THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

October 2, 2014

INTRA-OFFICE
MEMORANDUM

TO: Alan Hirsch, Chief
Development Review Division
Maryland National Capital Park and Planning Commission

FROM: Redis C. Floyd
Clerk of the Council

RE: **CSP-13010 Bed and Breakfast Inn Amendment to the Prince George's County Gateway Arts District D-D-O Zone**
Prince George's County Planning Department, Applicant
All properties in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones in the Prince George's County Gateway Arts District D-D-O Zone that are within the municipal boundaries of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood.

This is to advise you that:

(X) The District Council has not elected to review the subject application during the thirty-day review period.

(X) No appeal was received during the thirty-day appeal period.

(X) Therefore, the Planning Board's decision stands final.

( ) On _____, District Council elected to make the final decision on the subject application.

cc: Tamara Jovovic
All Persons of Record

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

August 5, 2014

Prince George's County Planning Department
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Re: Notification of Planning Board Action on
Conceptual Site Plan – CSP-13010
Amendment of an Approved Development District Overlay Zone

Dear Applicant:

This is to advise you that on **July 31, 2014** the above-referenced Conceptual Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-280, the Planning Board's decision will become final 30 calendar days after the date of the final notice **August 5, 2014** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or any Person of Record in the case; or

2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the County Council, at the above address.

Very truly yours,
Ivy Lewis, Chief
Community Planning Division

By: Tamara Jovovic
Reviewer

c: Redis C. Floyd, Clerk to the County Council
Persons of Record

PGCPB No. **14-65**

RECEIVED
AUG - 5 2014
OFFICE OF THE CLERK
OF THE COUNCIL
PRINCE GEORGE'S COUNTY MARYLAND

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772.
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 14-65 File No. CSP-13010

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed the Amendment of an Approved Development District Overlay Zone pursuant to Section 27-548.26(a)(2) of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 10, 2014, regarding the Amendment to the Gateway Arts District Sector Plan and Sectional Map Amendment, CSP-13010, the Planning Board finds:

1. **Request:** The purpose of this application is to amend the Prince George's County Gateway Arts District Development District Overlay Zone (Gateway Arts District D-D-O Zone) 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 located within the municipal boundaries of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood, and to incorporate development district standards as requirements for the use.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones	Unchanged
Use(s)	Primarily Residential	To allow a Bed and breakfast Inn

3. **Location:** The location for the bed and breakfast inn use is proposed only in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones in the Gateway Arts District D-D-O Zone that are within the municipal boundaries of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood. The municipalities are located within Council District 2, Planning Area 68, and within the Established Communities policy area as identified by the 2014 *Approved Plan Prince George's 2035.*

4. **Background:** The Prince George's County District Council adopted County Council Resolution CR-78-2004 approving the *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA) on November 30, 2004. In 2009, as part of County Council Bill 39-2009, the District Council defined and added bed and breakfast inns as a permitted use in seven residential zones (R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55) throughout the county. That bill also established off-street parking, management, and signage requirements for bed and breakfast inns, as well as maintenance and landscaping standards to ensure that proposed bed and breakfast inns are compatible with their surrounding neighborhoods as follows and contained within Section 27-445.13:

(a) **A bed and breakfast inn is permitted subject to the following:**

(1) **The primary use of the structure and property shall be residential, and the property shall be owner-occupied and managed. No more than two nonresident persons may be employed on the premises.**

(2) **Interior residential features shall be retained in a manner that will allow re-conversion to a residential use, and the maximum number of guest rooms shall be eight (8).**

(3) **Meals shall be served only to customers who are actually using the bed and breakfast inn accommodations overnight, nonpaying residents, or their bona fide guests.**

(4) **Parking shall be provided on site with one additional space required for each room that is available to be rented.**

(5) **A bed and breakfast inn shall not have any sign or other evidence of its use except one (1) sign not exceeding 2 feet by 3 feet in area, which may be double-faced and illuminated but no internally illuminated or back-lit signs are permitted. Other than an authorized sign, the bed and breakfast inn shall be maintained and landscaped to eliminate outward signs of transient use, and shall be compatible with the neighborhood surroundings.**

While CB-39-2009 amended the Zoning Ordinance, it did not update the Gateway Arts District D-D-O Zone, which was part of the Gateway Arts District Sector Plan and SMA. At the written request of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood, the District Council directed the Prince George's County Planning Board, through CR-64-2012, to amend the Gateway Arts District Sector Plan and SMA and the D-D-O Zone to include bed and breakfast inns as a permitted use in the residential zones listed above, within those specific municipalities.

5. **Hearing Procedures:** Per Section 27-548.26(a)(2) of the Zoning Ordinance, amendments to D-D-O Zones are required to follow certain hearing procedures set forth for conceptual site plans (CSPs) as described in Finding No. 9 below. This amendment request has been categorized, for this reason, as a CSP.

6. **Previous Amendments Relevant to the Gateway Arts District D-D-O Zone:** At the request of the City of Mount Rainier, in 2007, the District Council amended nine standards of the Gateway Arts District D-D-O Zone through CR-80-2007. The revisions were limited to the Traditional Residential Neighborhood (TRN) character area in the City of Mount Rainier and replaced specified site design (net lot coverage), access and circulation, parking and loading, and building

height standards with the development standards from the One-Family Detached Residential (R-55) Zone.

7. **Gateway Arts District Vision and Character Areas:** The Gateway Arts District Sector Plan and SMA envisions its municipalities—Hyattsville, Brentwood, North Brentwood, and Mount Rainier—developing into vibrant arts communities, while preserving the heart of the four small towns. The sector plan provides the basis for lively commercial and mixed-use centers that retain and attract new artists and emphasizes the importance of preserving established single-family neighborhoods as anchors of the Arts District. To promote context sensitive development, it established six character areas each with its own standards and list of permitted uses.

All of the properties subject to this amendment are within the TRN character area. The goal of the TRN is to preserve the single-family residential neighborhood character of the area as the anchor of the Arts District while supporting artists who produce and teach from their homes. The sector plan on page 27 describes the TRN areas in the Arts District as:

> **The traditional residential neighborhood character area is the largest part of the Arts District. Each of the four Arts District municipalities has historic districts emphasizing the quality of historic and vernacular housing stock. These communities are known for their large stock of moderately priced housing, as most lots had been built out by the first half of the twentieth century with housing stock dating from the 1910s to the 1940s. Recently housing prices have approached market rates, after going through a long period of being undervalued. There are also higher-priced homes, mainly large historic structures, which are for the most part restored or under restoration.**
>
> **The Arts District single-family residential communities are generally walkable, laid out on a grid, and have few cul-de-sacs or loops. Small lots, with 20-foot setbacks, single-apron driveways, and minimal lot widths are the norm and add to the appeal of these neighborhoods. Generally, density is four to ten units per acre. In addition to the built environment, many natural features such as wooded slopes run through these neighborhoods. These add to the appeal of these neighborhoods and their ability to stabilize and add long-term value to the Arts District as a whole.**

Two sector plan recommendations specific to the TRN that are particularly relevant to this amendment are as follows:

> 2. **Reinforce existing single-family detached residential neighborhoods as community-oriented, quiet, low-traffic, and child-safe.**
>
> 3. **Maintain the integrity of residential streetscape. Front yards should not be paved, nor should wide driveway aprons be constructed.**

8. **Summary of Amendment Components:** The proposed amendment consists of two components.

a. **Change to the Permitted Use Table**—To implement the vision for the Gateway Arts District, the use table in the D-D-O Zone establishes (by character area) which uses are permitted, which are prohibited, and which require a special permit. The Gateway Arts District D-D-O Zone use table supersedes the underlying uses listed in the Zoning Ordinance. If a use is not listed in the D-D-O Zone use table, it is prohibited.

b. **Change to Development Design Standards**—The D-D-O Zone is superimposed over the Gateway Arts District to ensure that proposed redevelopment projects meet the sector plan's goals and objectives. The Gateway Arts District development standards generally replace the underlying regulations in the Zoning Ordinance and the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

As part of CB-39-2009, the District Council also established off-street parking, management, and signage requirements for bed and breakfast inns, as well as maintenance and landscaping standards. As was discussed above, CB-39-2009 did not update the Gateway Arts District Sector Plan and SMA and the D-D-O Zone development standards. While CR-64-2012 did not direct the Planning Board to amend the Gateway Arts District Sector Plan and SMA and the D-D-O Zone to include the associated standards, the Planning Board finds it essential that the standards be included to ensure that bed and breakfast inns are compatible with their surrounding neighborhoods, with two modifications relating to parking. Council Bill CB-39-2009 requires the following parking facilities for a bed and breakfast inn:

> **(4) Parking shall be provided on site with one additional space required for each room that is available to be rented.**

The proposed modification provides flexibility in meeting bed and breakfast inn parking requirements. Parking for a bed and breakfast inn currently requires that one parking space be provided on-site for each guest room, in addition to any required parking of the owner-occupied dwelling (the definition of the bed and breakfast inn requires the dwelling to be owner occupied). The Planning Board finds that on-street residential parking should be allowed to be counted as parking for the use if the bed and breakfast inn is located on a lot with street frontage. The Planning Board finds that one parking space be counted for each 20 linear feet of lot frontage and should result in sufficient area for on-street parking.

In addition, the Planning Board finds that any parking compound for the dwelling and the bed and breakfast inn use may utilize a 15-foot-wide two-way drive aisle as access to and within the parking compound in order to reduce impervious area on the site. The basis for this reduction in the width of the driveway for this use is that, as bed and breakfast inns develop in neighborhoods, the introduction of parking compounds to accommodate off-street parking will result in more impervious surface, which may eventually change the character of the neighborhood and may contribute to more stormwater management issues.

The above findings are consistent with the recommendations for the TRN character area noted in Finding 7 above, in Site Design Standard 16 on page 146 of the sector plan, in Parking and Loading Standard 5 on page 148 of the sector plan, and the City of Hyattsville's and the City of Mount Rainier's desire for one-family detached dwelling units to not exceed 30 percent lot coverage and to not increase impervious surfaces unnecessarily. The Planning Board adopted the following language:

> "Parking for a bed and breakfast inn shall consist of one surface parking space per guest room in addition to any parking required for the owner-occupied dwelling. If the bed and breakfast inn fronts on a street with on-street residential parking (allowed per the regulatory agency), each 20 linear feet of lot frontage may be substituted for one (1) space. Drive aisles serving bed and breakfast inn parking in the rear may be reduced to 15 feet. No parking in the front yard of the bed and breakfast inn is allowed."

9. **Zoning Ordinance Compliance:** This proposed amendment conforms to the requirements for Amendments to Approved Development District Overlay Zones per Section 27-548.26(a)(2), which states:

(a) District Council.

(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.

Three municipalities—the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood—in which the development district properties are located submitted written requests to amend the Gateway Arts District's development district standards to include bed and breakfast inns as a permitted use within their municipal boundaries. Therefore, the proposed amendment meets the requirement set forth by Section 27-548.26(a)(2).

(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;

Notice of the Planning Board hearing was sent by first-class mail to all municipalities within the Gateway Arts District D-D-O Zone that are subject to this amendment, all property owners within the area specified in the District Council's direction, and all persons of record to this amendment. Therefore, the proposed amendment meets the notice requirement set forth by Section 27-548.26(a)(2)(A).

Conformance of the proposed amendment's public hearing procedures with Section 27-276(a)(1), (3), (4), (5), (6), (7) and (d) and Section 27-280 is discussed below.

Section 27-276. Planning Board procedures.

(a) General.

(1) Prior to approval of any preliminary plan of subdivision or Detailed Site Plan, or the issuance of any grading, building, or use and occupancy permit, for the development or use of any land for which a Conceptual Site Plan is required, the applicant shall obtain approval of a Conceptual Site Plan from the Planning Board.

The proposed amendment was submitted for approval by the Planning Board following the CSP hearing process. Therefore, the proposed amendment meets the requirement set forth by Section 27-276(a)(1).

(3) The Planning Board shall give due consideration to all comments received from other agencies.

The Planning Department did not refer this proposed amendment to other agencies because CB-39-2009, the basis for the amendment, was previously the subject of public review and comment. For this reason, no comments have been received.

(4) The Planning Board shall only consider the Plan at a regularly scheduled meeting after a duly advertised public hearing.

The Planning Board considered the proposed amendment at a regularly scheduled meeting on July 10, 2014. An informational mailing was sent to property owners, abutting property owners, and civic associations and municipalities within a mile of the three affected municipalities on December 18, 2013. A second

informational mailing to property owners, the three affected municipalities, and persons of record associated with this amendment notifying them of the public hearing was completed on June 9, 2014. Therefore, the proposed amendment meets the notice requirement set forth by Section 27-276(a)(4).

(5) **The Planning Board shall approve, approve with modification, or disapprove the Conceptual Site Plan, and shall state its reasons for the action.**

The proposed amendment was presented to the Planning Board and a decision of approval with modification was rendered on July 10, 2014.

(6) **The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Conceptual Site Plan approval process) and the District Council.**

The Planning Board's decision is embodied in this resolution. A copy of the resolution will be sent to the municipalities, interested property owners, and persons of record associated with the amendment.

(7) **For a proposed Mixed-Use Planned Community, the Planning Board shall hold a hearing on the application and make the findings required in this Section before it approves the Conceptual Site Plan. But if the subject property lies within a municipality, the following shall apply:**

(A) **The Planning Board shall hold a hearing, prepare a record, and transmit a recommendation to the District Council.**

(B) **The District Council shall make the findings required in this Section before it approves the use; and**

(C) **If the municipality recommends disapproval of the Plan, the District Council may approve it only on the affirmative vote of two-thirds of the full Council.**

The proposed amendment is not a proposed mixed-use planning community. Therefore Section 27-276(a)(7) does not apply.

(d) **Notification of applicant.**

(1) **If a Conceptual Site Plan is not approved, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval.**

The proposed amendment was approved. Therefore Section 27-276(d)(1) does not apply.

Section 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.**

(b) **The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Conceptual Site Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the Plan, and any additional information or explanatory material deemed appropriate.**

(c) **The District Council shall schedule a public hearing on the appeal or review.**

(d) **Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the Conceptual Site Plan to the Planning Board to take further testimony or**

reconsider its decision. Where the Council approves a Conceptual Site Plan, it shall make the same findings which are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.

(e) The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to the all persons of record, and the Planning Board.

This section of the Zoning Ordinance outlines the procedure for the proposed amendment's review by the District Council should a person of record wish to appeal the Planning Board's decision on the application or if the District Council votes to review the decision within 30 days after the Planning Board's decision. Should there be a review of the amendment by the District Council, the file will be transmitted to the District Council. If there is no appeal or if the District Council decides not to review the amendment, the Planning Board's decision as stated herein will stand.

Section 27-548.26(a)(2) Amendments to Development District Overlay Zone

(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

The goal of the TRN character area is "to preserve the single-family residential neighborhood character of the area as the anchor of the Arts District while supporting artists who produce and teach from their homes." Permitting bed and breakfast inns in existing single-family homes will create economic opportunities for homeowners and artists and attract visitors to the area while maintaining the character of surrounding neighborhoods. Therefore, the proposed amendment meets the requirement set forth by Section 27-276(a)(2)(C)(i).

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

The D-D-O Zone is superimposed over the Gateway Arts District Sector Plan and SMA to ensure that the redevelopment of land meets the sector plan's goals and objectives. The Gateway Arts District development standards replace the underlying regulations in the Zoning Ordinance and Landscape Manual, except where otherwise noted. Including the

development standards as proposed will help ensure that bed and breakfast inns are compatible with surrounding neighborhoods. Therefore, the proposed amendment meets the requirement set forth by Section 27-276(a)(2)(C)(ii).

10. **Consideration of Public Comments:**

a. **Municipal Comments:** Planning Department staff briefed the mayors and councils of the City of Mount Rainier and the Town of Brentwood on March 4, 2014 and the Planning Committee of the City of Hyattsville on March 18, 2014. The City of Mount Rainier and the Town of Brentwood conveyed general support for the proposed amendment to include bed and breakfast inns as a permitted use in the aforementioned residential zones and concurred with staff's recommendation that the associated standards be incorporated.

At its March 18, 2014 briefing, the Planning Committee of the City of Hyattsville requested staff research the following questions:

- **Were the dimensions of the signs permitted by Bed and breakfast Inns the same as the dimensions allowed for home-based businesses?** Staff determined they were not. The maximum area of a bed and breakfast inn sign is six square feet (two feet by three feet); it is two square feet for a home occupation. The Planning Committee did not express any preferences regarding the maximum sign area for bed and breakfast inns subject to this amendment.

- **Could on-site parking be stacked in driveways?** Staff noted that parking would be required to comply with Part 11 of the Zoning Ordinance (Off Street Parking and Loading), which does not allow stacking of vehicles spaces. However, the Planning Board finds that some on-street parking should be allowed directly along the frontage of the property.

- **Would the sign standards for Bed and breakfast Inns prohibit electronic or scrolling signs?** Staff determined that signs in the City of Mount Rainier and the Town of Brentwood are subject to the signage standards in the D-D-O Zone, which limit "signs with moving parts or blinking lights" to Baltimore Avenue (US 1), 34th Street, and 38th Street. R-55-zoned properties in the TRN character area in the City of Hyattsville are exempt from the D-D-O Zone development standards and are subject to the requirements of the R-55 Zone. Per this exemption, signs in the TRN in the City of Hyattsville are subject to Section 27-592 (Illumination) of the Zoning Ordinance, which requires light from illuminated signs to be shaded or shielded and prohibits flashing or blinking signs (in less than five-second cycles).

- **Are there Bed and breakfast Inns already operating in the county?** As of April 2014, three use and occupancy applications have been submitted to the Prince George's County Planning Department, Permit Review Section. One

predated the passage of CB-39-2009. The applications had received comments from the Permit Section and were put on hold pending the submission of revised plans. Therefore, it is safe to assume that there are no legally existing bed and breakfast inns in the county.

- **What safety measures (specific to egress and fire protection measures) would be required for Bed and breakfast Inns?** Staff shared with the Planning Committee the safety requirements (Life Safety Code Chapter 26) relevant to bed and breakfast inns as provided by the Prince George's County Department of Permitting Inspections, and Enforcement (DPIE).

- **Would the on-site parking requirement conflict with established impervious surface caps?** As was discussed above, R-55-zoned properties in the TRN character area in the City of Hyattsville are exempt from the D-D-O Zone development standards and are subject to the requirements of the R-55 Zone. The maximum lot coverage in the R-55 Zone is 30 percent as compared to 45 percent of net lot area for one-family detached dwelling units in the D-D-O Zone TRN character area. The Planning Board finds that this lower maximum lot coverage could conflict with parking requirements for bed and breakfast inns. The Planning Committee did not express an opinion on what the maximum lot coverage should be for bed and breakfast inns, but did note their concern with potential bed and breakfast inn owners paving over their front yards.

- **What standards do our neighboring jurisdictions apply to Bed and breakfast Inns?** Staff shared with the Planning Committee standards specific to bed and breakfast inns from the District of Columbia and Montgomery County, Maryland.

b. **General Public Comments:** Community Planning staff received numerous emails and calls between December 2013 and June 2014 regarding the proposed amendment. The majority of inquiries requested clarification on the meaning of the proposed amendment. Two callers asked how the proposed use would impact parking supply, while several other callers noted there were no parking supply issues in their neighborhoods and voiced support for the amendment.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopts the findings contained herein and APPROVED the amendment to the Prince George's County Gateway Arts District Development District Overlay Zone to include a bed and breakfast inn as a permitted use in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones and the following associated standards within the municipal boundaries of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood, subject to the following amendments:

1. The 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* shall be revised as follows:

a. Amend the Uses Permitted table starting on page 167 as follows:

(1) A bed and breakfast inn shall be a permitted use in the TRN Character Area in the Commercial Use category. The source shall be identified as Section 27-441. Add a footnote to clarify that the use is only permitted in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones in the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood, and that it is subject to Section 27-445.13(a)(1), (2), (3), and (5).

b. Amend the Development District Standards starting on page 144 as follows:

(1) Modify Signage Standard 9 to read "Sign area shall not exceed the regulations of Sections 27-613(c), (f) and 27-107.10 of the Zoning Ordinance, except for bed and breakfast inns. Signs for bed and breakfast inns shall conform to Section 27-445.13(5)."

(2) Add a new Parking and Loading Standard to read "Parking for a bed and breakfast inn shall consist of one surface parking space per guest room in addition to any parking required for the owner-occupied dwelling. If the bed and breakfast inn fronts on a street with on-street residential parking (allowed per the regulatory agency), each 20 linear feet of lot frontage may be substituted for one (1) space. Drive aisles serving bed and breakfast inn parking in the rear may be reduced to 15 feet. No parking in the front yard of the bed and breakfast inn is allowed."

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * * * * * * * * * *

This is to certify that the foregoing is a true and correct copy 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 Shoaff, seconded by Commissioner Bailey, with Commissioners Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioners Washington and Geraldo absent at its regular meeting held on Thursday, July 10, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2014.

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 7/25/14

By Jessica Jones
Planning Board Administrator

PCB:JJ:TJ:arj

PGCPB No. 14-65 File No. CSP-13010

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed the Amendment of an Approved Development District Overlay Zone pursuant to Section 27-548.26(a)(2) of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 10, 2014, regarding the Amendment to the Gateway Arts District Sector Plan and Sectional Map Amendment, CSP-13010, the Planning Board finds:

1. **Request:** The purpose of this application is to amend the Prince George's County Gateway Arts District Development District Overlay Zone (Gateway Arts District D-D-O Zone) 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 located within the municipal boundaries of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood, and to incorporate development district standards as requirements for the use.

2. **Development Data Summary:**

	EXISTING	**APPROVED**
Zone(s)	R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones	Unchanged
Use(s)	Primarily Residential	To allow a Bed and breakfast Inn

3. **Location:** The location for the bed and breakfast inn use is proposed only in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones in the Gateway Arts District D-D-O Zone that are within the municipal boundaries of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood. The municipalities are located within Council District 2, Planning Area 68, and within the Established Communities policy area as identified by the 2014 *Approved Plan Prince George's 2035.*

4. **Background:** The Prince George's County District Council adopted County Council Resolution CR-78-2004 approving the *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA) on November 30, 2004. In 2009, as part of County Council Bill 39-2009, the District Council defined and added bed and breakfast inns as a permitted use in seven residential zones (R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55) throughout the county. That bill also established off-street parking, management, and signage requirements for bed and breakfast inns, as well as maintenance and landscaping standards to ensure that proposed bed and breakfast inns are compatible with their surrounding neighborhoods as follows and contained within Section 27-445.13:

(a) A bed and breakfast inn is permitted subject to the following:

(1) The primary use of the structure and property shall be residential, and the property shall be owner-occupied and managed. No more than two nonresident persons may be employed on the premises.

(2) Interior residential features shall be retained in a manner that will allow re-conversion to a residential use, and the maximum number of guest rooms shall be eight (8).

(3) Meals shall be served only to customers who are actually using the bed and breakfast inn accommodations overnight, nonpaying residents, or their bona fide guests.

(4) Parking shall be provided on site with one additional space required for each room that is available to be rented.

(5) A bed and breakfast inn shall not have any sign or other evidence of its use except one (1) sign not exceeding 2 feet by 3 feet in area, which may be double-faced and illuminated but no internally illuminated or back-lit signs are permitted. Other than an authorized sign, the bed and breakfast inn shall be maintained and landscaped to eliminate outward signs of transient use, and shall be compatible with the neighborhood surroundings.

While CB-39-2009 amended the Zoning Ordinance, it did not update the Gateway Arts District D-D-O Zone, which was part of the Gateway Arts District Sector Plan and SMA. At the written request of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood, the District Council directed the Prince George's County Planning Board, through CR-64-2012, to amend the Gateway Arts District Sector Plan and SMA and the D-D-O Zone to include bed and breakfast inns as a permitted use in the residential zones listed above, within those specific municipalities.

5. **Hearing Procedures:** Per Section 27-548.26(a)(2) of the Zoning Ordinance, amendments to D-D-O Zones are required to follow certain hearing procedures set forth for conceptual site plans (CSPs) as described in Finding No. 9 below. This amendment request has been categorized, for this reason, as a CSP.

6. **Previous Amendments Relevant to the Gateway Arts District D-D-O Zone:** At the request of the City of Mount Rainier, in 2007, the District Council amended nine standards of the Gateway Arts District D-D-O Zone through CR-80-2007. The revisions were limited to the Traditional Residential Neighborhood (TRN) character area in the City of Mount Rainier and replaced specified site design (net lot coverage), access and circulation, parking and loading, and building

height standards with the development standards from the One-Family Detached Residential (R-55) Zone.

7. **Gateway Arts District Vision and Character Areas:** The Gateway Arts District Sector Plan and SMA envisions its municipalities—Hyattsville, Brentwood, North Brentwood, and Mount Rainier—developing into vibrant arts communities, while preserving the heart of the four small towns. The sector plan provides the basis for lively commercial and mixed-use centers that retain and attract new artists and emphasizes the importance of preserving established single-family neighborhoods as anchors of the Arts District. To promote context sensitive development, it established six character areas each with its own standards and list of permitted uses.

   All of the properties subject to this amendment are within the TRN character area. The goal of the TRN is to preserve the single-family residential neighborhood character of the area as the anchor of the Arts District while supporting artists who produce and teach from their homes. The sector plan on page 27 describes the TRN areas in the Arts District as:

   > **The traditional residential neighborhood character area is the largest part of the Arts District. Each of the four Arts District municipalities has historic districts emphasizing the quality of historic and vernacular housing stock. These communities are known for their large stock of moderately priced housing, as most lots had been built out by the first half of the twentieth century with housing stock dating from the 1910s to the 1940s. Recently housing prices have approached market rates, after going through a long period of being undervalued. There are also higher-priced homes, mainly large historic structures, which are for the most part restored or under restoration.**
   >
   > **The Arts District single-family residential communities are generally walkable, laid out on a grid, and have few cul-de-sacs or loops. Small lots, with 20-foot setbacks, single-apron driveways, and minimal lot widths are the norm and add to the appeal of these neighborhoods. Generally, density is four to ten units per acre. In addition to the built environment, many natural features such as wooded slopes run through these neighborhoods. These add to the appeal of these neighborhoods and their ability to stabilize and add long-term value to the Arts District as a whole.**

   Two sector plan recommendations specific to the TRN that are particularly relevant to this amendment are as follows:

   > **2. Reinforce existing single-family detached residential neighborhoods as community-oriented, quiet, low-traffic, and child-safe.**
   >
   > **3. Maintain the integrity of residential streetscape. Front yards should not be paved, nor should wide driveway aprons be constructed.**

8. **Summary of Amendment Components:** The proposed amendment consists of two components.

a. **Change to the Permitted Use Table—**To implement the vision for the Gateway Arts District, the use table in the D-D-O Zone establishes (by character area) which uses are permitted, which are prohibited, and which require a special permit. The Gateway Arts District D-D-O Zone use table supersedes the underlying uses listed in the Zoning Ordinance. If a use is not listed in the D-D-O Zone use table, it is prohibited.

b. **Change to Development Design Standards—**The D-D-O Zone is superimposed over the Gateway Arts District to ensure that proposed redevelopment projects meet the sector plan's goals and objectives. The Gateway Arts District development standards generally replace the underlying regulations in the Zoning Ordinance and the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

As part of CB-39-2009, the District Council also established off-street parking, management, and signage requirements for bed and breakfast inns, as well as maintenance and landscaping standards. As was discussed above, CB-39-2009 did not update the Gateway Arts District Sector Plan and SMA and the D-D-O Zone development standards. While CR-64-2012 did not direct the Planning Board to amend the Gateway Arts District Sector Plan and SMA and the D-D-O Zone to include the associated standards, the Planning Board finds it essential that the standards be included to ensure that bed and breakfast inns are compatible with their surrounding neighborhoods, with two modifications relating to parking. Council Bill CB-39-2009 requires the following parking facilities for a bed and breakfast inn:

> **(4) Parking shall be provided on site with one additional space required for each room that is available to be rented.**

The proposed modification provides flexibility in meeting bed and breakfast inn parking requirements. Parking for a bed and breakfast inn currently requires that one parking space be provided on-site for each guest room, in addition to any required parking of the owner-occupied dwelling (the definition of the bed and breakfast inn requires the dwelling to be owner occupied). The Planning Board finds that on-street residential parking should be allowed to be counted as parking for the use if the bed and breakfast inn is located on a lot with street frontage. The Planning Board finds that one parking space be counted for each 20 linear feet of lot frontage and should result in sufficient area for on-street parking.

In addition, the Planning Board finds that any parking compound for the dwelling and the bed and breakfast inn use may utilize a 15-foot-wide two-way drive aisle as access to and within the parking compound in order to reduce impervious area on the site. The basis for this reduction in the width of the driveway for this use is that, as bed and breakfast inns develop in neighborhoods, the introduction of parking compounds to accommodate off-street parking will result in more impervious surface, which may eventually change the character of the neighborhood and may contribute to more stormwater management issues.

The above findings are consistent with the recommendations for the TRN character area noted in Finding 7 above, in Site Design Standard 16 on page 146 of the sector plan, in Parking and Loading Standard 5 on page 148 of the sector plan, and the City of Hyattsville's and the City of Mount Rainier's desire for one-family detached dwelling units to not exceed 30 percent lot coverage and to not increase impervious surfaces unnecessarily. The Planning Board adopted the following language:

> "Parking for a bed and breakfast inn shall consist of one surface parking space per guest room in addition to any parking required for the owner-occupied dwelling. If the bed and breakfast inn fronts on a street with on-street residential parking (allowed per the regulatory agency), each 20 linear feet of lot frontage may be substituted for one (1) space. Drive aisles serving bed and breakfast inn parking in the rear may be reduced to 15 feet. No parking in the front yard of the bed and breakfast inn is allowed."

9. **Zoning Ordinance Compliance:** This proposed amendment conforms to the requirements for Amendments to Approved Development District Overlay Zones per Section 27-548.26(a)(2), which states:

(a) District Council.

(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.

Three municipalities—the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood—in which the development district properties are located submitted written requests to amend the Gateway Arts District's development district standards to include bed and breakfast inns as a permitted use within their municipal boundaries. Therefore, the proposed amendment meets the requirement set forth by Section 27-548.26(a)(2).

(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;

Notice of the Planning Board hearing was sent by first-class mail to all municipalities within the Gateway Arts District D-D-O Zone that are subject to this amendment, all property owners within the area specified in the District Council's direction, and all persons of record to this amendment. Therefore, the proposed amendment meets the notice requirement set forth by Section 27-548.26(a)(2)(A).

Conformance of the proposed amendment's public hearing procedures with Section 27-276(a)(1), (3), (4), (5), (6), (7) and (d) and Section 27-280 is discussed below.

Section 27-276. Planning Board procedures.

(a) General.

(1) Prior to approval of any preliminary plan of subdivision or Detailed Site Plan, or the issuance of any grading, building, or use and occupancy permit, for the development or use of any land for which a Conceptual Site Plan is required, the applicant shall obtain approval of a Conceptual Site Plan from the Planning Board.

The proposed amendment was submitted for approval by the Planning Board following the CSP hearing process. Therefore, the proposed amendment meets the requirement set forth by Section 27-276(a)(1).

(3) The Planning Board shall give due consideration to all comments received from other agencies.

The Planning Department did not refer this proposed amendment to other agencies because CB-39-2009, the basis for the amendment, was previously the subject of public review and comment. For this reason, no comments have been received.

(4) The Planning Board shall only consider the Plan at a regularly scheduled meeting after a duly advertised public hearing.

The Planning Board considered the proposed amendment at a regularly scheduled meeting on July 10, 2014. An informational mailing was sent to property owners, abutting property owners, and civic associations and municipalities within a mile of the three affected municipalities on December 18, 2013. A second

informational mailing to property owners, the three affected municipalities, and persons of record associated with this amendment notifying them of the public hearing was completed on June 9, 2014. Therefore, the proposed amendment meets the notice requirement set forth by Section 27-276(a)(4).

(5) The Planning Board shall approve, approve with modification, or disapprove the Conceptual Site Plan, and shall state its reasons for the action.

The proposed amendment was presented to the Planning Board and a decision of approval with modification was rendered on July 10, 2014.

(6) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Conceptual Site Plan approval process) and the District Council.

The Planning Board's decision is embodied in this resolution. A copy of the resolution will be sent to the municipalities, interested property owners, and persons of record associated with the amendment.

(7) For a proposed Mixed-Use Planned Community, the Planning Board shall hold a hearing on the application and make the findings required in this Section before it approves the Conceptual Site Plan. But if the subject property lies within a municipality, the following shall apply:

(A) The Planning Board shall hold a hearing, prepare a record, and transmit a recommendation to the District Council.

(B) The District Council shall make the findings required in this Section before it approves the use; and

(C) If the municipality recommends disapproval of the Plan, the District Council may approve it only on the affirmative vote of two-thirds of the full Council.

The proposed amendment is not a proposed mixed-use planning community. Therefore Section 27-276(a)(7) does not apply.

(d) Notification of applicant.

(1) If a Conceptual Site Plan is not approved, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval.

The proposed amendment was approved. Therefore Section 27-276(d)(1) does not apply.

Section 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.

(b) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Conceptual Site Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the Plan, and any additional information or explanatory material deemed appropriate.

(c) The District Council shall schedule a public hearing on the appeal or review.

(d) Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the Conceptual Site Plan to the Planning Board to take further testimony or

reconsider its decision. Where the Council approves a Conceptual Site Plan, it shall make the same findings which are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.

(e) The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to the all persons of record, and the Planning Board.

This section of the Zoning Ordinance outlines the procedure for the proposed amendment's review by the District Council should a person of record wish to appeal the Planning Board's decision on the application or if the District Council votes to review the decision within 30 days after the Planning Board's decision. Should there be a review of the amendment by the District Council, the file will be transmitted to the District Council. If there is no appeal or if the District Council decides not to review the amendment, the Planning Board's decision as stated herein will stand.

Section 27-548.26(a)(2) Amendments to Development District Overlay Zone

(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

The goal of the TRN character area is "to preserve the single-family residential neighborhood character of the area as the anchor of the Arts District while supporting artists who produce and teach from their homes." Permitting bed and breakfast inns in existing single-family homes will create economic opportunities for homeowners and artists and attract visitors to the area while maintaining the character of surrounding neighborhoods. Therefore, the proposed amendment meets the requirement set forth by Section 27-276(a)(2)(C)(i).

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

The D-D-O Zone is superimposed over the Gateway Arts District Sector Plan and SMA to ensure that the redevelopment of land meets the sector plan's goals and objectives. The Gateway Arts District development standards replace the underlying regulations in the Zoning Ordinance and Landscape Manual, except where otherwise noted. Including the

development standards as proposed will help ensure that bed and breakfast inns are compatible with surrounding neighborhoods. Therefore, the proposed amendment meets the requirement set forth by Section 27-276(a)(2)(C)(ii).

10. **Consideration of Public Comments:**

a. **Municipal Comments:** Planning Department staff briefed the mayors and councils of the City of Mount Rainier and the Town of Brentwood on March 4, 2014 and the Planning Committee of the City of Hyattsville on March 18, 2014. The City of Mount Rainier and the Town of Brentwood conveyed general support for the proposed amendment to include bed and breakfast inns as a permitted use in the aforementioned residential zones and concurred with staff's recommendation that the associated standards be incorporated.

At its March 18, 2014 briefing, the Planning Committee of the City of Hyattsville requested staff research the following questions:

- **Were the dimensions of the signs permitted by Bed and breakfast Inns the same as the dimensions allowed for home-based businesses?** Staff determined they were not. The maximum area of a bed and breakfast inn sign is six square feet (two feet by three feet); it is two square feet for a home occupation. The Planning Committee did not express any preferences regarding the maximum sign area for bed and breakfast inns subject to this amendment.

- **Could on-site parking be stacked in driveways?** Staff noted that parking would be required to comply with Part 11 of the Zoning Ordinance (Off Street Parking and Loading), which does not allow stacking of vehicles spaces. However, the Planning Board finds that some on-street parking should be allowed directly along the frontage of the property.

- **Would the sign standards for Bed and breakfast Inns prohibit electronic or scrolling signs?** Staff determined that signs in the City of Mount Rainier and the Town of Brentwood are subject to the signage standards in the D-D-O Zone, which limit "signs with moving parts or blinking lights" to Baltimore Avenue (US 1), 34th Street, and 38th Street. R-55-zoned properties in the TRN character area in the City of Hyattsville are exempt from the D-D-O Zone development standards and are subject to the requirements of the R-55 Zone. Per this exemption, signs in the TRN in the City of Hyattsville are subject to Section 27-592 (Illumination) of the Zoning Ordinance, which requires light from illuminated signs to be shaded or shielded and prohibits flashing or blinking signs (in less than five-second cycles).

- **Are there Bed and breakfast Inns already operating in the county?** As of April 2014, three use and occupancy applications have been submitted to the Prince George's County Planning Department, Permit Review Section. One

predated the passage of CB-39-2009. The applications had received comments from the Permit Section and were put on hold pending the submission of revised plans. Therefore, it is safe to assume that there are no legally existing bed and breakfast inns in the county.

- **What safety measures (specific to egress and fire protection measures) would be required for Bed and breakfast Inns?** Staff shared with the Planning Committee the safety requirements (Life Safety Code Chapter 26) relevant to bed and breakfast inns as provided by the Prince George's County Department of Permitting Inspections, and Enforcement (DPIE).

- **Would the on-site parking requirement conflict with established impervious surface caps?** As was discussed above, R-55-zoned properties in the TRN character area in the City of Hyattsville are exempt from the D-D-O Zone development standards and are subject to the requirements of the R-55 Zone. The maximum lot coverage in the R-55 Zone is 30 percent as compared to 45 percent of net lot area for one-family detached dwelling units in the D-D-O Zone TRN character area. The Planning Board finds that this lower maximum lot coverage could conflict with parking requirements for bed and breakfast inns. The Planning Committee did not express an opinion on what the maximum lot coverage should be for bed and breakfast inns, but did note their concern with potential bed and breakfast inn owners paving over their front yards.

- **What standards do our neighboring jurisdictions apply to Bed and breakfast Inns?** Staff shared with the Planning Committee standards specific to bed and breakfast inns from the District of Columbia and Montgomery County, Maryland.

b. **General Public Comments:** Community Planning staff received numerous emails and calls between December 2013 and June 2014 regarding the proposed amendment. The majority of inquiries requested clarification on the meaning of the proposed amendment. Two callers asked how the proposed use would impact parking supply, while several other callers noted there were no parking supply issues in their neighborhoods and voiced support for the amendment.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopts the findings contained herein and APPROVED the amendment to the Prince George's County Gateway Arts District Development District Overlay Zone to include a bed and breakfast inn as a permitted use in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones and the following associated standards within the municipal boundaries of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood, subject to the following amendments:

1. The 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* shall be revised as follows:

a. Amend the Uses Permitted table starting on page 167 as follows:

(1) A bed and breakfast inn shall be a permitted use in the TRN Character Area in the Commercial Use category. The source shall be identified as Section 27-441. Add a footnote to clarify that the use is only permitted in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones in the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood, and that it is subject to Section 27-445.13(a)(1), (2), (3), and (5).

b. Amend the Development District Standards starting on page 144 as follows:

(1) Modify Signage Standard 9 to read "Sign area shall not exceed the regulations of Sections 27-613(c), (f) and 27-107.10 of the Zoning Ordinance, except for bed and breakfast inns. Signs for bed and breakfast inns shall conform to Section 27-445.13(5)."

(2) Add a new Parking and Loading Standard to read "Parking for a bed and breakfast inn shall consist of one surface parking space per guest room in addition to any parking required for the owner-occupied dwelling. If the bed and breakfast inn fronts on a street with on-street residential parking (allowed per the regulatory agency), each 20 linear feet of lot frontage may be substituted for one (1) space. Drive aisles serving bed and breakfast inn parking in the rear may be reduced to 15 feet. No parking in the front yard of the bed and breakfast inn is allowed."

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * * * * * * * * * *

This is to certify that the foregoing is a true and correct copy 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 Shoaff, seconded by Commissioner Bailey, with Commissioners Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioners Washington and Geraldo absent at its regular meeting held on Thursday, July 10, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2014.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:TJ:arj

Prince George's County Council
Agenda Item Summary

Meeting Date:	10/16/2012
Reference No.:	CR-064-2012
Draft No.:	2
Proposer(s):	Campos
Sponsor(s):	Campos, Turner
Item Title:	A Resolution concerning The Approved 2004 Prince George's Gateway Arts District Sector Plan and Sectional Map Amendment (SMA) and Development District Overlay Zone for the purpose of authorizing the Planning Board toprepare an amendment to the Approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment (SMA) and Development District Overlay Zone revising certain development district standards within the Gateway Arts District.

Drafter:	Karen T. Zavakos, Legislative Officer
Resource Personnel:	Alonzo T. Washington,Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:		**Executive Action:**	
Committee Referral:	9/18/2012 - PZED	**Effective Date:**	10/16/2012
Committee Action:	10/3/2012 - FAV(A)		
Date Introduced:	9/18/2012		
Public Hearing:			
Council Action (1)	10/16/2012 - ADOPTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:-, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT **Date 10/3/2012**

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

Committee staff gave an overview of the purpose of the resolution. CR-64-2012 directs the Planning Board to prepare an amendment to the 2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment and Development District Standards to include Bed-and-Breakfast Inns as a permitted use within the City of Hyattsville municipal boundary. The Legislative Officer informed the committee of a Proposed Draft-2 (DR-2), prepared at the sponsor's request, for the purpose of including the City of Mount Rainier and the Town of Brentwood to the resolution.

Council Member Campos requested the committee's support of the resolution, including the proposed amendments, which will allow the additional permitted use to enhance economic development opportunities in these

municipalities.

Jim Chandler, representing the City of Hyattsville, and Jeannelle Wallace, representing the City of Mount Rainier, testified in support of the resolution.

The Office of Law reviewed CR-64-2012 and determined that it is in proper legislative form with no legal impediments to its adoption. The Office of Audits and Investigations reviewed the resolution and determined that CR-64-2012 will have no negative or adverse fiscal impact on the County if it is adopted.

BACKGROUND INFORMATION/FISCAL IMPACT:
(Includes reason for proposal, as well as any unique statutory requirements)
This Resolution directs the Planning Board to prepare an amendment to the Development District Standards within the municipal boundary of the City of Hyattsville to include Bed-and-Breakfast Inns as a permitted use within the City of Hyattsville.

CODE INDEX TOPICS:

INCLUSION FILES:

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

Resolution No. CR-64-2012
Proposed by Council Member Campos
Introduced by Council Members Campos and Turner
Co-Sponsors
Date of Introduction September 18, 2012

RESOLUTION

A RESOLUTION concerning

The Approved 2004 Prince George's Gateway Arts District Sector Plan and Sectional Map Amendment (SMA) and Development District Overlay Zone

For the purpose of authorizing the Planning Board prepare an amendment to the Approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment (SMA) and Development District Overlay Zone revising certain development district standards within the Gateway Arts District.

WHEREAS, the District Council adopted CR-78-2004, approving the Prince George's County Gateway Arts District Sector Plan and Sectional Map Amendment, on November 30, 2004; and

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, in furtherance of the recommendations of the 2004 Approved Gateway Arts District Sector Plan and SMA, the District Council adopted certain Development District Overlay Zones encompassing the City of Hyattsville, City of Mount Rainier, and the Town of Brentwood and established specific development regulations for the land area encompassed by the Overlay Zones; and

WHEREAS, Section 27-548.22 of the Zoning Ordinance for Prince George's County prescribes that 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, on October 21, 2009, the District Council enacted CB-39-2009 which, in pertinent part, defined Bed-and-Breakfast Inn, set forth certain specific requirements, and declared Bed-and Breakfast-Inns a permitted use in certain residential zones; and

WHEREAS, the Approved Gateway Arts District Sector Plan and Approved Gateway Arts Development District Overlay Zones do not contemplate Bed-and-Breakfast Inns in its Development District Standards; and

WHEREAS, Section 27-548.19 of the Zoning Ordinance provides that all new development is generally subject to a Detailed Site Plan within a Development District Overlay Zone; and

WHEREAS, the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood have determined that the requirement for an approved Detailed Site Plan for Bed-and-Breakfast Inns within the City of Hyattsville is unduly burdensome, and that inclusion of Bed-and-Breakfast Inns within the corporate limits of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood enhances the District and is otherwise consistent with the protection of the historic residential character of the City's traditional residential neighborhoods; and

WHEREAS, Section 27-548.26 of the Zoning Ordinance provides that the District Council, at the written request of a municipality in which the development district property is located, may modify the Development District Standards; and

WHEREAS, the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood made written request to amend the development district standards to include Bed-and-Breakfast Inns as a permitted use within the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood municipal boundaries; and

WHEREAS, Section 27-548.26 further provides that the District Council direct the Planning Board to prepare the amendment and specify which Development District Standards should be reviewed; and

WHEREAS, the District Council has determined that there is sufficient basis to consider an amendment to the approved Development District Standards within the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood.

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 Prince George's Planning Board prepare an proposed amendment to the Approved Gateway Arts District Sector Plan and Sectional Map Amendment and Development District Overlay Zone Development District Standards to include Bed-and-Breakfast Inns as a permitted use within the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood municipal boundaries.

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

Adopted this 16th day of October, 2012.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

_____
Redis C. Floyd
Clerk of the Council