use." In addition, the two (2) foot yard setbacks were recommended to protect adjacent properties and the character of the neighborhood.

The Planning Board's letter also states: "Churches or similar places of worship, public and quasi-public buildings can exist in residential zones, with the appropriate height limitations and yard setbacks. Because these heights are to be permitted in residential neighborhoods, staff sees the increased setback as necessary to avoid detrimental impacts."

Russell Shipley, representing First Baptist Church of Highland Park, and Midgett Parker, representing Collective Empowerment Group, spoke in support of Proposed DR-2. Mr. Parker commented that requiring a 60-foot height limitation based on a 1 to 2 ratio for churches separates the communities from religious values.

The Committee voted favorably on the legislation including the amendments contained in Proposed DR-2.

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#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

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

The proposed Bill would allow institutional buildings or structures located in residential zones to be one hundred twenty (120) feet in height, provided that, for each one (1) foot increase in height, every yard is increased by one (1) foot.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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