

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2004 Legislative Session**

Resolution No. CR-78-2004

Proposed by The Chairman (by request – Planning Board)

Introduced by Council Members Campos, Harrington, Dean, Exum, Peters,  
Knotts and Dernoga

Co-Sponsors \_\_\_\_\_

Date of Introduction November 30, 2004

**RESOLUTION**

1 A RESOLUTION concerning

2 The Sector Plan and Sectional Map Amendment for the

3 Prince George's County Gateway Arts District

4 For the purpose of approving the Sector Plan and Sectional Map Amendment (SMA) for the  
 5 Prince George's County Gateway Arts District, defining long-range land use and development  
 6 policies, setting out detailed zoning proposals, establishing design standards, and designating a  
 7 Development District Overlay Zone for the municipalities of Mount Rainier, Brentwood, North  
 8 Brentwood, and Hyattsville but excluding the Prince George's Plaza and West Hyattsville transit  
 9 districts, and consisting of portions of Planning Area 68, whose boundaries are described in the  
 10 Zoning Ordinance.

11 WHEREAS, the Maryland-National Capital Park and Planning Commission, with the  
 12 concurrence of the County Council of Prince George's County, Maryland, sitting as the District  
 13 Council, as stated in Council Resolution CR-6-2002, initiated the preparation of a Sector Plan  
 14 and SMA for the Prince George's County Gateway Arts District, in accordance with Part 13,  
 15 Division 2, and Section 27-225.01.05 of the Zoning Ordinance; and

16 WHEREAS, the Sector Plan and SMA process provides for periodic comprehensive  
 17 review of long-range land use policies and zoning; and

18 WHEREAS, CR-6-2002 directed the Commission to develop new zoning tools as  
 19 necessary to promote redevelopment and new development to transform the lower US 1 corridor  
 20 into a vibrant art district; and

1 WHEREAS, pursuant to the procedures for preparation of a sector plan, the Prince  
2 George's County Planning Board of the Maryland-National Capital Park and Planning  
3 Commission published an informational brochure and on April 1, 2002 held a public forum to  
4 advise the public of the intention to prepare and procedures to be followed in approving a sector  
5 plan for the lower US 1 corridor; established goals, concepts, guidelines, and a public  
6 participation program for the proposed sector plan; offered the community in 2002 a series of  
7 charrettes and workshops to develop concepts and review proposed solutions; and

8 WHEREAS, on April 13, 2004, the District Council and Planning Board of the  
9 Maryland-National Capital Park and Planning Commission held a duly advertised joint public  
10 hearing on the Preliminary Sector Plan and Proposed SMA for the Prince George's County  
11 Gateway Arts District; and

12 WHEREAS, on September 9, 2004, the Planning Board adopted the Sector Plan and  
13 endorsed the SMA with amendments, as described in Prince George's County Planning Board  
14 Resolution PGCPB No. 04-199; and

15 WHEREAS, the Adopted Sector Plan and Endorsed SMA for the Prince George's  
16 County Gateway Arts District were received by the District Council on October 6, 2004, and  
17 which on November 9, 2004 reviewed in public session the joint hearing testimony and the  
18 Planning Board's recommended amendments; and

19 WHEREAS, upon approval by the District Council, the Sector Plan will define land use  
20 policies and serve as the primary guide for future development of this sector planning area, will  
21 supercede parts of the 1994 *Approved Master Plan and Sectional Map Amendment for Planning*  
22 *Area 68*, the 2002 *Prince George's County Approved General Plan*, the 1982 *Master Plan of*  
23 *Transportation*, the 1983 *Functional Master Plan for Public School Sites*, the 1990 *Public Safety*  
24 *Master Plan*, the 1992 *Prince George's County Historic Sites and Districts Plan*, and the 1975  
25 *Countywide Trail Plan* with the 1985 *Equestrian Addendum*; and

26 WHEREAS, the Sector Plan and SMA will, as found by the Planning Board and District  
27 Council, protect the health, safety, and general welfare of the citizens of Prince George's  
28 County; and

29 WHEREAS, the District Council, having reviewed testimony and evidence submitted as  
30 part of the comprehensive rezoning proposal, finds that the record, together with applicable  
31 County plans and policies, justifies the zoning changes within this SMA.

1           NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
2 County, sitting as the District Council for that part of the Maryland-Washington Regional  
3 District in Prince George's County, Maryland, that the Sector Plan and Sectional Map  
4 Amendment for the Prince George's County Gateway Arts District, as adopted on September 9,  
5 2004, are hereby approved, with the revisions described below (deleting bracketed text and  
6 adding underlined text):

7       **Revision 1**

8       Revise the Use Table (pages 160 to 162) by deleting adult-oriented entertainment uses:

Use	Source	Character Areas						
		TC	APE	NAP	MRC	TRN	NC	SVP
(1) ARTS-RELATED USES:	new							
Private or public arts institutions for the promotion, practice, and dissemination of information related to the fine arts and handcrafts.	new	P	P	SP	X	X	X	X
Private or public multipurpose arts center (for multiple uses including administration, community space, studio space, information dissemination, arts production, publication, classes, gallery space, and events) <sup>1</sup>	new	P	P	SP	X	X	X	X
Art gallery	new	P	P	SP	X	X	X	X
Art school, including dance, photography, filmmaking, music, writing, painting, sculpting, printmaking, or glassmaking	new	P	P	SP	X	X	X	SP
Artist studio as a working space for use by a fine arts artist or artist collective, hand crafter, designer, or digital media producer <u>and performance artist</u> in day to day production, which may be used for auxiliary instruction and auxiliary sales of items produced on-site:	new							
(i) As an accessory to an allowed use	new	<u>SP</u> [P]	<u>SP</u> [P]	<u>SP</u> [P]	<u>SP</u> [P]	SP	<u>SP</u> [P]	X
(ii) All others	new	P	P	P	X	X	P	X
Craftsman or artisan primarily design and production shop that may include auxiliary sales, for small-scale production of goods including but not limited to musical instruments, papermaking, jewelry, and puppet making	new	P	P	P	X	SP	P	X
Rehearsal space	new	P	P	P	X	X	X	X
Sound stage for TV/film recording studio	new	X	P	SP	X	X	X	X
Arts services, including set design or construction and restoration of artworks	new	P	P	P	X	X	P	X
Concert hall or other performing arts space <sup>1</sup>	new	P	P	SP	X	X	X	X
[Dance Hall or special event location]	[new]	[P]	[P]	[SP]	[X]	[X]	[X]	[X]
[Cabaret]	[new]	[P]	[P]	[SP]	[X]	[X]	[X]	[X]
Outdoor performance sites	new	P	P	SP	SP	SP	SP	P
Dinner theater	new	P	P	SP	X	X	X	X
[Drinking places, including bars, nightclubs, or cocktail lounge]	[new]	[P]	[P]	[SP]	[X]	[X]	[X]	[X]
Performing arts ticket office or booking agency	new	P	X	X	X	X	X	X
Performing arts ticket office or booking agency as auxiliary use	new	P	P	SP	X	X	X	X
Artists' supply store	new	P	P	SP	X	X	P	X
Bead, jewelry supply	new	P	P	SP	X	X	X	X

Use	Source	Character Areas						
		TC	APE	NAP	MRC	TRN	NC	SVP
Blueprint/ GIS Mapping/ architectural supply store	new	P	P	SP	X	X	X	X
Cafés, for table and/or bar service of tea, coffee, other beverages, and food	new	P	P	SP	X	X	P	X
Card shop	new	P	P	SP	X	X	P	X
Ceramic supply	new	P	P	SP	X	X	X	X
Costume rental	new	P	P	SP	X	X	X	X
Digital services, e.g., web, sound, or graphic design and editing	new	P	P	SP	X	X	P	X
Ice cream shop	new	P	P	SP	X	X	P	X
Fabric, knitting or rug making supply store	new	P	P	SP	X	X	P	X
Fashion design studio	new	P	P	SP	X	X	P	X
Mail box service	new	P	P	SP	X	X	P	X
Musical recording or musical instruments store	new	P	P	SP	X	X	P	X
Paper and supplies store	new	P	P	SP	X	X	P	X
Picture framing shop	new	P	P	SP	X	X	P	X
Live/work unit	new	P	P	P	X	SP	P	X
(2) COMMERCIAL:	27-461							
Distillery for the production of fuel alcohol	27-441	X	X	X	X	X	X	X
Limited professional uses in multifamily projects	27-441	P	P	SP	P	X	P	X
(A) Eating or Drinking Establishments:	27-461							
Drive-in restaurant	27-461	X	X	X	X	X	X	X
Fast-food restaurant	27-461	SP	SP	X	X	X	SP	X
Other than a drive-in or fast-food restaurant (which may include incidental carry-out service, except where specifically prohibited):	27-461, 27-473							
(i) Permitting no entertainment [(of any sort)] other than music and no patron dancing, with hours that do not extend beyond 11:00 P.M.:	27-461							
(a) On not less than 5 acres with no greater than 10 percent impermeable surface		X	X	X	X	X	X	P
(b) All others		P	P	SP	X	X	P	X
(ii) Permitting live entertainment <sup>1</sup> or patron dancing with hours of operation that extend beyond 11:00 p.m. and not within 60 feet of single-family residentially zoned property.	27-461	SP	P	SP	X	X	X	X

Use	Source	Character Areas						
		TC	APE	NAP	MRC	TRN	NC	SVP
[(iii) All others]	[27-461, 27-473]	[SP]	[SP]	[X]	[X]	[X]	[SP]	[X]
(B) Vehicle, Mobile Home, Camping Trailer, and Boat Sales and Service:	27-461							
Bus maintenance accessory to a private school, educational institution, church, or other place of worship	27-441, 27-461	X	X	X	X	X	X	X
Boat fuel sales at the waterfront	27-461	X	X	X	X	X	X	X
Boat sales, rental, service, and repair, including outdoor storage of boats and boat trailers	27-461, 27-473	X	X	X	X	X	X	SP
Boat storage yard	27-461	X	X	X	X	X	X	SP
Car wash	27-461, 27-473	X	X	X	X	X	X	X
Gas station (in the C-M Zone, subject to Detailed Site Plan review in accordance with Section 27-358(a)(1),(2),(4),(5),(6), (7),(8),(9), and (10))	27-461, 27-473	X	X	X	X	X	X	X
Incidental automobile service in a parking garage	27-461, 27-473	X	X	X	X	X	X	X
Vehicle lubrication or tune-up facility, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage	27-461, 27-473	X	X	X	X	X	X	X
Vehicle, mobile home, or camping trailer repair and service station	27-461, 27-473	X	X	X	X	X	X	X
Vehicle, mobile home, or camping trailer sales or rental lot	27-461, 27-473	X	X	X	X	X	X	X
Vehicle or camping trailer rental (in the C-M Zone, subject to Section 27-417(a),(b)(2), and (c))	27-461	X	X	X	X	X	X	X

<sup>1</sup> No adult or X-rated, nude or semi-nude venues of any type, including but not limited to live, film, digital, hologram, and similar displays.

**Revision 2**

Revise the following Development Standards:

1. Page 135 of the adopted plan, Table 1 (as modified by PGCPB Resolution 04-199, page 8, Item 8):

Build-to Line (Distance behind R-O-W line in feet)

Location	Build-to Line	Variation
Along US 1 excluding the segment from Jefferson Street to Farragut Street <u>(the ultimate right-of-way for US 1 from Oliver Street to Hamilton Street shall be 60 feet to 80 feet).</u>	10-12 feet behind R-O-W	+ 4 feet

2. Page 136, Standard 5: Development on lots or parcels greater than four acres in size should place utility lines underground or relocated them to the rear of the property in coordination with the appropriate utility. This standard applies only to new utilities to be placed with proposed development or redevelopment.
3. Page 139, Standard 2: Parking for a residential or live/work use shall be a minimum of 1.5 [1.0] on-site spaces per unit.
4. Page 139, Standard 6: The [maximum] number of off-street surface parking spaces for uses with at least 35,000 square feet GFA, other than artist studio, residential and live/work, shall [be equal to] not exceed 80 percent of the [minimum] number of [required] off-street parking spaces [in accordance with] required by Section 27-568(a) of the Zoning Ordinance. The section's requirements will apply to all development under 35,000 square feet GFA.
5. Page 140, Standard 2: Residential unit garages should [shall] be located at the rear of the property and accessed from a side street or alley.
6. Page 143, Standard 1 (as modified by PGCPB Resolution 04-199, page 10, Item 17): Building adjacent to a one-family dwelling [or a historic landmark] shall have a maximum height of 42 feet. Buildings adjacent to a historic landmark shall have a height that is found to be architecturally compatible with that landmark.
7. Page 143, Standard 2 (as modified by PGCPB Resolution 04-199, page 10, Item 17): Residential or live/work buildings [Building] on US 1, Alt. US 1, and 38<sup>th</sup> Street should have a minimum height of 28 feet. The minimum height of commercial buildings on these streets should be 18 feet.

8. Page 144, Standard 2 (as modified by PGCPB Resolution 04-199, page 10, Item 19): Commercial buildings shall have a minimum ground floor height of 12 feet. [The floor level of residential units located on the ground floor should be raised a minimum of 30 inches above any adjacent streetside sidewalks.]
9. Page 147, Standard 5: [Tree] On Us 1, Alt. US 1 and 38th Street, tree boxes shall [have minimum dimension of] be at least 5 feet wide, 10 feet long, and 4 feet deep [and shall be located every 30 to 40 feet]. On all other streets, the tree boxes shall be at least 4 feet wide, 8 feet long, and 4 feet deep. All tree boxes shall be spaced 30 to 40 feet apart.



1 BE IT FURTHER RESOLVED that the staff is authorized to make appropriate text and  
 2 map revisions to correct identified errors, reflect undated information, and incorporate the  
 3 Zoning Map changes reflected in this Resolution.

4 BE IT FURTHER RESOLVED that this Sectional Map Amendment is an amendment to  
 5 the Zoning Ordinance and to the official Zoning Map for the Maryland-Washington Regional  
 6 District in Prince George's County. The zoning changes approved by this Resolution shall be  
 7 depicted on the official Zoning Maps of the County.

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

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

Adopted this 30th day of November, 2004.

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: \_\_\_\_\_  
 Tony Knotts  
 Chairman

ATTEST:

\_\_\_\_\_  
 Redis C. Floyd  
 Clerk of the Council