Prince George's County Council
Agenda Item Summary

Meeting Date:	11/13/2007
Reference No.:	CR-080-2007
Draft No.:	1
Proposer(s):	Park & Planning
Sponsor(s):	Campos, Harrington
Item Title:	A Resolution concerning The 2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment (SMA) for the purpose of revising certain development district standards in the 2004 Approved Gateway Arts District Sector Plan and SMA.

Drafter:	Dineene O'Connor, M-NCPPC Project Leader
Resource Personnel:	Dineene O'Connor,M-NCPPC Project Leader

LEGISLATIVE HISTORY:

Date Presented:		**Executive Action:**	
Committee Referral:	11/6/2007 - PZED	**Effective Date:**	11/13/2007
Committee Action:	11/7/2007 - FAV		
Date Introduced:	11/6/2007		
Public Hearing:			
Council Action (1)	11/13/2007 - ADOPTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT **Date 11/7/2007**

Committee Vote: Favorable, 4-0 (In favor: Council Members Dean, Bland, Dernoga and Exum)

Staff summarized the purpose of the resolution and informed the committee of written referral comments that were received. In accordance with the process provided in CB-5-2007, this resolution revises certain development district standards in the 2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment (SMA). The City of Mount Rainier submitted a request to modify the Plan such that nine specific development district standards will not apply to the Traditional Residential Neighborhood Character Area.

The Legislative Officer and the Office of Law reviewed CR-80-2007 and determined that it is in proper legislative form.

Joe Chang and Dineene O'Connor of the M-NCPPC Planning Department were present to respond to questions. Ms. O'Connor informed the committee that the revisions to the Approved Gateway Arts District Plan as provided in CR-80-2007 will be in the form of an errata sheet.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The 2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment (SMA) established development district standards in seven character areas including the Traditional Residential Neighborhood (TRN) Character Area that supersedes the development standards of the underlying residential zone. The standards provided a more liberal development opportunity for residential development. The result was that a number of houses were so greatly expanded that the City of Mount Rainier has determined that some but not all of the development standards pertinent to TRN Character Areas undermine protection of the historic residential character of the City's traditional residential neighborhoods. For this reason, the City made a written request that the TRN Character Area within the Mount Rainier municipal boundaries be exempt from the standards adopted in the 2004 Approved Gateway Arts District Sector Plan and SMA in accordance with the provisions of CB-5-2007.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2007 Legislative Session

Resolution No. CR-80-2007

Proposed by The Chairman (by request – Planning Board)

Introduced by Council Members Campos and Harrington

Co-Sponsors

Date of Introduction November 6, 2007

RESOLUTION

A RESOLUTION concerning

The 2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment (SMA).

For the purpose of revising certain development district standards in the 2004 Approved Gateway Arts District Sector Plan and SMA.

WHEREAS, the 2004 Approved Gateway Arts District Sector Plan and SMA established development district standards in seven character areas including the Traditional Residential Neighborhood (TRN) Character Area that supersede the development standards of the underlying residential zone; and

WHEREAS, the City of Mount Rainier has determined that some but not all of the development district standards pertinent to TRN Character Areas undermine protection of the historic residential character of the city's traditional residential neighborhoods; and

WHEREAS, CB-5-2007 authorizes the District Council, after appropriate Planning Board action, to modify development district standards "at the written request of a municipality in which development district property is located; and

WHEREAS, the City of Mount Rainier made a request that nine specific development district standards in the 2004 Approved Gateway Arts District Sector Plan and SMA not apply to the TRN Character Area within the Mount Rainier municipal boundary; and

WHEREAS, the Planning Board reviewed the requested changes at a regularly scheduled Planning Board hearing session and found the changes would not impair the integrity of the 2004 Approved Gateway Arts District Sector Plan and SMA; and

WHEREAS, the Planning Board also found that the alternate standards are in compliance with the goals of the Development District and conform with the purposes of the Development District Overlay Zone.

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 the Gateway Arts District Sector Plan and Sectional Map Amendment, as approved on November 30, 2004, are hereby revised as described below: (Bracketed text is deleted and underlined text is new.)

Revision 1 Revise the following Prince George's County Gateway Arts District Development District Standards Table (pages 144 to 166) to footnote standard 17 under Site Design (page 146) of the Approved Gateway Arts District Sector Plan and SMA. The footnote will read: This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary; R-55 development standards will apply instead.

Revision 2 Revise the following Prince George's County Gateway Arts District Development District Standards Table (pages 144 to 166) to footnote standard 19 under Site Design (page 146) of the Approved Gateway Arts District Sector Plan and SMA. The footnote will read: This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary; R-55 development standards will apply instead.

Revision 3 Revise the following Prince George's County Gateway Arts District Development District Standards Table (pages 144 to 166) to footnote standard 21 under Site Design (page 146) of the Approved Gateway Arts District Sector Plan and SMA. The footnote will read: This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary; R-55 development standards will apply instead, where porches are not permitted in the front-yard setback.

Revision 4 Revise the following Prince George's County Gateway Arts District Development District Standards Table (pages 144 to 166) to footnote standard 25 under Site Design (page 147) of the Approved Gateway Arts District Sector Plan and SMA. The footnote will read: This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary; R-55 development standards will apply instead.

Revision 5 Revise the following Prince George's County Gateway Arts District Development District Standards Table (pages 144 to 166) to footnote standard 2 under Access and Circulation (page 147) of the Approved Gateway Arts District Sector Plan and SMA. The footnote will read: This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary.

Revision 6 Revise the following Prince George's County Gateway Arts District Development District Standards Table (pages 144 to 166) to footnote standard 6 under Parking and Loading (page 148) of the Approved Gateway Arts District Sector Plan and SMA. The footnote will read: This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary; R-55 development standards will apply instead.

Revision 7 Revise the following Prince George's County Gateway Arts District Development District Standards Table (pages 144 to 166) to footnote standard 7 under Parking and Loading (page 148) of the Approved Gateway Arts District Sector Plan and SMA. The footnote will read: This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary; R-55 development standards will apply instead.

Revision 8 Revise the following Prince George's County Gateway Arts District Development District Standards Table (pages 144 to 166) to footnote standard 7 under Building Height (page 152) of the Approved Gateway Arts District Sector Plan and SMA. The footnote will read: This standard does not apply to the TRN Character Area

within the Mount Rainier municipal boundary; R-55 development standards will apply instead.

Revision 9 Revise the following Prince George's County Gateway Arts District Development District Standards Table (pages 144 to 166) to footnote standard 12 under Site Design (page 146) of the Approved Gateway Arts District Sector Plan and SMA. The footnote will read: This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary; R-55 development standards will apply instead,

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable, and 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 or their application to other zones, persons, or circumstances. It is hereby declared to be the legislative intent 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 13th day of November, 2007.

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: _____
Camille A. Exum
Chair

ATTEST:

_____
Redis C. Floyd
Clerk of the Council

Prince George's County Council
Agenda Item Summary

Meeting Date:	6/5/2007
Reference No.:	CB-005-2007
Draft No.:	2
Proposer(s):	Campos
Sponsor(s):	Campos
Item Title:	An Ordinance amending the Development District Standards for the D-D-O Zone under certain circumstances.

Drafter:	M-NCPPC Staff,
Resource Personnel:	Bradley W. Frome,Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	3/13/2007	**Executive Action:**	
Committee Referral:	3/13/2007 - PZED	**Effective Date:**	7/23/2007
Committee Action:	4/4/2007 - HELD 4/18/2007 - FAV(A)		
Date Introduced:	5/1/2007		
Public Hearing:	6/5/2007 - 1:30 PM		
Council Action (1)	6/5/2007 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-280, 27-548.19, 27-548.20, 27-548.22, 27-548.23, 27-548.25, 27-548.26

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT **Date 4/18/2007**

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Dean, Dernoga, and Harrington)

Staff presented a Proposed Draft-2 prepared by the Principal Counsel to address comments raised at the April 4 committee meeting. The draft contains the following amendments: page 5, line 25, at the beginning of Section 27-548.26(a)(2) insert “At the written request of a municipality in which development district property is located” and on page 6, line 2, after “shall be sent by first class mail to” insert “all municipalities with development district property, all parties of record in the Sectional Map Amendment, and”.

The committee accepted the above amendments as well as an additional amendment proposed by Council Member Dernoga as follows: page 2, line 28, after “by the District Council”, insert “in a Sectional Map Amendment, or in a later amendment of adopted standards.” This is the same language found in Section 27-548.23 (a). “Development District Standards” found on page 3 of the legislation.

PLANNING, ZONING & ECONOMIC DEVELOPMENT **Date 4/4/2007**

Held in committee.

Staff summarized the purpose of the legislation and informed the committee that the proposed Zoning Ordinance amendments contained in CB-5-2007 are the same as those proposed in CB-66-2006. Subsequent to the public hearing on CB-66-2006 on October 31, 2006, the bill's sponsor recommitted the legislation to committee for further review and to address concerns raised by a Council Member.

CB-5-2007 modifies Section 27-548.26(a) of the Zoning Ordinance, to authorize (and require) the District Council to modify Development District standards in specific Development District Overlay (D-D-O) zoning districts by the conceptual site plan process. The legislation provides for an expedited amendment of Development District standards, without a request from a property owner. The Council will refer proposed amendments of standards to the Planning Board and will then approve amendments that comply with "the goals of the Development District" and "the purposes of the D-D-O Zone."

Council Member Campos informed the committee that he has resubmitted this legislation in an effort to facilitate amendments to a D-D-O Zone requested by the City of Mount Rainier for the Gateway Arts District. Mr. Campos noted his concurrence with an amendment offered by Council Member Dernoga to limit the modification of Development District Standards under the proposed procedures in the legislation to those submitted at the written request of a municipality in which a Development District is located.

Council Member Bland expressed concern with limiting provisions of the legislation to amendments requested by municipalities and suggested that there should be a fair process throughout the County. Council Member Dernoga commented that he is concerned that the provisions of the legislation would allow amendments to Development District Standards for Overlay Zones in his district without sufficient notice to citizens affected by the potential amendments. He indicated that it should be limited to municipalities in which there may be issues associated with Development Standards.

Terri Schum, representing the City of College Park, was present and informed the committee that the City took a position in opposition to CB-5-2007 until they can assess the impact on the City's D-D-O Zones. Ms. Schum indicated that the City recommends that the Council consider amendments to require mandatory referral of the application to the affected municipality as well as a super majority vote of the Council for approval of this type of application.

Council Member Exum also expressed concern that the proposed legislation does not contain adequate provisions for notice as found in other sections of the Zoning Ordinance.

Margaret Addis of the County Attorney's Office summarized comments provided in her April 2, 2007 memorandum to the Council Administrator and indicated that her comments were similar to those suggested by the Principal Counsel during the review of CB-66-2006.

The Office of Audits and Investigations determined that there should be no negative fiscal impact on the County if CB-5-2007 is enacted.

The committee held the legislation to allow time for additional discussion between the Office of Law and the Principal Counsel of potential amendments to address concerns that were raised concerning the proposed amendment process, its applicability, and notice.

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

The proposed legislation allows the District Council to amend the Development District Standards of an approved Development District Overlay Zone.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2007 Legislative Session

Bill No. CB-5-2007
Chapter No. 9
Proposed and Presented by Council Member Campos
Introduced by Council Member Campos
Co-Sponsors
Date of Introduction May 1, 2007

ZONING BILL

AN ORDINANCE concerning

Development District Overlay Zone

For the purpose of amending the Development District Standards for the D-D-O Zone under certain circumstances.

BY repealing and reenacting with amendments:

Sections 27-280, 27-548.19, 27-548.20, 27-548.22,
27-548.23, 27-548.25, and 27-548.26,
The Zoning Ordinance of Prince George's County, Maryland,
being also
SUBTITLE 27. ZONING.
The Prince George's County Code
(2003 Edition, 2006 Supplement).

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 27-280, 27-548.19, 27-548.20, 27-548.22, 27-548.23, 27-548.25, and 27-548.26 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 the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 9. SITE PLANS.

Subdivision 2. REQUIREMENTS FOR CONCEPTUAL SITE PLANS.

Sec. 27-280. Appeal of Planning Board's decision.

(a) The Planning Board's decision on a Conceptual Site Plan or amendment of the Development District Standards for an approved Development District Overlay Zone may be appealed to the District Council upon petition by any person of record. The petition shall specify the error which is claimed to have been committed by the Planning Board and shall also specify those portions of the record relied upon to support the error alleged. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

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SUBTITLE 27. ZONING.

PART 10A. OVERLAY ZONES.

DIVISION 3. D-D-O (DEVELOPMENT DISTRICT OVERLAY) ZONE.

Sec. 27-548.19. Introduction.

The Development District Overlay Zone is intended to ensure that the development of land in a designated development district meets the goals established for the district in a Master Plan, Master Plan Amendment, or Sector Plan, and takes advantage of unique opportunities presented by the district. Development districts may be designated for town centers, Metro areas, commercial corridors, employment centers, revitalization areas, historic areas, and other special areas which are the subject of development recommendations in a Master Plan, Master Plan Amendment, or Sector Plan. The D-D-O Zone is a mapped zone which is superimposed by a Sectional Map Amendment (SMA) over other zones in a designated development district, and may modify development requirements within the underlying zones. In the Development District Overlay Zone, new development is generally subject to the approval of a Detailed Site Plan by the Planning Board. Detailed Site Plans are reviewed for compliance with development standards approved [in an SMA] by the District Council, in a Sectional Map Amendment, or in a later amendment of adopted standards.

Sec. 27-548.20. Purposes.

(a) The specific purposes of the Development District Overlay Zone are:

(1) To provide a close link between Master Plans, Master Plan Amendments, or Sector Plans and their implementation;

(2) To provide flexibility within a regulatory framework to encourage innovative design solutions;

(3) To provide uniform development criteria utilizing design standards approved or amended by the District Council;

(4) To promote an appropriate mix of land uses;

(5) To encourage compact development;

(6) To encourage compatible development which complements and enhances the character of an area;

(7) To promote a sense of place by preserving character-defining features within a community;

(8) To encourage pedestrian activity;

(9) To promote economic vitality and investment.

Sec. 27-548.22. Uses.

(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 [in a Sectional Map Amendment] by the District Council.

(b) 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 not allow uses prohibited in the underlying zone, with the exception of Development District Standards of the Prince George's County Gateway Arts District D-D-O Zone, where the uses are compatible with the goals of the Prince George's County Gateway Arts District and purposes of the D-D-O Zone.

Sec. 27-548.23. Development District Standards.

(a) In general, Development District Overlay Zone regulations shall be the same as those in the underlying zone in which property is classified, except as modified by Development District Standards [approved in a Sectional Map Amendment] approved by the District Council, in a Sectional Map Amendment, or in a later amendment of adopted standards. The use of

Development District Standards in each Development District Overlay Zone is intended to allow flexibility in the development review process and foster high-quality development through application of design guidelines and standards which promote the purposes of the Master Plan, Master Plan Amendment, or Sector Plan.

(b) Development District Standards may modify density regulations only to meet the goals of the Development District and the purposes of the D-D-O Zone. Development District Standards may not permit density in excess of the maximum permitted in the underlying zone.

(c) The location, size, height, design, lot coverage of structures, parking and loading, signs, open space, and other regulations may be specified in the text, concept plans, and maps in the Development District Standards. The regulations in the underlying zone may be modified by the Development District Standards only to meet the goals of the Development District and the purposes of the D-D-O Zone.

(d) Landscaping, screening, and buffering of development shall conform to Landscape Manual requirements. Specific landscaping, screening, and buffering also may be required by the Development District Standards. Development District Standards may require specific landscaping, screening, and buffering, but only to meet the goals of the Development District and the purposes of the D-D-O Zone.

(e) The Master Plan, Master Plan Amendment, or Sector Plan may specify the location and size of proposed roads and transit facilities.

Sec. 27-548.25. Site Plan Approval.

(a) Prior to issuance of any grading permit for undeveloped property or any building permit in a Development District, a Detailed Site Plan for individual development shall be approved by the Planning Board in accordance with Part 3, Division 9. Site plan submittal requirements for the Development District shall be stated in the Development District Standards. The applicability section of the Development District Standards may exempt from site plan review or limit the review of specific types of development or areas of the Development District.

(b) In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.

(c) If the applicant so requests, the Planning Board may apply development standards which differ from the [approved] Development District Standards, <u>most recently approved or amended by the District Council,</u> unless the Sectional Map Amendment <u>text specifically</u>

provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.

(d) Special Exception procedures shall not apply to uses within a Development District. Uses which would normally require a Special Exception in the underlying zone shall be permitted uses if the Development District Standards so provide, subject to site plan review by the Planning Board. Development District Standards may restrict or prohibit any such uses. The Planning Board shall find in its approval of the site plan that the use complies with all applicable Development District Standards, meets the general Special Exception standards in Section 27-317 (a)(1), (4), (5), and (6), and conforms to the recommendations in the Master Plan, Master Plan Amendment, or Sector Plan.

(e) If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.

Sec. 27-548.26. Amendment of Approved Development District Overlay Zone.

(a) District Council.

(1) The following amendments to development requirements within the Development District may be initiated and approved by the District Council through the minor plan amendment procedure and concurrent Sectional Map Amendment process, in accordance with Part 13, Division 2, and Part 3, Division 4:

(A) Changes to the boundary of the D-D-O Zone; and

(B) Changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards[;

(C) Any provision of the Development District Standards].

(2) At the written request of a municipality in which development district property is located, the District Council may modify the Development District Standards under the following procedures. The District Council shall direct the Planning Board to prepare the amendment and shall specify which Development District Standards should be reviewed.

(A) For hearing procedures in general, the Planning Board and District Council shall follow the requirements in Part 3, Division 9, for Conceptual Site Plans as found in Sections 27-276(a)(1), (3), (4), (5), (6) (7); and 27-276(d). Review by the District

Council shall follow the procedures in Section 27-280. Notice of the Planning Board's hearing shall be sent by first-class mail to all municipalities with development district property, all parties of record in the Sectional Map Amendment, and all property owners within the area specified in the District Council's direction;

(B) Planning Board staff must prepare a report and recommendation. The Planning Board shall hold a public hearing, file its decision with the Clerk of the Council, and send copies to persons of record of this amendment process within fifty (50) days of the receipt of the District Council's direction to the Planning Board;

(C) In order to approve an amendment of the Development District Standards the Planning Board shall make the following findings:

(i) The amendment is in compliance with the goals of the Development District; and

(ii) The amendment is in conformance with the purposes of the D-D-O Zone.

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SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 5th day of June, 2007.

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: _____
Camille A. Exum
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.