Prince George's County Council

Agenda Item Summary

Meeting Date: 9/24/2019
Effective Date:
Reference No.: CR-078-2019
Chapter Number:
Draft No.: 1
Public Hearing Date:
Proposer(s): Taveras
Sponsor(s): Taveras, Davis, Anderson-Walker, Harrison, Franklin, Streeter, Glaros and Hawkins
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 approving a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone Development District Table of Permitted Uses within the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District to permit Urban Farm uses in the Traditional Residential Neighborhood ("TRN") character area of the Gateway Arts Development District.

Drafter: Dinora Hernandez, Legislative Officer
Resource Personnel: Allison Flores, Chief of Staff/Legislative Aide

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
09/24/2019	County Council	introduced	

Action Text:
This Resolution be introduced by Council Members Taveras, Davis, Anderson-Walker, Harrisob, Franklin, Streeter, Glaros and Hawkins.

09/24/2019	County Council	rules suspended	

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

Aye: 11 Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

09/24/2019	County Council	adopted	

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

Aye: 11 Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

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-017-2019 on March 5, 2019, the District Council directed initiation of a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone Development District Table of Permitted Uses within the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District to permit Urban Farm uses in the Traditional Residential Neighborhood ("TRN") character area of the Gateway Arts Development District.

In accordance with the requirements of law, the District Council and Prince George's County Planning Board conducted a duly advertised joint public hearing on April 30, 2019, in order to garner public comment and/or written testimony concerning the proposed minor amendments to the Gateway Arts District D-D-O (Development District Overlay) Zone Development District Table of Permitted Uses within the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District. After the close of the joint public hearing record, the Planning Board reviewed the record testimony with staff and transmitted its comments and recommendations to the District Council on May 30, 2019, as prescribed by law.

Thereafter, on July 2, 2019, and as publicly advertised upon its published public meeting agenda, the County Council conducted a public work session, while convened as the Committee of the Whole, to review the record of public hearing testimony received at the April 30, 2019, joint public hearing on the proposed minor amendments. After presentations by the Planning Department and Council's legal staff, as well as questions and other discussion from the committee members, the Committee of the Whole voted to direct staff to prepare this Resolution of Approval for the proposed minor amendments to the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District, as recommended within the resolution adopted by Planning Board via PGCPB No. 19-69.

Accordingly, this Resolution will approve, as a final action by the District Council in accordance with prescriptions of local zoning laws, certain minor amendments to the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District.

Document(s): R2019078, CR-078-2019 Attachment (PGCPG No. 19-69), CR-078-2019 AIS

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2019 Legislative Session

Resolution No. CR-78-2019

Proposed by Council Member Taveras

Introduced by Council Members Taveras, Davis, Anderson-Walker, Harrison, Franklin,Streeter, Glaros & Hawkins

Date of Introduction September 24, 2019

RESOLUTION

A RESOLUTION concerning

The Prince George's County Gateway Arts District Development District Overlay Zone

For the purpose of approving a minor amendment to the Prince George's County Gateway Arts District Development District Overlay Zone.

WHEREAS, on November 30, 2004, the Prince George's County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District in Prince George's County ("District Council") approved the 2004 *Approved 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, being also Subtitle 27 of the Prince George's County Code ("Zoning Ordinance"), 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 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 District Development District meets the goals established for the district in the 2004 *Approved Sector Plan for the Prince George's County Gateway Arts District* and takes advantage of unique opportunities presented by the district; and

WHEREAS, in accordance with Section 27-548.24 of the Zoning Ordinance, the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* organized the Gateway Arts District and its D-D-O Zone into seven (7) character

areas, including a Traditional Residential Neighborhood character area within the central core; and

WHEREAS, within each character area, the Gateway Arts District D-D-O Zone establishes certain development standards which replace or modify the development regulations applicable to the underlying zone classifications therein; and

WHEREAS, the Gateway Arts District D-D-O Zone Development District Standards approved by the District Council also include a Table of Uses Permitted for each character area that controls the underlying uses listed in the Zoning Ordinance; and

WHEREAS, as a result, the District Council finds that, since approving the Gateway Arts District D-D-O Zone in 2004, subsequent amendments to the text of the Zoning Ordinance established certain additional uses within the local zoning laws, such as "Urban Farm" which, by operation of law, were not contemplated at the time the Gateway Arts District D-D-O Zone Table of Permitted Uses was approved, and are thus prohibited uses within the Gateway Arts District D-D-O Zone; and

WHEREAS, on July 19, 2016, the District Council adopted CB-25-2016, a bill permitting Urban Farms, subject to specified conditions, in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones; and

WHEREAS, pursuant to Section 27-548.22(a), the uses allowed on property in a Development District Overlay Zone shall be the same as those allowed in the underlying zone in which the property is classified, except as modified by Development District Standards approved by the District Council; and

WHEREAS, pursuant to the provisions of the Gateway Arts District D-D-O Zone, if a use is not listed in the Gateway Arts District D-D-O Zone Table of Permitted Uses, said use is prohibited; and

WHEREAS, "Urban Farm" was not previously contemplated within the Gateway Arts District D-D-O Zone Table of Permitted Uses, 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, in furtherance of realizing the County's vision for the Gateway Arts District Development District, and pursuant to the provisions of Sections 27-548.26 and 27-642 of the

Zoning Ordinance, the District Council adopted CR-17-2019 on March 5, 2019, to initiate a minor amendment process to amend the Gateway Arts District Development District Overlay Zone to include "Urban Farm" in the Table of Permitted Uses, and permit said use in the Traditional Residential Neighborhood Character Area; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission ("Planning Board"), in conjunction with the Prince George's County Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the Minor Amendment to the Gateway Arts District Development District Overlay Zone on April 30, 2019, in order to receive public comment into the record on the proposed minor amendment; and

WHEREAS, after the close of the public hearing record, planning staff prepared a Technical Staff Report analyzing the proposed amendment and public hearing comments with recommendation to the Planning Board for consideration; and

WHEREAS, on May 30, 2019, the Planning Board held a worksession on the minor amendment to examine the analysis of testimony presented at the April 30, 2019, joint public hearing and exhibits received before the close of the record on May 15, 2019 and subsequently, pursuant to Section 27-642(e) of the Zoning Ordinance of Prince George's County, the Planning Board recommended approval of the amendment via PGCPB No. 19-69; which included the Technical Staff Report as an attachment; and

WHEREAS, on June 18, 2019, the District Council conducted a public work session to examine the record of joint public hearing testimony and recommendations of Planning Board regarding the proposed minor amendment; and

WHEREAS, after a presentation by staff on the public hearing testimony and Planning Board recommendation, the Council voted favorably to direct staff to prepare a resolution of approval of the proposed minor amendment and reflecting the Council Committee of the Whole direction in its favorable report on the proposed minor amendment on June 18, 2019.

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 following Minor Amendment to the Development District Overlay Zone created by the 2004 *Approved Sector Plan and Sectional*

Map Amendment for the Prince George's County Gateway Arts District be, and is hereby approved and incorporated as set forth fully within this Resolution, and summarized below:

MINOR AMENDMENT:

Add "Urban Farm" to the Table of Permitted Uses under (2) Commercial, (D) Services as:

a. A *permitted* use in the Traditional Residential Neighborhood Character Area

BE IT FURTHER RESOLVED that that the planning staff is hereby authorized to make appropriate textual and graphical revisions to the sector plan to correct identified errors, reflect updated information and revisions, and otherwise incorporate the change reflected in this Resolution.

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 accordance with procedural requirements of Sections 27-548.26 and 27-642 of the Zoning Ordinance.

Adopted this 24th day of September, 2019.

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: Todd M. Turner

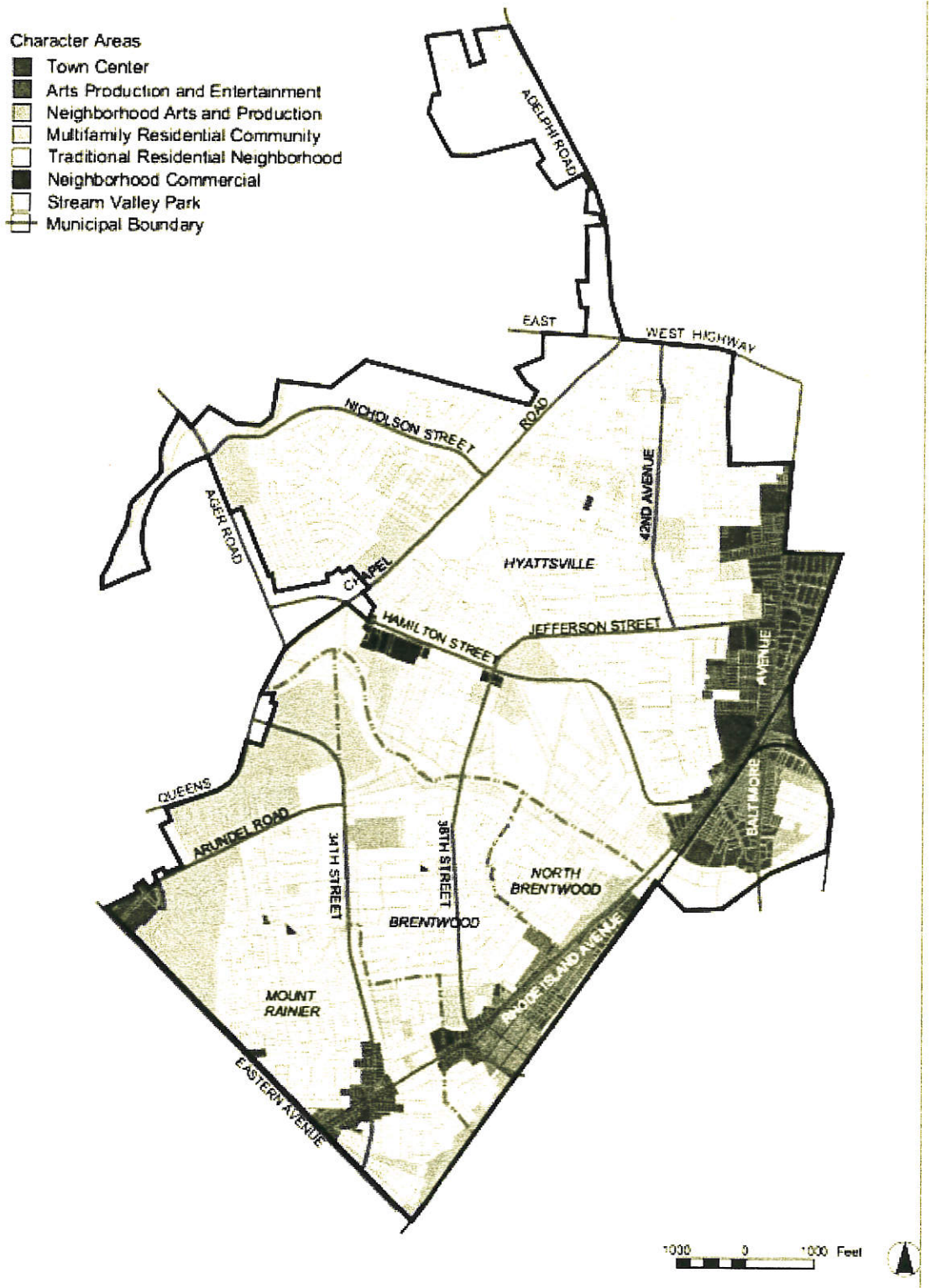
Todd M. Turner
Chair

ATTEST:

Donna J. Brown

Donna J. Brown
Acting Clerk of the Council

Prince George's County Gateway Arts District Development Distric Overlay Zone
Minor Amendments CR-17-2019



Attachment 2. Traditional Residential Neighborhood Character Area affected by Minor Amendment CR-17-2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 19-69

RESOLUTION

WHEREAS, on March 5, 2019, the District Council adopted CR-17-2019 directing the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission to initiate a minor amendment to the Development District Overlay Zone Table of Permitted Uses within the *2004 Approved Sectional Map Amendment for the Prince George's County Gateway Arts District;* and

WHEREAS, the minor amendment is to include "Urban Farm" uses to the Table of Permitted Uses, and permit them in the Traditional Residential Neighborhood Character Area; and

WHEREAS on April 14, 2019, the Prince George's County Planning Board initiated the minor amendment process at its regular session; and

WHEREAS, the Prince George's County Planning Board, in conjunction with the Prince George's County District Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the Minor Amendment to the Prince George's County Gateway Arts District Development District Overlay Zone, on April 30, 2019; and

WHEREAS, on May 30, 2019, the Planning Board held a public worksession on the minor amendment to examine the analysis of testimony presented at the April 30, 2019 joint public hearing and exhibits received before the close of the public record on May 15, 2019; and

WHEREAS, a technical staff report has been prepared that analyzes the proposed minor amendment to the Prince George's County Gateway Arts District Development District Overlay Zone; and

WHEREAS, testimony was presented during the Joint Public Hearing that identified potential interaction between the proposed Minor Amendment and the provisions of Section 27-441(b), Footnote 129, of the Zoning Ordinance; and

WHEREAS, per Section 27-642(e) of the Zoning Ordinance of Prince George's County, the Planning Board shall transmit a draft of the proposed amendment, a technical staff report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone amendment within 30 days of the date of the joint public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby recommend Prince George's County District Council APPROVE the Minor Amendment to the Prince George's County Gateway Arts District Development District Overlay Zone, this said approval to update the Gateway Arts District Development District Overlay Zone Table of Permitted Uses, adding "Urban Farm" as a permitted use within the Traditional Residential Neighborhood Character Area and prohibiting this use in the other Character Areas; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the minor amendment has been prepared in accordance with the requirements of Section Sec. 27-642 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the minor amendment, as heretofore described, is in conformance with the principles of orderly comprehensive land use planning and staged development, being consistent with the *2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District,* and with consideration having been given to the applicable County Laws, Plans, and Policies; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board recommends the County Council evaluate Section 27-441(b), Footnote 129, and consider revising its provisions to address issues raised in the public testimony on this Minor Amendment.

This is to certify that the foregoing is a true and correct of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo with Commissioners Hewlett, Bailey and Geraldo voting in favor of the motion, and with Commissioners Washington and Doerner absent at its regular meeting held on Thursday, May 30, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of May 2019.

Elizabeth M. Hewlett
Chairman

Jessica Jones

By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date 5/30/19

AGENDA ITEM # 10-11
PGCPB MEETING OF 5/30/2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3972

May 30, 2019

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Andree Green Checkley, Planning Director AGC
Kipling Reynolds, AICP, Chief, Community Planning Division for K.R.

FROM: Scott Rowe, AICP, CNU-A, Supervisor, Long Range Planning Section, Community Planning Division for S.R.

Michael Zamore, Planner Coordinator, Long Range Planning Section, Community Planning Division

SUBJECT: **CR-17-2019, Proposed Minor Amendment of the 2004 Gateway Arts District Development District Overlay (D-D-O) Zone**

On March 5, 2019, the District Council adopted Council Resolution (CR)-17-2019, directing the Planning Board to initiate a minor amendment to the Gateway Arts District Development District Overlay (D-D-O) Zone's Table of Permitted Uses within the 2004 *Approved Sectional Map Amendment for the Prince George's County Gateway Arts District.* The proposed change is to add "Urban Farm" as a permitted use in the Traditional Residential Neighborhood (TRN) character area of the Gateway Arts District. Pursuant to Section 27-642 of the Zoning Ordinance, on April 14, 2019, the Planning Board initiated the proposed minor amendment to the Gateway Arts District Development District Overlay Zone. Staff has prepared a report that evaluates the proposed change to the Development District Overlay Zone (see Attachment 1).

A Joint Public Hearing on the minor amendment was held on Tuesday, April 30, 2019. Twenty-nine (29) testimonies were received at the public hearing and prior to the close of the public record on May 15, 2019. Of these testimonies seven (7) supported the minor amendment and 22 opposed it. The analysis of testimony on the proposed change to the Gateway Arts District Development District Overlay Zone is in Attachment 2.

Staff Recommendation:

Staff recommends APPROVAL of the proposed Minor Amendment and that the County Council evaluate the provisions of Section 27-441(b), Footnote 129, in response to the testimony received at the Joint Public Hearing for CR-17-2019

Attachment 1

MINOR AMENDMENT TO THE PRINCE GEORGE'S COUNTY GATEWAY ARTS DISTRICT DEVELOPMENT DISTRICT OVERLAY (D-D-O) ZONE (CR-17-2019)

STAFF REPORT

The District Council, by Council Resolution CR-17-2019, adopted on March 5, 2019, directed the Planning Board to initiate a Minor Amendment of the Gateway Arts District Development District Overlay (D-D-O) Zone Table of Permitted Uses within the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* pursuant to the procedures described in Section 27-642 of the County Zoning Ordinance. CR-17-2019 proposes a change to the Development District Overlay (D-D-O) Zone to include "Urban Farm" as a permitted use within the Traditional Residential Neighborhood (TRN) of the Gateway Arts District.

CR-17-2019 was adopted pursuant to Section 27-642 of the County Zoning Ordinance, which provides for the Minor Amendment of Approved Master, Sector, Functional Plans, and Development District Overlay Zones. On Thursday, April 30, 2019, the Planning Board initiated CR-17-2019, under Section 27-642.

BACKGROUND

Location: The Prince George's County Gateway Arts District Development District Overlay (D-D-O) Zone covers 1,908 acres of land in northwestern Prince George's County. Its boundaries encompass four municipalities along the US 1 Corridor: City of Hyattsville, City of Mount Rainier, Town of Brentwood, and Town of North Brentwood. (see Figure 1) These municipalities are located within Councilmanic District 2, Planning Area 68, and are within the Established Communities policy area as defined by the 2014 *Approved Plan Prince George's 2035 General Plan* (Plan 2035).

1. **Plan Approval:** The Sector Plan was approved by CR-78-2004, on November 30, 2004. This sector plan replaced the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* for the portions of Planning Area 68 within the sector, and amended the 2002 *Prince George's County Approved General Plan*, the 1982 *Master Plan of Transportation*, the 1983 *Functional Master Plan for Public School Sites*, the 1990 *Public Safety Master Plan*, the 1992 *Prince George's County Historic Sites and Districts Plan*, and the 1975 *Countywide Trails Plan with the 1985 Equestrian Addendum.*

2. **Section 27-642:** Section 27-642 of the County Zoning Ordinance: Minor Amendment to Approved Master, Sector, Functional Plans, and Development District Overlay Zones, governs the minor amendment process. It reads as follows:

   (a) Minor amendments of approved master, sector, functional plans and/or associated Development District Overlay Zones may be initiated by Resolution of the District Council, or by the Planning Board upon approval by Resolution of the District Council. At the time of initiation, a joint public hearing date shall be scheduled to occur within 60 days, in accordance with the notice requirements set forth in Sections 27-644(b)(2)(A) through Section 27-644(b)(2)(D) of this Subtitle.

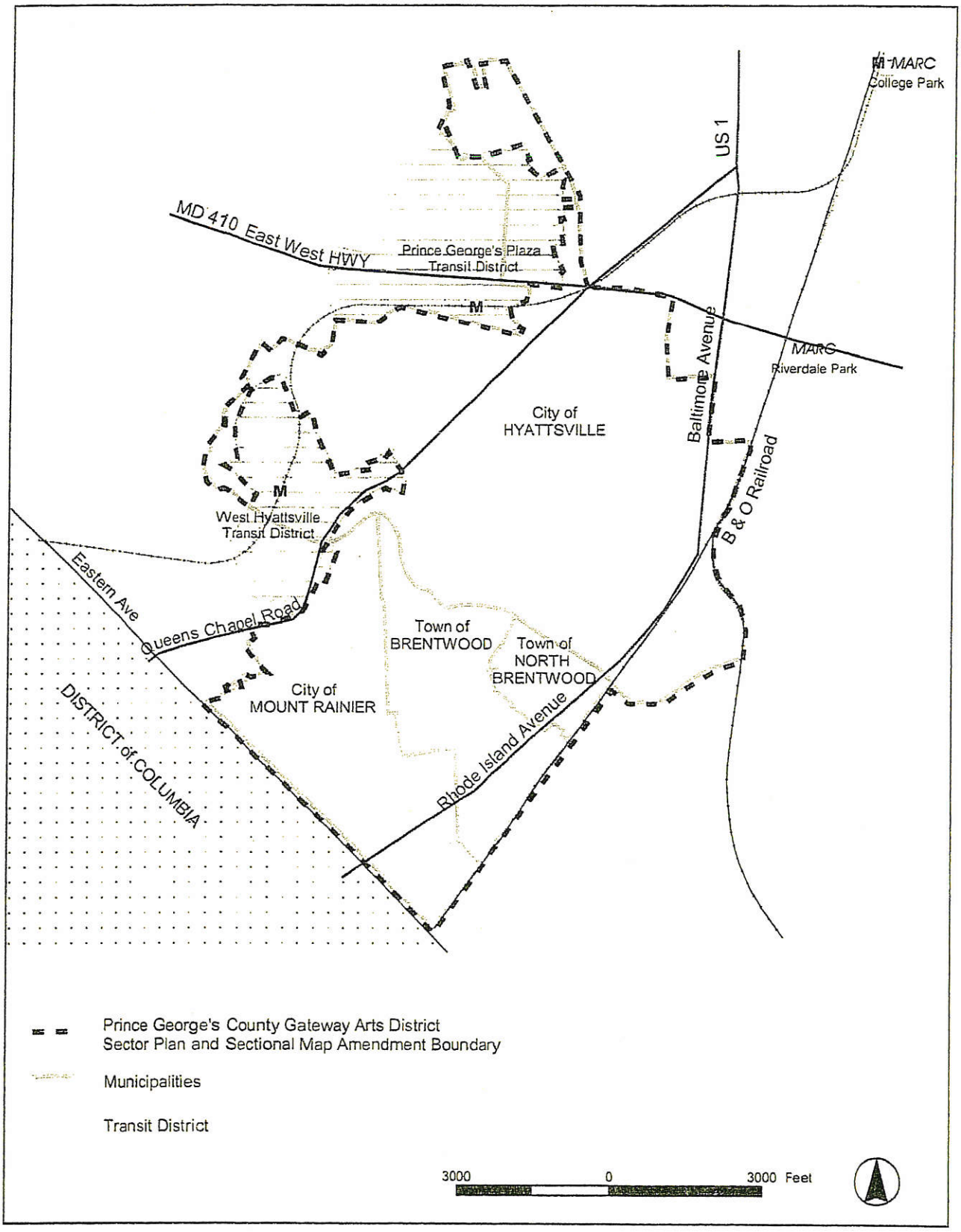


Figure 1. Gateway Arts District Boundary

(b) The minor amendment process may be utilized to:
(1) advance the goals of an approved comprehensive plan, functional plan, or development district plan; or
(2) safeguard the public safety health and welfare of citizens and residents within the plan area boundaries.

(c) The scope of the minor amendment shall be limited to:
(1) a geographic area which is not more than 50% of the underlying plan area, but not limited to a single property or property owner;
(2) limited to specific issues regarding public planning objectives; or
(3) for the purpose of correcting errors in the text or maps in the applicable plan.
(4) Notwithstanding subsections (1) through (3), herein, the minor amendment process shall not be utilized for any amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.

(d) The Resolution initiating a minor amendment shall set forth the purpose and scope of the proposed amendment, and shall state the date of the joint public hearing on the proposed amendment.

(e) The Planning Board shall transmit a draft of the proposed amendment, a technical staff report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone amendment and/or the Planning Board's adoption of the plan amendment within 30 days of the date of the joint public hearing.

(f) Within 90 days of receipt of the Planning Board's recommendation, the District Council shall approve, approve with revisions, or disapprove the proposed minor amendment. (CB-35-2015)

The proposed changes under review were intended to fall under Section 27-642(a), minor amendments of approved master plans.

3. **Gateway Arts District Sector Plan Vision:** The 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* envisions its four municipalities developing into vibrant arts communities, while preserving the "heart" of the four small towns. To promote context-sensitive development, the plan established seven character areas, each with its own standards and list of permitted uses.

4. **Traditional Residential Neighborhood Character Area:** The Traditional Residential Neighborhood (TRN) character area, encompassing 980 acres, is the largest of the seven-character areas. The TRN suggests "a glimpse of small-town America, overlaying land zoned for single-family housing (attached and detached)." The sector plan defines the character area's main assets as "the historic houses and streetcar suburban pattern of interconnecting narrow streets and shaded sidewalks within easy access to town centers and Metro." These are assets to be protected from encroachment or significant loss of integrity. The initiated minor amendment (CR-17-2019) is exclusively applicable to the Traditional Residential Neighborhood character area.(see Map 2 on page 5)

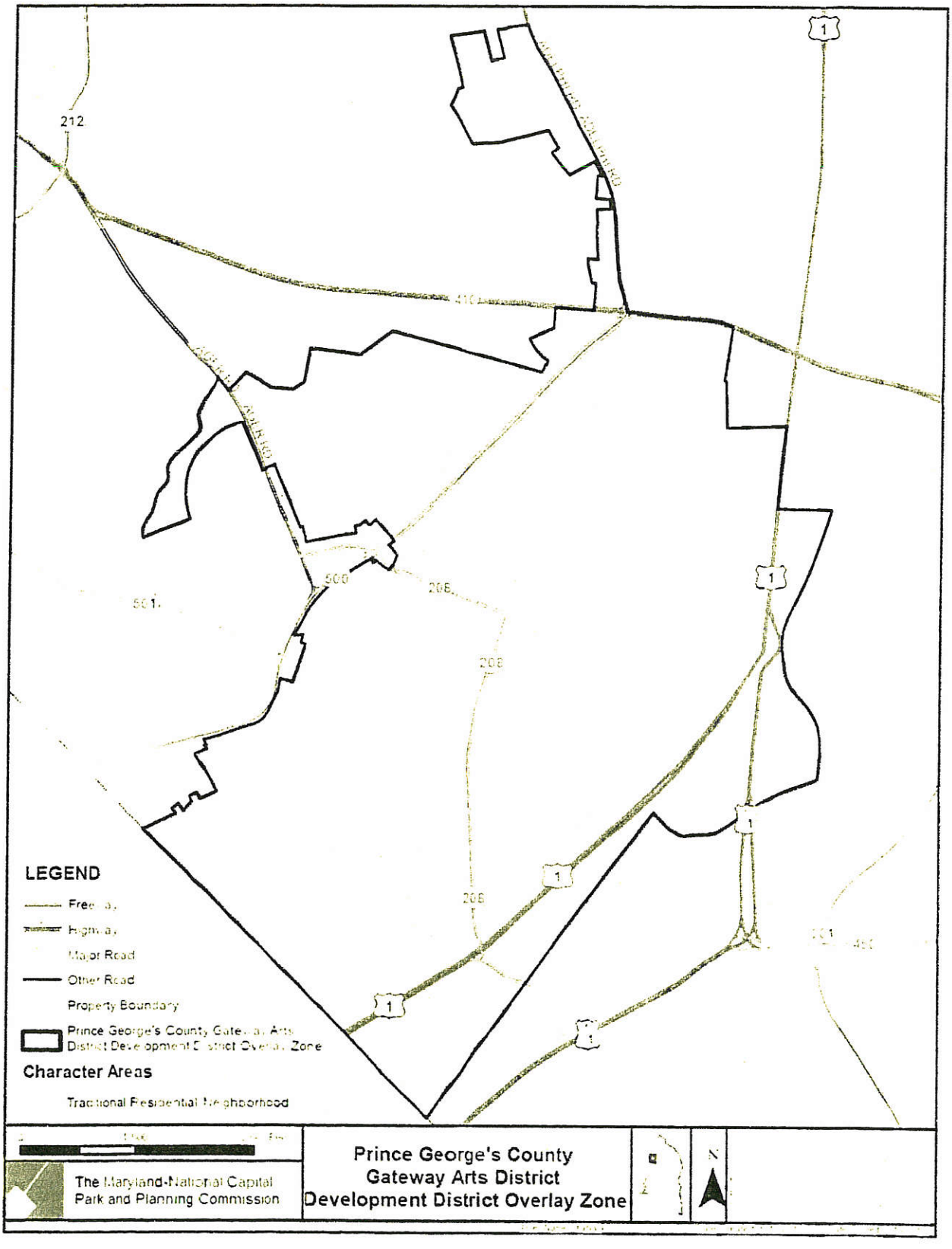


Figure 2. Map of the Prince George's Gateway Arts District Development District Overlay (D-D-O) Zone

5. **Definition of Urban Farm:** Section 27-107.01(a)(243.8) of the Zoning Ordinance defines urban farm as: "

> *A use that permits a non-profit organization or for-profit business to cultivate fruits, vegetables, flowers, that permits composting, beekeeping, agricultural education, and incidental sales (excluding in the R-80 and R-55 Zones) on the property and excludes livestock. However, a Health Department permit is required if fruits and vegetables are cut up or prepared foods are sold to the public. The non-profit organization or for-profit business operating an urban farm shall be a cooperator with the Prince George's Soil Conservation District and operate under an approved Farm Management Plan. Accessory structures ordinarily found in association with an Urban Farm are permitted. The appearance and scale of all accessory structures shall be in compliance with the existing requirements of the zone. Off-street parking and loading requirements in Part II and Landscape Manual regulations do not apply to an Urban Farm. The term shall not include "Agriculture."*

6. **Previous Amendments Relevant to the Prince George's County Gateway Arts District Development District Overlay (D-D-O) Zone:**

- **CB-35-2015**. This Council Bill amended the Zoning Ordinance to provide a minor amendment process for approved comprehensive plans, functional plans, development district plans and associated approved Development District Overlay Zones. The amendments proposed in CR-48-2015 were the first amendments in the newly created minor amendments.

- **CR-48-2015**. Through this Council Resolution, approved on September 19, 2015, the District Council directed the Planning Board to amend the Gateway Arts District Development District Overlay Zone via three amendments:
  - Amend the development district standards of the 2004 Sector Plan and Sectional Map Amendment concerning freestanding signs in the Traditional Residential Neighborhood character area.
  - Amend the Traditional Residential Neighborhood character area's Table of Uses concerning the conversion of a one-family detached dwelling to a building containing up to three dwelling units.
  - Amend the Table of Uses Permitted, to clarify that the use "Vehicle parts and tire store" was prohibited within the Gateway Arts Development District.

- **Planning Board Resolution PGCPB No. 14-65.** In 2014 the Planning Board initiated and adopted a Bed and Breakfast Amendment to include a bed and breakfast inn as a permitted use in the Reserved Open Space (R-O-S), Open Space (O-S), Residential-Agricultural (R-A), Residential-Estate (R-E), Rural-Residential (R-R), One-Family Detached Residential (R-80), and One-Family Detached Residential (R-55) Zones within the municipal boundaries of the City of Hyattsville, City of Mount Rainier, and the Town of Brentwood. It also incorporated development district standards as requirements of the use.

- **CR-80-2007**. In 2007, at the request of the City of Mount Rainier, the District Council amended nine standards of the Gateway Arts District D-D-O Zone within the Traditional Residential Neighborhood character area in Mount Rainier. CR-80-2007 replaced specific site design (net lot coverage), access and circulation, building height standards, and parking and loading with the development standards from the One-Family Detached Residential (R-55) Zone.

- **CB-97-2018.** This Council Bill "permits, on a limited basis, the development of single-family detached, single-family attached, and townhouse residential uses within the O-S (Open Space) Zone of Prince George's County, under certain specified circumstances". CB-97-2018 amended Section 27-441(b) of the County Zoning Ordinance. Several testimonies identified a potential unintended consequence of CR-17-2019 to inadvertently permit the construction of townhouses and one-family detached dwellings on Open Space (O-S)-zoned properties, subject to the conditions in Footnote 129 of Section 27-441(b) of the County Zoning Ordinance:

  (A) The property is located within a character area that is the subject of a Minor Amendment to an area Sector Plan and Sectional Map Amendment approved on or after March 1, 2018;

  (B) The property that is proposed for residential development, consisting of single-family detached and single-family attached residential dwelling units, will be located on of lot(s) or parcel(s) with an aggregate acreage of not more than One Hundred Thirty (130) acres in size;

  (C) Development regulations applicable to O-S Zone set forth within this Subtitle, including minimum lot sizes, coverage, frontage, setbacks, density, lot width, yards, building height, distance between townhouse groups and other requirements shall not apply to the development of single-family detached and single-family attached (townhouse) residential dwellings as authorized herein. Instead, the density regulations for the R-R Zone shall apply. All such other development regulations, including architectural review of proposed uses for development of the subject property, shall be as established and shown on a Detailed Site Plan approved in accordance with Part 3, Division 9 of this Subtitle; and

  (D) A preliminary plan of subdivision approval process shall apply to development authorized pursuant to this Section.

  Staff analysis finds that:

  1. Pursuant to Section 27-548.22(e) of the Zoning Ordinance, "Development District Standards may limit land uses or general use types allowed in the underlying zone where the uses are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone. Development District Standards may allow uses prohibited in the underlying zone where the uses are compatible with the goals of the Development District and purposes of the D-D-O Zone." The Tables of Uses on pages 167-199 of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* control the use of land within the Gateway Arts District Development District Overlay Zone, *not* the Tables of Uses in the Zoning Ordinance.

2. The following dwelling unit types are permitted by right in the Traditional Residential Neighborhood Character Area, regardless of the provisions of Section 27-441(b):
   a. "Dwelling"
   b. Dwelling unit on the first floor:
      i. Facing streets wider than two lanes
      ii. Facing streets a total of two lanes of traffic or less
   c. Dwelling, one-family detached, cluster development
   d. Dwelling, one-family detached (in general)
   e. Dwelling, two-family detached
   f. Any other dwelling unit type permitted by the District Council pursuant to Section 27-548.26(a)(1)(B).

3. The following dwelling unit types are permitted by right in the Traditional Residential Neighborhood Character Area if permitted by the provisions of Section 27-441(b):
   a. Dwelling, one-family semidetached, if allowed in the underlying zone
   b. Dwellings, one-family triple-attached (in general), if allowed in the underlying zone
   c. Dwelling, quadruple-attached, if allowed in the underlying zone
   d. Townhouse, in general, if allowed in the underlying zone

4. CB-97-2018 was adopted in 2018; it applies to properties affected by a minor amendment to the 2006 *Approved Sector Plan for the East Glenn Dale Area* (CR-20-2018).

5. CR-17-2019 does not amend an area Sector Plan.

6. However, CR-17-2019 proposes a minor amendment to a Development District Overlay Zone and, as such zones are only implemented through a sectional map amendment, and because amendments to such overlay zones are the only manner in which the District Council may amend a sectional map amendment through the provisions of Section 27-642 of the Zoning Ordinance, approval of this proposed minor amendment would potentially permit construction of dwelling units subject to the provisions of Section 27-441(b), Footnote 129.

7. There are 16 properties, totaling 7.54 acres, located in the D-D-O/O-S Zone within the TRN Character Area subject to this amendment. (see Map 3 on page 8)

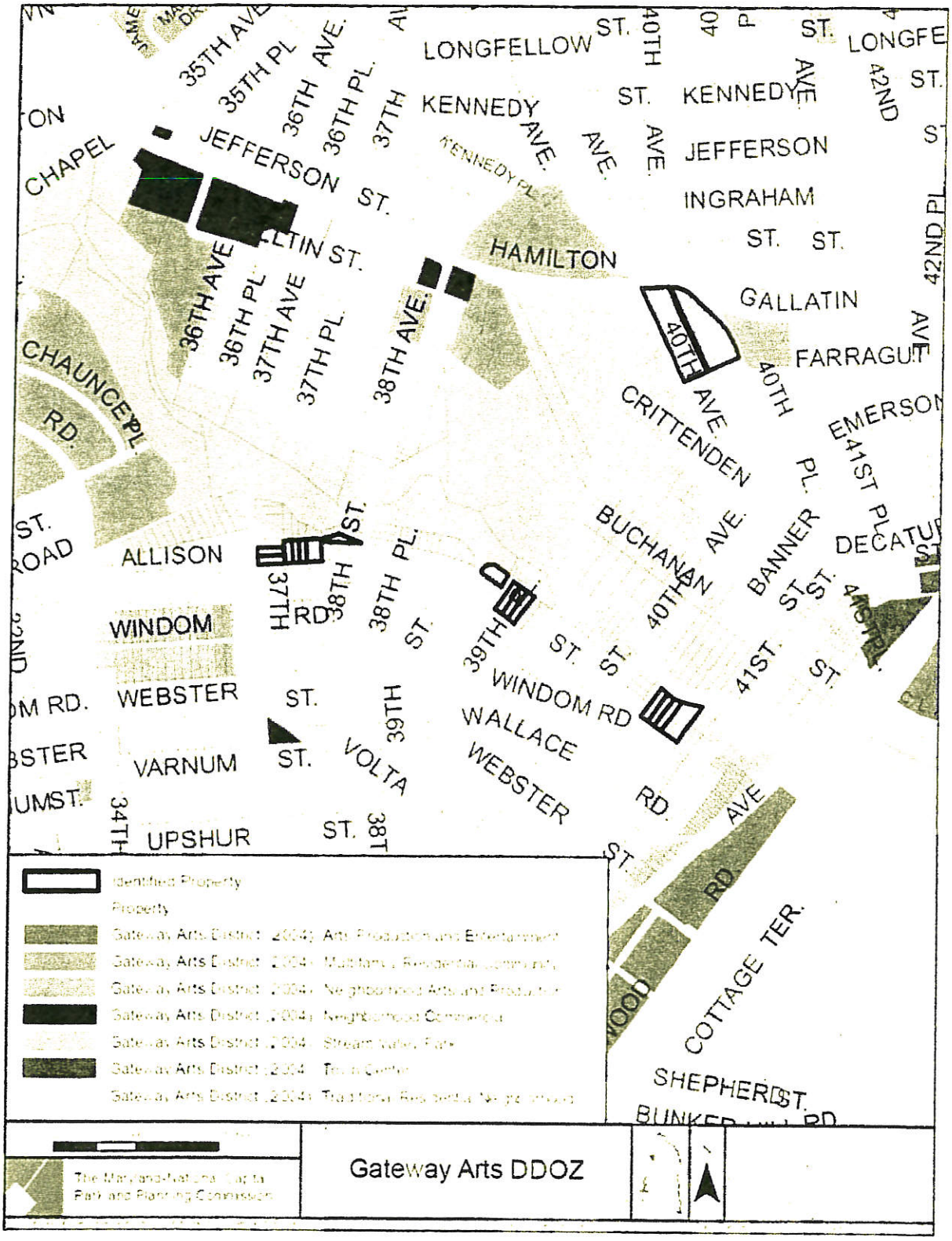


Figure 3. Map showing 16 properties, totaling 7.54 acres, located in the D-D-O/O-S Zone within the TRN Character Area.

EVALUATION

Staff reviewed and evaluated the amendment to the Prince George's County Gateway Arts District Development District Overlay Zone, for conformance to the following criteria:

1. The requirements of Section 27-642 of the Zoning Ordinance for a Minor Amendment to an Approved Master, Sector, Functional Plan and Development District Overlay Zone.
2. The requirements of Section 27-548.26 of the Zoning Ordinance for an Amendment of an Approved Development District Overlay Zone.
3. The 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*

1. Zoning Ordinance Compliance

Compliance with Sec. 27-642 (a)

Amendments of approved minor, sector, functional plans and/or associated Development District Overlay Zones may be initiated by Resolution of the District Council, or by the Planning Board upon approval by Resolution of the District Council. At the time of initiation, a joint public hearing date shall be scheduled to occur within 60 days, in accordance with the notice requirements set forth in Sections 27-644(b)(2)(A) through Section 27-644(b)(2)(D) of this Subtitle.

Comments: By Council Resolution CR-17-2019 of March 5, 2019, the District Council directed the Planning Board to initiate the minor amendment to the 2004 Gateway Arts District Development District Overlay Zone. The Planning Board initiated the minor amendment at its regular session on April 14, 2019. A joint public hearing was held on April 30, 2019.

Compliance with Sec. 27-642 (b)

The minor amendment process may be utilized to:

(1) advance the goals of an approved comprehensive plan, functional plan, or development district plan; or
(2) safeguard the public safety health and welfare of citizens and residents within the plan area boundaries.

Comments: Since the adoption of the Gateway Arts Development District Table of Permitted Uses in 2004, the District Council codified a new use, "Urban Farm," within the local zoning laws and permitted the use in certain zones in the County. However, the use "urban farm" was not addressed in the Gateway Arts Development District Table of Permitted Uses because the use was not yet considered in the local zoning laws. This, in effect, prohibited urban farm uses in the Development District. The proposed minor amendment to include "Urban Farm" uses and permit the use in the Traditional Residential Neighborhood character area, better aligns to both the Gateway Arts Development District's vision and the sector plan's goals.

Plan 2035 sees urban farming as "the changing nature of urban agriculture in the County". The Plan views the agriculture sector (including urban farms) not only serving as an important source of fresh

and healthy foods, but also generating direct economic returns by creating new jobs and offering hands-on training (page 224). Plan 2035's policies and strategies to promote urban agriculture include:

"Policy HC 2: Improve residents' access to fresh foods, in particular for households living in low-income areas with limited transportation options, and promote sources of fresh foods countywide.

HC2.1 Evaluate and revise, as appropriate, the County Code to accommodate urban agriculture and ease restrictions on the production of locally-grown food.

HC2.3 In partnership with local nonprofits and community groups, the County Health Department, and the Department of Parks and Recreation, identify suitable local infill, brownfield, and other sites that may be appropriate for urban agriculture activities, community gardens, and farmers' markets during the master planning process."

Further, the minor amendment advances County goals to address food insecurity by making affordable, nutritious food more easily available through urban farms. By permitting urban farming within the Gateway Arts District Development District Overlay Zone, the minor amendment expands urban farm legislation in the County to include urban farms as a permitted use in an overlay zone. Prior to this, urban farming was not a permitted use in any of the County's overlay zones. According to the new Zoning Ordinance, urban farming is a legitimate claim that deserves a place in every zone.

As stated on page 138 of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District,* the goal of the Traditional Residential Neighborhood Character Area is to "promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones."

The purpose of the minor amendment process in Section 27-642 is to amend sector plans, master plans, functional master plans, and Development District Overlay Zones. The District Council may not amend the Zoning Ordinance through this process. Section 27-642(d) states "The Resolution initiating a minor amendment shall set forth the purpose and scope of the proposed amendment, and shall state the date of the joint public hearing on the proposed amendment." The scope of the subject minor amendment is to add Urban Farm as a permitted use in the Traditional Residential Neighborhood Character Area. Amendments to the Zoning Ordinance are beyond the scope of this process; the provisions of Section 27-441(b), Footnote 129 may only be revised through a legislative amendment to the Zoning Ordinance.

Accordingly, staff recommends the District Council evaluate the provisions of Section 27-441(b), Footnote 129 of the Zoning Ordinance and consider amending its provisions in response to this testimony.

Compliance with Sec. 27-642 (c)

The scope of the minor amendment shall be limited to:

(1) a geographic area which is not more than 50% of the underlying plan area, but not limited to a single property or property owner;

(2) limited to specific issues regarding public planning objectives; or

(3) for the purpose of correcting errors in the text or maps in the applicable plan.

(4) Notwithstanding subsections (1) through (3), herein, the minor amendment process shall not be utilized for any amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.

Comments: The minor amendment is not consistent with Sec. 27-642(a)(1) and Sec. 27-642(a)(3) above in that the Traditional Residential Neighborhood character area of the Development District Overlay Zone, which is the target of CR-17-2019, encompasses 51.3% of the underlying plan area and the amendment's purpose is not to correct errors in the text or maps in the applicable plan. However, the scope of the minor amendment is limited only to items (1) or (2) or (3) above, and not to all three items.

The minor amendment is consistent with Sec.27-642(c)(2) and 27-642(c)(4) (see page 3) because it is limited to specific issues regarding public planning objectives (i.e. urban farming) and the amendment will not trigger major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.

Compliance with Sec. 27-642 (d)

The Resolution initiating a minor amendment shall set forth the purpose and scope of the proposed amendment and shall state the date of the joint public hearing on the proposed amendment.

Comments: In its adopted resolution CR-17-2019, the District Council directed the Planning Board to initiate a minor amendment for the Gateway Arts District Development District Overlay Zone to permit Urban Farm uses in the Traditional Residential Neighborhood (TRN) character area of the Gateway Arts Development District. Specifically, the amendment reads:

MINOR AMENDMENT ONE

Amend the Gateway Arts Development District Table of Permitted Uses to provide for "Urban Farm" uses and permit the use within the Traditional residential Neighborhood ("TRN") Character Area of the Gateway Arts Development District.

Pursuant to Section 27-642 of the County Zoning Ordinance, Council Resolution CR-17-2019 set a joint public hearing date for Tuesday, April 30, 2019.

Compliance with Sec. 27-642 (e)

The Planning Board shall transmit a draft of the proposed amendment, a technical staff report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone amendment and/or the Planning Board's adoption of the plan amendment within 30 days of the date of the joint public hearing.

Comments: A Planning Board work session is scheduled for May 30, 2019 to review and act on staff's analysis of the testimony received at the joint public hearing and prior to the close of the public



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

MINOR AMENDMENT
of the
PRINCE GEORGE'S COUNTY
GATEWAY ARTS DISTRICT
DEVELOPMENT DISTRICT
OVERLAY ZONE

Joint Public Hearing
April 30, 2019

OVERVIEW

- *Council Resolution CR-17-2019*

  Amend the Table of Permitted Uses to permit Urban Farms in the Traditional Residential Neighborhood (TRN) Character Area

URBAN FARM

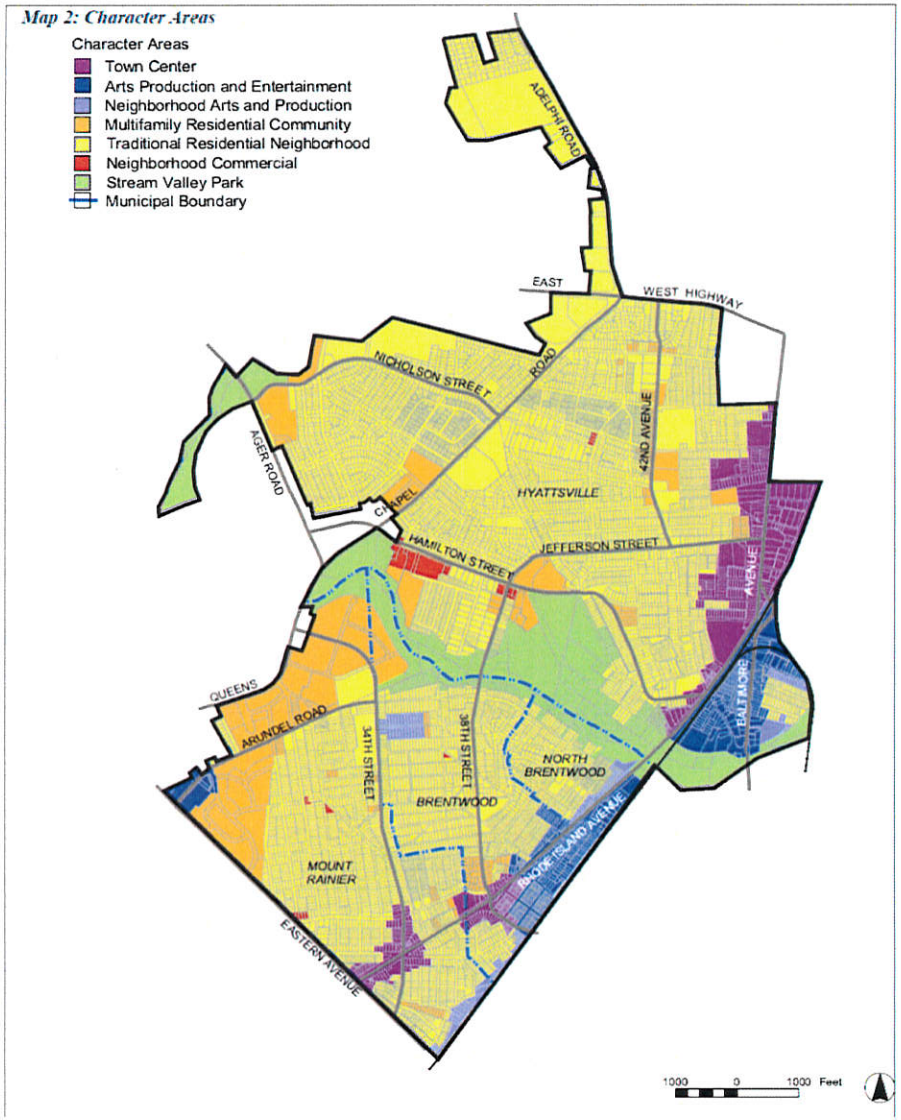
Defined by Section 27-107.01(a)(243.8) of the current Zoning Ordinance

May include:

- Cultivation of fruits, vegetables, and flowers
- Composting
- Beekeeping
- Agricultural education
- Incidental sales
- Accessory structures pursuant to existing requirements of zone

TRADITIONAL RESIDENTIAL NEIGHBORHOOD CHARACTER AREA

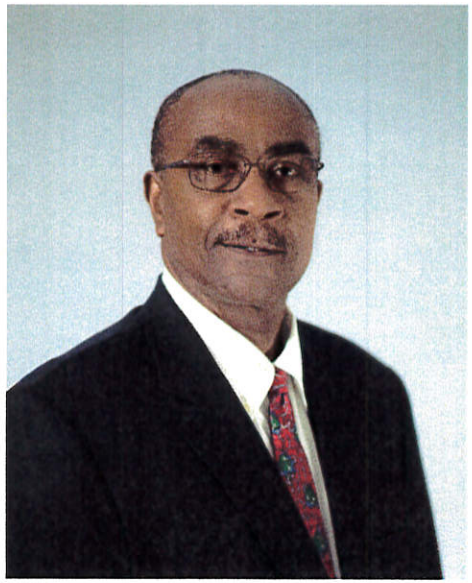
Traditional Residential Neighborhood



NEXT STEPS

- May 15, 2019: Close of Public Record
- May 30, 2019: Planning Board Recommendation
- June 18, 2019 *(tentative)*: District Council Action

QUESTIONS?



Michael Zamore

Planner Coordinator

Long-Range Planning Section,

Community Planning Division

michael.zamore@ppd.mncppc.org

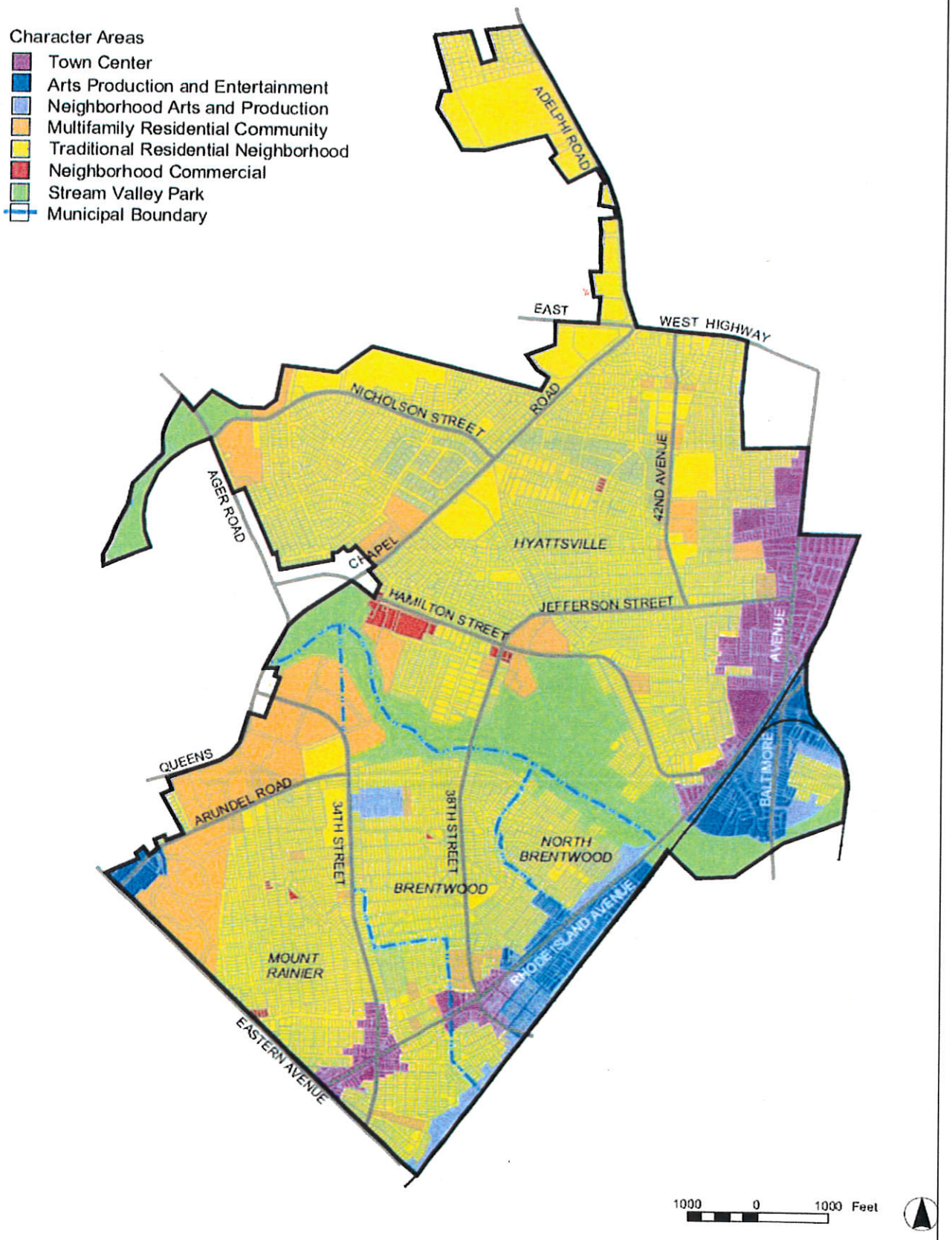
301-952-3972

JOINT PUBLIC HEARING
PROPOSED MINOR AMENDMENT TO THE 2004 APPROVED GATEWAY ARTS DISTRICT DEVELOPMENT DISTRICT OVERLAY (DDO) ZONE
April 30, 2019

EXHIBIT LIST			
Exhibit No.	**Item Description**	**Received From**	**Date**
1.	Map of 2004 Gateway Arts District Character Areas	M-NCPPC	5/7/2019
2.	Definition of **Urban Farm** per Section 27-107.01(a)(243.8) of the Zoning Ordinance	M-NCPPC	5/7/2019
3.	2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment (by reference located at M-NCPPC)	M-NCPPC	5/7/2019
4.	Council Resolution 17-2019 (printout)	M-NCPPC	5/7/2019
5.	April 30, 2019, Joint Public Hearing PowerPoint Presentation (printout)	M-NCPPC	5/7/2019
6.			
7.			
8.			
9.			
10.			

ITEMS RECEIVED AFTER THE CLOSE OF THE RECORD			
Exhibit No.	**Item Description**	**Received From**	**Date**
11.			

Prince George's County Gateway Arts District Development Distric Overlay Zone
Minor Amendments CR-17-2019



Attachment 2. Traditional Residential Neighborhood Character Area affected by Minor Amendment CR-17-2019

URBAN FARM

Zoning Ordinance (Section 27-107.01(a)(243.8)

A use that permits a non-profit organization or for-profit business to cultivate fruits, vegetables, flowers, that permits composting, beekeeping, agricultural education, and incidental sales (excluding in the R-80 and R-55 Zones) on the property, and excludes livestock. However, a Health Department permit is required if fruits and vegetables are cut up or prepared foods are sold to the public. The non-profit organization or for-profit business operating an urban farm shall be a cooperator with the Prince George's Soil Conservation District, and operate under an approved Farm Management Plan. Accessory structures ordinarily found in association with an Urban Farm are permitted. The appearance and scale of all accessory structures shall be in compliance with the existing requirements of the zone. Off-street parking and loading requirements in Part II and Landscape Manual regulations do not apply to an Urban Farm. The term shall not include "Agriculture."

Prince George's County Council

Agenda Item Summary

Meeting Date: 3/5/2019
Reference No.: CR-017-2019
Draft No.: 1
Proposer(s): Taveras
Sponsor(s): Taveras, Ivey, Harrison, Anderson-Walker, Streeter, Dernoga and Hawkins
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 Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission to initiate a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone Development District Table of Permitted Uses within the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District to permit Urban Farm uses in the Traditional Residential Neighborhood ("TRN") character area of the Gateway Arts Development District.

Effective Date:
Chapter Number:
Public Hearing Date:

Drafter: Karen T Zavakos, Zoning and Legislative Counsel
Resource Personnel: Alison Flores, Chief of Staff/Legislative Aide, Council District 2

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
03/05/2019	County Council	introduced	

Action Text:
This Resolution was introduced by Council Member Taveras, Hawkins, Ivey, Anderson-Walker, Harrison, Streeter, Dernoga

03/05/2019	County Council	rules suspended	

Action Text:
A motion was made by Council Member Davis, seconded by Vice Chair Streeter, 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: 10 Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: 1 Franklin

03/05/2019	County Council	adopted	

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

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

Absent: 1 Franklin

AFFECTED CODE SECTIONS:

BACKGROUND INFORMATION/FISCAL IMPACT:

This Resolution directs the staff of the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission to prepare, in accordance with the provisions of the County Zoning Ordinance, a minor amendment to an approved Development District Overlay Zone in the County, namely, the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* that will amend the Gateway Arts Development District Table of Permitted Uses to permit Tattoo Parlor and Music Recording Studio uses within certain compatible character areas of the development district, subject to public comment upon notice and public hearing on the proposed amendment at a joint public hearing to be held, in accordance with prescriptions of law, by the District Council and the Prince George's County Planning Board.

Document(s): R2019017, CR-17-2019 AIS

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2019 Legislative Session

Resolution No. CR-17-2019

Proposed by Council Member Taveras

Introduced by Council Members Taveras, Ivey, Harrison, Anderson-Walker, Streeter, Dernoga and Hawkins

Date of Introduction March 5, 2019

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 Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission to initiate a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone Development District Table of Permitted Uses within the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* to permit Urban Farm uses in the Traditional Residential Neighborhood ("TRN") character area of the Gateway Arts Development District.

WHEREAS, on November 30, 2004, the Prince George's County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District in Prince George's County ("District Council"), approved a comprehensive plan to guide the development of land as designated within 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 for Prince George's County, the District Council concurrently approved the Gateway Arts Sectional Map Amendment ("SMA"), a comprehensive zoning map amendment with detailed zoning changes for the designated sector plan area, in furtherance of realizing the sector plan vision; and

WHEREAS, as part of the 2004 Gateway Arts SMA, the District Council also approved a new D-D-O ("Development District Overlay") Zone for the geographic area of the County included within the plan boundaries; and

WHEREAS, as stated in Section 27-548.10 of the County 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 for the development district set forth in the Gateway Arts Sector Plan, and incentivizes unique opportunities presented by the development district; and

WHEREAS, in accordance with Section 27-548.24 of the Zoning Ordinance, the District Council's 2004 Sector Plan and SMA approved certain development district standards, including seven (7) character areas to govern development within the Gateway Arts Development District, and such binding standards replace or modify the development regulations otherwise applicable to development of land in the underlying zoning classification; and

WHEREAS, the District Council takes full administrative notice of the specific provision in the Gateway Arts Development District that, if a use is not listed in the Development District Table of Permitted Uses, it is prohibited; and

WHEREAS, the District Council finds that, since the adoption of the Gateway Arts Development District Table of Permitted Uses in 2004, via enactment of CB-076-2013, which became Chapter No. 57, 2013 Public Local Laws of Prince George's County and effective from January 6, 2014, the District Council codified a new use, "Urban Farm," within the local zoning laws and permitting the use in certain zones of the County; and

WHEREAS, because the use "urban farm" was not yet contemplated in the local zoning laws, it was not addressed in the Gateway Arts Development District Table of Permitted Uses; and

WHEREAS, as a result, the District Council finds that, by operation of law, the Gateway Arts Table of Permitted Uses prohibits "Urban Farm" uses in the development district; and

WHEREAS, in order to better align with the Gateway Arts Development District vision and, in furtherance of realizing the respective sector plan goals, the District Council finds that there is a need to amend the Gateway Arts Development District Table of Permitted Uses to include "Urban Farm" uses and strategically permit the use in the Traditional Residential Neighborhood ("TRN") character area of the Gateway Arts Development District; and

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

WHEREAS, the Council further finds that the proposed minor amendment is plainly authorized pursuant to Section 27-642, because the proposed amendment serves to: (1) advance the goals of an approved development district plan; (2) involves no more than 50% of the

underlying plan area but is not limited to a single property or property owner; (3) does not constitute an amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, and Adequate Public Facilities analysis; and

WHEREAS, upon approval of this Resolution, and in accordance with applicable law, the proposed minor amendment to the Gateway Arts Development District shall be subject to all notice and public hearing requirements to seek public comment on the minor amendment.

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 County Zoning Ordinance, the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission 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 Gateway Arts Development District Table of Permitted Uses to provide for "Urban Farm" uses and permit the use within the Traditional Residential Neighborhood ("TRN") Character Area of the Gateway Arts Development District.

BE IT FURTHER RESOLVED that, pursuant to Section 27-642 of the County Zoning Ordinance, a joint public hearing of District Council and the County Planning Board will be held on the foregoing proposed amendment to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's Gateway Arts District* D-D-O Zone on Tuesday, April 30, 2019.

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 in furtherance of compliance with the procedures of Sections 27-548.26 and 27-642 of the Zoning Ordinance.

Adopted this 5th day of March , 2019.

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: _____
Todd M. Turner
Chair

ATTEST:

_____
Redis C. Floyd
Clerk of the Council