

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2012 Legislative Session

Bill No. _____ CB-29-2012
 Chapter No. _____ 19
 Proposed and Presented by _____ Council Member Patterson
 Introduced by _____ Council Members Patterson, Davis, Franklin and Lehman
 Co-Sponsors _____
 Date of Introduction _____ June 19, 2012

ZONING BILL

1 AN ORDINANCE concerning

2 Group Residential Facilities

3 For the purpose of permitting group residential facilities in certain residential zones subject to
 4 specific requirements in order to implement the important public purpose of protecting the public
 5 safety, health, and welfare; providing local reporting requirements for juvenile group facilities in
 6 residential zones, providing enforcement provisions, and repealing the requirement that group
 7 residential facilities obtain a special exception as a condition to operating in certain residential
 8 zones.

9 BY repealing and reenacting with amendments:

10 Sections 27-107.01, 27-441(b) and 27-515(b),

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

12 being also

13 SUBTITLE 27. ZONING.

14 The Prince George's County Code

15 (2011 Edition).

16 BY repealing: Section 27-360,

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

18 being also

19 SUBTITLE 27. ZONING.

20 The Prince George's County Code

(2011 Edition).

BY adding: Section 27-445.14,
The Zoning Ordinance of Prince George's County, Maryland,
being also
SUBTITLE 27. ZONING.
The Prince George's County Code
(2011 Edition).

SECTION 1. BE IT ENACTED by the 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, that Sections 27-107.01, 27-441(b) and 27-515(b) of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

* * * * *

(109) Group Residential Facility:

(A) A "Dwelling Unit" or "Foster Home," operated by a responsible individual or organization, which has a program designed to provide a supportive living arrangement for five (5) or more individuals (unrelated to the operator by blood, adoption, or marriage) who are members of a service population that, because of age or emotional, mental, physical, familial, or social conditions, needs supervision.

(B) This term includes, facilities for developmentally disabled persons, drug dependent persons, alcoholic persons, juveniles, or persons whose welfare and adjustment within the community are dependent on support from the community.

(C) The term does not include:

[(i) A "Foster Home" where there are four (4) or less persons unrelated by blood, adoption, or marriage to their foster parents;]

1 [(ii) A "Foster Home" where there are not more than six (6) foster children who
2 are unrelated to their foster parents, but are related by blood or marriage to each other;]

3 [(iii)] (i) A "Hospital" or "Nursing or Care Home";

4 [(iv)] (ii) A "Congregate Living Facility"; or

5 [(v)] (iii) An "Adult Day Care Center."

6 (D) A "Group Residential Facility" for the "mentally handicapped" for up to eight (8)
7 residents shall be considered a "One-family Detached Dwelling."

8 (E) When a "Group Residential Facility" is limited to serving a "mentally
9 handicapped" population, this term shall include any individual with a primary disability as a
10 result of mental retardation, mental illness, or mental disorder which impairs the person's
11 cognitive ability to live independently (excluding addictive disorders resulting from substance
12 abuse).

13 * * * * *

Sec. 27-441. Uses permitted.**(b) TABLE OF USES.**

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
(6) Residential/Lodging									
* * * * *	*	*	*	*	*	*	*	*	*
Group residential facility for more than 8 mentally handicapped dependent persons, or for 5 or more other dependent persons [⁹⁴]	[SE] P	[SE] P	[SE] P	[SE] P	[SE] P	[SE] P	[SE] P	[SE] P	[SE] P
Group residential facility for not more than 8 mentally handicapped dependent persons	P	P	P	P	P	P	P	P	P
* * * * *	*	*	*	*	*	*	*	*	*

[⁹⁴ All State and private operators of juvenile group residential facilities shall register their facilities with Prince George's County on forms provided by the County. The County shall compile the information and make it available to applicable County agencies.]

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
(6) Residential/Lodging								
* * * * *	*	*	*	*	*	*	*	*
Group residential facility for more than 8 mentally handicapped dependent persons, or for 5 or more other dependent persons ^[94]	[X] P	[X] P	[X] P	[SE] P	[X] P	[X] P	[X] P	[X] P
Group residential facility for not more than 8 mentally handicapped dependent persons	P	P	P	P	P	[X] P	P	P
* * * * *	*	*	*	*	*	*	*	*

[⁹⁴ All State and private operators of juvenile group residential facilities shall register their facilities with Prince George's County on forms provided by the County. The County shall compile the information and make it available to applicable County agencies.]

PART 8. COMPREHENSIVE DESIGN ZONES.**DIVISION 3. USES PERMITTED.****Sec. 27-515. Uses permitted.****(b) TABLE OF USES.**

USE	ZONE								
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M
(7) RESIDENTIAL/LODGING:									
Group residential facility for up to 8 mentally handicapped dependent persons ^[36]	P	P	[X] P	P	P	P	P	P	P
* * * * *	*	*	*	*	*	*	*	*	*

[³⁶ All State and private operators of juvenile group residential facilities shall register their facilities quarterly with Prince George's County on forms provided by the County. The County shall compile the information and make it available to applicable County agencies.]

SECTION 2. BE IT ENACTED by the 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, that Section 27-360 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed:

SUBTITLE 27. ZONING

PART. 4. SPECIAL EXCEPTIONS.

**DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL
EXCEPTIONS.**

[Sec. 27-360. Group residential facility.

(a) A group residential facility for more than eight (8) mentally handicapped dependent persons, or for five (5) or more other dependent persons, may be permitted, subject to the following:

- (1) The applicant shall demonstrate that there is a need for the facility;
- (2) The premises shall be under supervision at all times; and
- (3) The regulations set forth in the zone in which the use is proposed may be waived by the District Council provided that:

(A) The proposed site is of sufficient size to properly accommodate a facility of the type proposed without adversely affecting adjacent land use; and

(B) The waiver is granted in accordance with the requirements and criteria by which variances are granted by the Board of Zoning Appeals (Section 27-230).

(b) A statement shall be submitted explaining:

- (1) The character of the facility;
- (2) The program's policies and goals, and means proposed to accomplish the goals;
- (3) The characteristics of the service population and number of residents to be served;
- (4) The operating methods and procedures to be used; and
- (5) Any other aspects pertinent to the facility's program.

(c) If the subject property is located within a municipality, the municipality shall be allowed sixty (60) days from the date of referral to forward its recommendation to the District Council.]

SECTION 3. BE IT FURTHER ENACTED by the 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, that Section 27-445.14 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby added:

SUBTITLE 27. ZONING

PART 5. RESIDENTIAL ZONES

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-445.14 Group residential facility.

(a) A group residential facility for more than eight (8) mentally handicapped dependent persons, or for five (5) or more other dependent persons, may be permitted, subject to the following:

(1) The applicant shall demonstrate that there is a need for the facility; and

(2) The premises shall be under supervision at all times.

(b) A statement shall be submitted explaining:

(1) The character of the facility;

(2) The program's policies and goals, and means proposed to accomplish the goals;

(3) The characteristics of the service population and number of residents to be served;

(4) The operating methods and procedures to be used; and

(5) Any other aspects pertinent to the facility's program.

(c) All State and private operators of juvenile group residential facilities are subject to a reporting requirement. The Department of Environmental Resources, the Police Department, and the Maryland National Capital Park and Planning Commission shall establish procedures to implement the reporting requirement for juvenile group residential facilities. The procedures shall be submitted to the District Council for approval on or before March 15, 2013. The purpose and intent of reporting by juvenile group residential facilities is to promote the health, safety and welfare of the citizens and residents of the County to prevent or control the detrimental effects of juvenile crime in the County.

SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 24th day of July, 2012.

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: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
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