Prince George's County Council

Agenda Item Summary

Meeting Date: 1/19/2016
Effective Date: 1/19/2016
Reference No.: CR-007-2016
Chapter Number:
Draft No.: 1
Public Hearing Date:
Proposer(s): Taveras
Sponsor(s): Taveras, Lehman, Patterson, Glaros, Davis and Franklin
Item Title: A RESOLUTION CONCERNING THE 2004 SECTOR PLAN AND SECTIONAL MAP AMENDMENT FOR THE PRINCE GEORGE'S COUNTY GATEWAY ARTS DISTRICT for the purpose of approving, with technical revisions, three (3) minor amendments to the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District Development District Standards concerning freestanding signs and conversions of single family dwellings in the Traditional Residential Neighborhood character area, and making a clarifying amendment to the Use Table of the Gateway Arts Development District.

Drafter: Karen T. Zavakos, Zoning and Legislative Counsel
Resource Personnel: Micah L. Watson, Chief of Staff / Legislative Aide, District 2

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
01/19/2016	County Council	introduced	

Action Text:
This Resolution was introduced by Council Member Taveras, Lehman, Patterson and Glaros, Davis and Franklin

01/19/2016	County Council	rules suspended	

Action Text:
A motion was made by Vice Chair Glaros, seconded by Council Member Franklin, that the Council Rules of Procedure be suspended to allow for the immediate adoption of this Resolution. The motion carried by the following vote:

Aye: 9 Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

01/19/2016	County Council	adopted	

Action Text:
A motion was made by Vice Chair Glaros, seconded by Council Member Franklin, that this Resolution be adopted. The motion carried by the following vote:

Aye: 9 Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

AFFECTED CODE SECTIONS:

BACKGROUND INFORMATION/FISCAL IMPACT:

Sections 27-548.26 and 27-642 of the Zoning Ordinance of Prince George's County provide a process for initiation and approval of minor amendments to approved comprehensive plans by the District Council. Accordingly, by way of its adoption of CR-48-2015 on September 9, 2015, the District Council directed initiation of three (3) minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, namely to amend the Gateway Arts Development District Standards for the Traditional Residential Neighborhood character area of the district to: (1) allow certain replacement of certain freestanding signs and to reduces from three to two the maximum number of resultant dwelling units for the use entitled, "conversions of single-family dwellings to a building with up to three dwelling units" in the Traditional Residential Neighborhood ("TRN") character area of the Gateway Arts Development District; and (3) to clarify the prohibition throughout the Gateway Arts District for the use, "Vehicle parts or tire stores" in the Gateway Arts District, regardless of whether the use includes installation facilities as part of the use.

In accordance with applicable procedural requirements, specifically Section 27-642 of the County Zoning Ordinance, the District Council and the Prince George's County Planning Board conducted a joint public hearing concerning the proposed minor amendments on October 27, 2015, to seek public comment and/or written testimony for inclusion in a record of public record testimony. After the close of the public hearing record and the December 16, 2015, transmittal of recommendations on the proposed amendments by the Planning Board, the District Council convened as the Committee of the Whole on January 12, 2016, for purposes of conducting a public work session to review and discuss the record of public testimony as to the proposed amendments. After presentations by staff, as well as questions and other discussion by Committee Members, the Council voted unanimously 8-0 on a motion to direct staff to prepare a Resolution of Approval for the three (3) proposed minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.

Accordingly, this Resolution approves the three (3) minor amendments and directs the staff of the Maryland-National Capital Park and Planning Commission to make commensurate text and other changes as appropriate to reflect the approval of the minor amendments to the development district standards for the Gateway Arts Development District Overlay (D-D-O) Zone.

Document(s): R2016007

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2016 Legislative Session

Resolution No. CR-7-2016
Proposed by Council Member Taveras
Introduced by Council Members Taveras, Lehman, Patterson, Glaros, Davis and Franklin
Co-Sponsors
Date of Introduction January 19, 2016

RESOLUTION

A RESOLUTION concerning

The 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District

For the purpose of approving, with certain technical revisions, three (3) minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* Development District Standards concerning freestanding signs and conversions of single family dwellings in the Traditional Residential Neighborhood character area, and making a clarifying amendment to the Table of Uses Permitted for the Gateway Arts Development District.

WHEREAS, in accordance with the provisions of Sections 27-548.26 and 27-642 of the Zoning Ordinance of Prince George's County, the District Council adopted CR-48-2015 on September 9, 2015, thereby initiating a minor amendment process as to three (3) proposed minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*; and

WHEREAS, in accordance with the procedural requirements set forth in the County Zoning Ordinance, the County Council sitting as the District Council and the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission conducted a duly advertised joint public hearing on October 27, 2015, to seek public comment and testimony concerning the proposed minor amendments; and

WHEREAS, after close of the record of joint public hearing record on November 12, 2015, the Planning Board transmitted its recommendations as to the three (3) proposed minor

amendments to the Clerk of the District Council on December 16, 2015, together with the summary of testimony and exhibits received into the joint public hearing record prepared by its Planning Department Technical Staff; and

WHEREAS, the December 16, 2015, recommendation of Planning Board offered certain technical revisions to the proposed minor amendments to the Gateway Arts Development District Standards; and

WHEREAS, on January 12, 2016, the District Council convened as the Committee of the Whole for a public work session to discuss the recommendations submitted by Planning Board and the summary of record testimony prepared by the staff for the October 27, 2015, joint public hearing; and

WHEREAS, upon orientation and presentation by the technical staff, including questions and discussion posed by the members of the committee, the Committee of the Whole favorably voted to direct staff to prepare a Resolution of Approval as to the three (3) proposed minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District.*

NOW, THEREFORE, BE IT RESOLVED 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, in accordance with Sections 27-548.26 and 27-642 of the Zoning Ordinance, the three (3) proposed minor amendments to the 2004 *Sector Plan and Sectional Map Amendments for the Gateway Arts District* be and the same are hereby approved with technical revisions, based on information within the record of joint public hearing testimony, as follows:

MINOR AMENDMENT NUMBER ONE:

Revise the signage section and Table on page 150 for the Traditional Residential Neighborhood ("TRN") character area in the Gateway Arts Development District Overlay (D-D-O) Zone approved within the Gateway Arts Sectional Map Amendment ("SMA"), as follows:

Signage

Intent

Retain the small-town character by decreasing visual clutter and improving the overall appearance of signage.

Freestanding pole, monumental signs or billboards shall not be allowed.

- Replacement of permanent, freestanding signage for a non-commercial use, whether or not the sign has an existing sign permit, is permitted in the Traditional Residential character area, provided that the replacement sign does not exceed one hundred fifty percent (150%) of the total existing permanent freestanding signage in height or width.

MINOR AMENDMENT NUMBER TWO:

Revise the Table of Uses Permitted for the TRN character area of the Gateway Arts Development District on page 194 of the Gateway Arts SMA, as follows:

Conversion of a one-family detached dwelling to a building containing up to [three dwelling units (not considered as a two family, three family or multi-family dwelling)] two dwelling units.

Source	*	**Character Area**					
	*	**TC**	**APE**	**NAP**	**MRC**	**TRN**	**NC**
27-441	*	SP	SP	X	P	P	X

MINOR AMENDMENT NUMBER THREE:

Revise the Table of Uses Permitted on page 170 of the Gateway Arts SMA to clarify the intention of the District Council to prohibit vehicle parts or tire stores districtwide, whether or not the use includes installation facilities, in its approval of the 2004 Gateway Arts SMA, as follows:

Use: Vehicle parts or tire stores [including] with or without installation facilities.

Source	*	**Character Area**					
	*	**TC**	**APE**	**NAP**	**MRC**	**TRN**	**NC**
27-461	*	X	X	X	X	X	X

BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate textual, graphical, and map revisions to correct identified errors, reflect updated information and revisions, and incorporate the zoning map changes reflected in this Resolution.

BE IT FURTHER RESOLVED that the approval of minor amendments to the Gateway Arts District Development District Overlay Zone constitutes an amendment to the Zoning Ordinance and to the official Zoning Map for the Maryland-Washington Regional District in

Prince George's County. The zoning changes approved by this Resolution shall be depicted on the official Zoning Map of the County.

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid, unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, zones, zoning maps, or parts hereof for their application to other zones, persons, or circumstances. It is hereby declared to be the legislative intent of the District Council that this Resolution would have been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence, clause, section, zone, zoning map, or part had not been included therein.

BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its adoption.

Adopted this 19th day of January, 2016.

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: _____
Derrick Leon Davis
Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council

Minor Amendments to the Gateway Arts District (GAD) Development District Overlay Zone

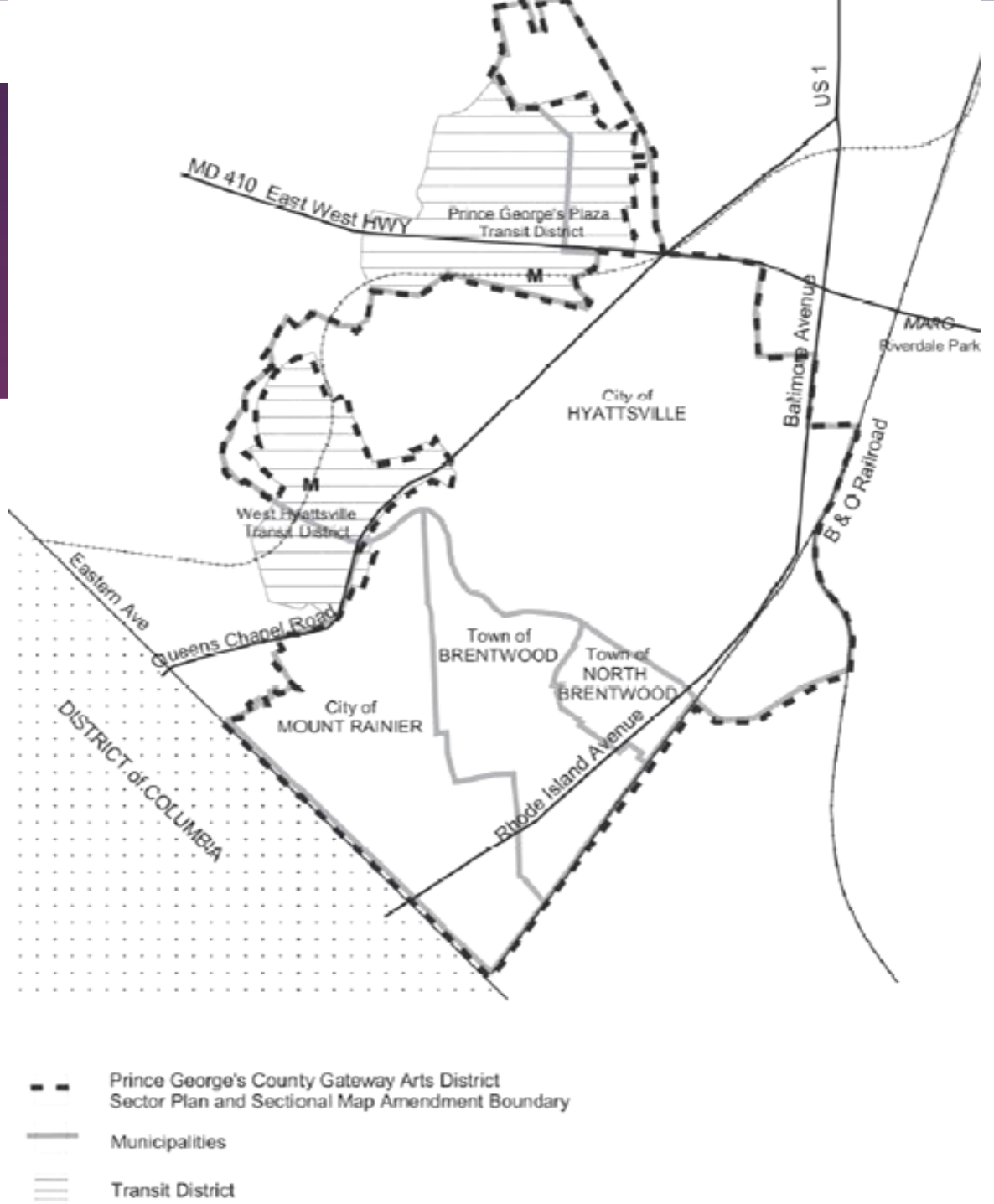
JOINT PUBLIC HEARING – DISTRICT COUNCIL AND PLANNING BOARD

OCTOBER 27, 2015

Location

Planning Area 68:

- City of Hyattsville
- City of Mount Rainier
- Town of Brentwood
- Town of North Brentwood



D-D-O-Z Vision

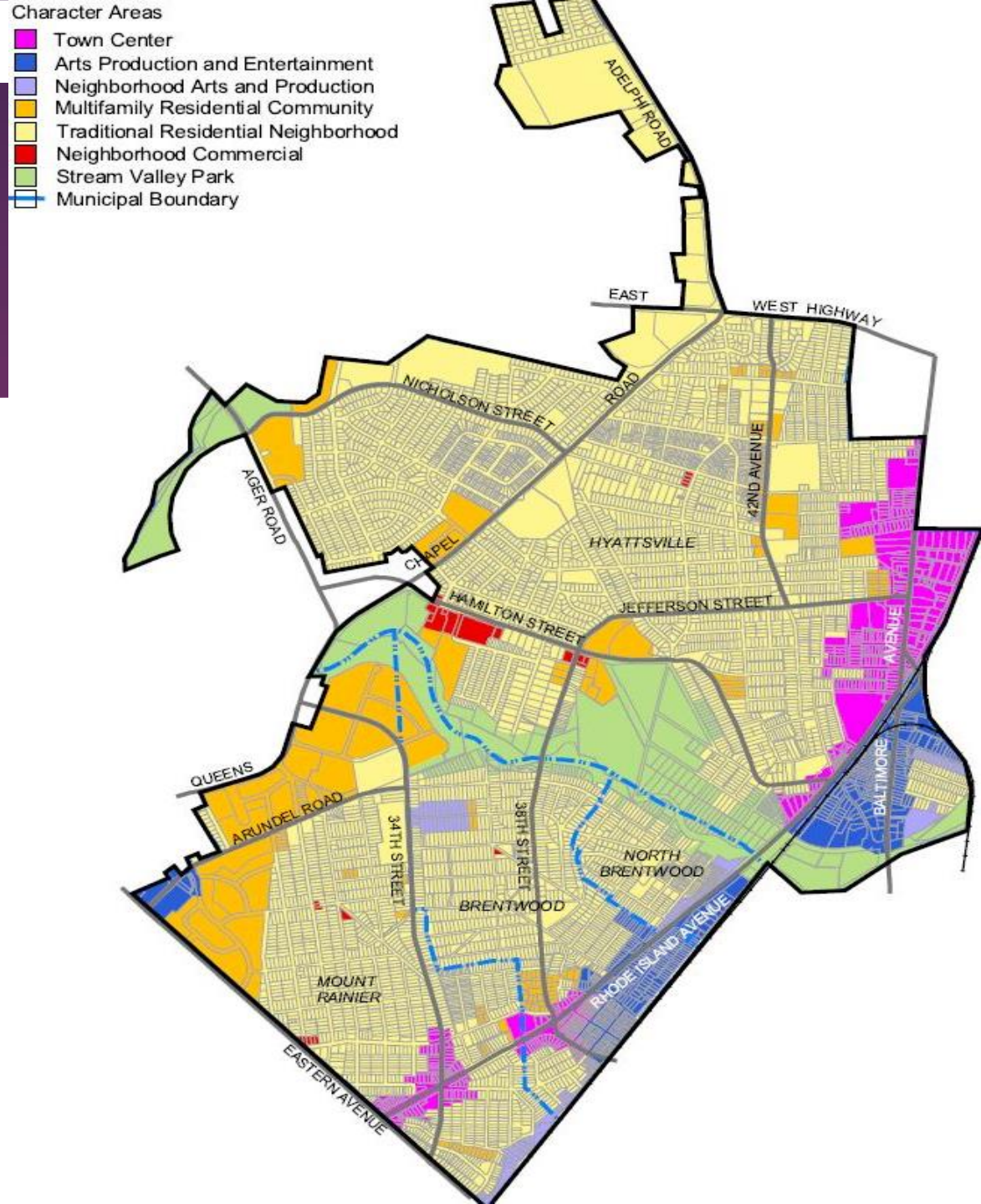
- 2004 ***Approved Sector Plan and Sectional Map Amendment for Prince George's County Gateway Arts District***

  - *"Focal point for art activities of all types and a place for entertainment, socializing, dining, shopping, and living, but retains its core to the heart of four small municipalities - Mount Rainier, Brentwood, North Brentwood and Hyattsville."*

  - Allows development of more lively commercial and mixed-use centers in seven character areas.

Gateway Arts District Character Areas

1. Town Center (TC)
2. Arts Production and Entertainment (APE)
3. Neighborhood Arts and Production (NAP)
4. Multifamily Residential Community (MRC)
5. **Traditional Residential Neighborhood (TRN)**
6. Neighborhood Commercial (NC)
7. Stream Valley Park (SVP)



Legislative Background

- **November 30, 2004:** District Council adopted Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District

- **Previous amendments (2007, 2014):**
  - Development District Standards in TRN Character Area – City of Mount Rainier and City of Hyattsville (2007)
  - Bed and Breakfast Amendment (2014)

Legislative Background

- **June 6, 2015**: District Council adopted CB-35-2015 creating a minor amendment process for comprehensive plans, functional plans, development district plans and associated approved Development District Overlay Zones

- **September 9, 2015:** District Council adopts CR-48-2015 directing the Planning Board to initiate three minor amendments to the Gateway Arts District D-D-O-Z.

Gateway Arts DDOZ Minor Amendments

TRN Area

(Amendment #1)

- Permit the exemption of replacement of freestanding signs for non-commercial properties

TRN Area

(Amendment #2)

- Limiting conversions of single-family homes to 2 dwelling units instead of 3 dwelling units

Gateway Arts DDOZ Minor Amendments

Districtwide

(Amendment #3)

- Clarify prohibition of vehicle parts and tire stores with and without installation

Amendment # 1 –

Exempt freestanding signs on non-commercial property TRN

- To amend the DDOZ standards to exempt, from compliance with any applicable development district standards for the Gateway Arts District, freestanding replacement signs on non-commercial property in the TRN Character Area, where replacement sign is of similar size and character as the existing sign on the property.

ANALYSIS:

- Freestanding signs are prohibited districtwide
- Modifications on freestanding signs require a DSP process
- Suggest adding height and width dimensions requirements to ensure that signs are equal to or not greater than 15% of existing freestanding sign in height or width

Amendment # 2 –
Amend residential portion of Table of Uses Permitted in TRN

- To limit the number of dwelling units to a maximum of two (2) dwelling units in a converted single-family home.

ANALYSIS:

- Plan currently allows conversions up to three (3) dwelling units in a single-family home
- Amendment supports single-family residential neighborhood character of TRN in GAD

Amendment # 3 – Amend Commercial Portion of Table of Uses Permitted

- To clarify that the approved 2004 development district prohibits vehicle parts and tire stores throughout the Arts District, irrespective of whether or not the commercial enterprise offers installation
- "Vehicle parts or tire store including installation facilities, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage" is currently prohibited from the Table of Uses Permitted

ANALYSIS:

- GAD explicitly prohibits vehicle and tire stores with installation
- Omission of vehicle parts or tire stores without installation creates ambiguity regarding its prohibition in the GAD districtwide

Prince George's County Council
Agenda Item Summary

Meeting Date:	9/9/2015
Reference No.:	CR-048-2015
Draft No.:	1
Proposer(s):	Taveras
Sponsor(s):	Taveras, Toles
Item Title:	A Resolution concerning the 2004 Gateway Arts District for Prince George's County – D-D-O Zone – Minor Amendment for the purpose of directing the Planning Board to initiate a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone development district standards of the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District concerning freestanding signs in the Traditional Residential Neighborhood character area, to amend the Table of Uses Permitted for the Traditional Residential Neighborhood character area concerning the use, "conversion of a one-family detached dwelling to a building containing up to three dwelling units," and to amend the Table of Uses Permitted to clarify that the use, "Vehicle parts and tire store," is prohibited within the Gateway Arts development district.

Drafter:	Karen T. Zavakos, Zoning and Legislative Counsel
Resource Personnel:	Micah Watson,Chief of Staff / Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	**Executive Action:**
Committee Referral:	**Effective Date:**
Committee Action:	
Date Introduced:	9/9/2015
Public Hearing:	
Council Action (1)	9/9/2015 - ADOPTED
Council Votes:	DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail:	P
Remarks:	

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

BACKGROUND INFORMATION/FISCAL IMPACT:
(Includes reason for proposal, as well as any unique statutory requirements)

CB-35-2015 was enacted by the District Council on July 21, 2015, and became effective from the date of its adoption by favorable vote of the Council. As enacted, CB-35 sets forth an abbreviated process in the Zoning Ordinance by which the District Council, by Resolution, may initiate, consider, and approve certain types of limited amendments to an approved master, sector, functional plan and/or associated Development District Overlay Zone after notice and joint public hearing with the Planning Board.

This Resolution initiates a minor amendment to the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District to exempt replacement freestanding signs in the Traditional Residential Neighborhood character area from conformance with the Arts District development district standards, to amend the Table of Uses Permitted for the Traditional Residential Neighborhood character area to limit the number of converted units for a conversion of one-family dwelling to a building containing up to three (3) dwelling units, and to amend the Table of Uses Permitted to clarify that the use, "Vehicle parts and tire store," is prohibited within the Gateway Arts development district.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2015 Legislative Session

Resolution No. CR-48-2015
Proposed by Council Member Taveras
Introduced by Council Members Taveras and Toles
Co-Sponsors
Date of Introduction September 9, 2015

RESOLUTION

A RESOLUTION concerning

The 2004 Gateway Arts District for Prince George's County – D-D-O Zone − Minor Amendment

For the purpose of directing the Planning Board to initiate a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone development district standards of the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District concerning freestanding signs in the Traditional Residential Neighborhood character area, to amend the Table of Uses Permitted for the Traditional Residential Neighborhood character area concerning the use, "conversion of a one-family detached dwelling to a building containing up to three dwelling units," and to amend the Table of Uses Permitted to clarify that the use, "Vehicle parts and tire store," is prohibited within the Gateway Arts development district.

WHEREAS, on November 30, 2004, the District Council approved the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*; and

WHEREAS, in accordance with the provisions of the Zoning Ordinance of Prince George's County, Maryland, the comprehensive zoning proposal approved by the District Council also approved a D-D-O (Development District Overlay) Zone for the geographic area of the County included within the plan boundaries of the Gateway Arts District; and

WHEREAS, as stated within Section 27-548.19 of the Zoning Ordinance, the purpose of the D-D-O Zone is to ensure that the development of land in the Gateway Arts development district meets the goals established for the district in the Gateway Arts Sector Plan and takes

advantage of unique opportunities presented by the district; and

WHEREAS, in accordance with Section 27-548.24 of the Zoning Ordinance, the District Council's 2004 Sector Plan and Sectional Map Amendment approved certain development district standards, including seven (7) character areas to govern development within the Gateway Arts District area, and which replace or modify the development regulations applicable to the underlying zoning classifications therein; and

WHEREAS, the Gateway Arts District development district standards set forth certain procedural requirements for the review and approval of signs within the development district; and

WHEREAS, the development district standards approved by the Council also include a Table of Uses Permitted for each character area that controls the underlying uses listed in the Zoning Ordinance; and

WHEREAS, the Table of Uses Permitted for the Gateway Arts development district permits the use, "conversion of a one-family detached dwelling to a building containing up to three dwelling units (not considered as a two-family, three-family, or multifamily dwelling)" within the Traditional Residential Neighborhood (TRN) character area of the development district; and

WHEREAS, additionally, the Table of Uses Permitted prohibits the use, "Vehicle parts or tire store including installation facilities, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage" in all seven (7) character areas of the Gateway Arts development district; and

WHEREAS, the District Council finds that, since the adoption of the development district in 2004, the land use and development policy vision for the Gateway Arts development district has evolved, particularly as to the regulation of signs and conversions of one-family dwellings in the TRN character area, as well as retail vehicle parts or tire stores; and

WHEREAS, in order to better align with the Sector Plan vision and to achieve the goals of the development district, the District Council finds that there is a need to amend the development district standards to allow certain exemptions for certain freestanding signs in the TRN character area from strict application of the development district standards; and

WHEREAS, to ensure that development in the TRN character area promotes the land use goals of that character area, namely to preserve the development character of the existing single-family detached residential neighborhoods and to protect it from encroachment by nearby

development, the District Council also finds that there is a need to amend the Table of Permitted Uses for the development district to limit, to a maximum of two (2) units, the number of converted dwelling units through "conversion of a one-family dwelling to a building containing up to three dwelling units (not considered as a two-family, or multifamily dwelling) in the TRN character area of the Gateway Arts District; and

WHEREAS, the District Council further finds that the 2004 Sector Plan vision calls for the maximization of development opportunities that promote the intended character of the Arts District—a vibrant, walkable, pedestrian-oriented focal point for art activities of all types and a place for entertainment, socializing, dining, and shopping; and

WHEREAS, in furtherance of realizing the Arts District vision, the District Council respectively finds that there is a need to amend the commercial use portion of the development district Table of Permitted Uses to clarify that the approval of the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* development district plan prohibits vehicle parts or tire stores of all types within the Gateway Arts development district; and

WHEREAS, Sections 27-548.26 and 27-642 of the Zoning Ordinance establish a process whereby which the District Council may initiate minor amendments to an approved D-D-O Zone; and

WHEREAS, it is the finding of the District Council that the proposed minor amendments are authorized by the provisions of Section 27-642, as the foregoing amendments: (1) advance the goals of an approved development district plan; (2) involve no more than 50% of the underlying plan area, but are not limited to a single property or property owner; and (3) do not constitute amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.

NOW, THEREFORE, BE IT RESOLVED 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, in accordance with Sections 27-548.26 and 27-642 of the Zoning Ordinance, the Planning Board is hereby directed to initiate a minor amendment to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, as follows:

MINOR AMENDMENT ONE:

Amend the development district standards to exempt, from compliance with any applicable development district standards for the Gateway Arts District, freestanding replacement signs on non-commercial property in the TRN character area, where the replacement sign is of similar size and character as the existing sign on the property.

MINOR AMENDMENT TWO:

Amend the residential portion of the Gateway Arts development district Table of Permitted Uses for the TRN character area to limit the number of converted units to two (2) units in the conversion of one-family dwelling units to a building containing up to three dwelling units (not considered as a two-family or multifamily dwelling).

MINOR AMENDMENT THREE:

Amend the commercial portion of the Gateway Arts development district Table of Permitted Uses to clarify that the district-wide prohibition within the 2004 approval of the development district as to the use, "Vehicle parts or tire store including installation facilities, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage" prohibits vehicle parts and tire stores throughout the Arts District, irrespective of whether the commercial enterprise offers installation services.

BE IT FURTHER RESOLVED that, pursuant to Section 27-642 of the Zoning Ordinance, a joint public hearing of the District Council and the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission will be held on the foregoing proposed amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* D-D-O Zone on Tuesday, October 27, 2015..

BE IT FURTHER RESOLVED that the Clerk of the Council shall transmit a copy of this Resolution to the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission in furtherance of compliance with the procedures of Sections 27-548.26 and 27-642 of the Zoning Ordinance.

Adopted this 9th day of September, 2015.

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: _____
Mel Franklin
Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council