

Prince George's County Council

Agenda Item Summary

Meeting Date:	11/19/2013
Reference No.:	CB-097-2013
Draft No.:	3
Proposer(s):	Franklin
Sponsor(s):	Franklin, Lehman, Toles, Patterson, Davis, Turner
Item Title:	An Ordinance concerning Eleemosynary or Philanthropic Institutions for the purpose of providing for eleemosynary or philanthropic institutions as a permitted use in the O-S Zone and R-80 Zone under certain circumstances, and modifying certain requirements for eleemosynary or philanthropic institutions in the R-80 Zone.

Drafter:	Legislative Officers
Resource Personnel:	Brendon L. Laster, Chief of Staff Council District 9

LEGISLATIVE HISTORY:

Date Presented:	10/8/2013	Executive Action:	
Committee Referral:	10/8/2013 - PZED	Effective Date:	11/19/2013
Committee Action:	10/16/2013 - FAV(A)		
Date Introduced:	10/22/2013		
Public Hearing:	11/19/2013 - 10:00 AM		
Council Action (1)	11/19/2013 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-441

COMMITTEE REPORTS:

PZED Committee Report

Date 10/16/2013

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Franklin, Olson, Patterson and Toles)

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-97-2013 (Draft-1) amends the Zoning Ordinance to allow eleemosynary or philanthropic institutions in the O-S and R-80 Zones under certain circumstances. The County Council enacted CB-105-2012 to permit this use in the R-80 Zone without the requirement for a special exception if the property was owned by a non-profit organization as of October 1, 2012. CB-97-2013 amends the footnote to remove the requirement for a Detailed Site Plan, and also exempt the use from the requirements of the Landscape Manual, lot coverage and green area for certain off-street parking and loading. Draft 1 also allows eleemosynary or philanthropic institutions in the O-S Zone without the requirement for a special exception under certain circumstances provided in a new footnote 97.

Council Member Franklin, the bill's sponsor, informed the committee that CB-97-2013 clarifies the intent of CB-105-2012 for the R-80 Zone and also includes provisions to facilitate the location of an eleemosynary or philanthropic institution on O-S zoned property located in his district.

The Office of Law reviewed CB-97-2013 and found it to be in proper legislative form with no legal impediments to its enactment. The Planning Board provided a letter to Council Chair Harrison dated October 15, 2013 in support of the legislation.

Arthur Horne, Law Offices of Shipley & Horne, P.A., Dr. Deloris Freeman of Spirit of Faith Christian Center, Faith Stewart, and Cheryl Petty Garnette of Ivy Community Charities testified in support of CB-97-2013. Pastor Freeman also provided a video and PowerPoint presentation, "Dee's House of Hope", highlighting its mission, vision, programs, services, and plans for location in the southern Prince George's County.

The committee discussed a Proposed Draft-2A (DR-2A) which staff prepared in consultation with the bill's sponsor to address requested clarifying referral comments provided by the Zoning Hearing Examiner. Proposed DR-2A moves the wording, which had been proposed in a new footnote 97 for the O-S Zone, to the table as a new subsection (B) under "Eleemosynary or philanthropic institution". The new subsection (B) reads: "An adaptive reuse of a structure(s) last occupied by the Federal Government on a parcel with not more than 8 acres for use by survivors of domestic violence and their families, including social services and rehabilitative services related thereto, such as educational and employment training, counseling, and day care". DR-2A permits the use in the O-S Zone, and prohibits it in all other residential zones. In addition, the new wording which had been proposed in Draft-1 at the beginning of subsection (A) "An adaptive reuse of a structure(s) last occupied by the Federal Government" is removed in DR-2A.

The committee voted favorable with the amendments contained in DR-2A as well as an

additional amendment to change the word “occupied” to “owned” in subsection (B) on pages 2 and 3.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill permits philanthropic or eleemosynary institutions in the O-S Zone subject to certain eligibility criteria, and exempts the eligible entities from certain regulatory prescriptions provided in the Zoning Ordinance.

10/22/2013: CB-97-2013 (DR-2) was amended on the floor prior to introduction; DR-3 was introduced.

CODE INDEX TOPICS:

INCLUSION FILES:
