

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/23/2004
Reference No.: CB-071-2004
Draft No.: 1
Proposer(s): Park & Planning
Sponsor(s): Knotts
Item Title: An Ordinance allowing Development District Standards of a Development District Overlay Zone to permit uses prohibited in the underlying zone.

Drafter: Joe Chang, M-NCPPC
Resource Personnel: Jackie Brown, Director

LEGISLATIVE HISTORY:

Date Presented: 7/13/2004	Executive Action:
Committee Referral: 7/13/2004 - PZED	Effective Date: 1/10/2005
 Committee Action: 9/29/2004 - HELD 10/26/2004 - FAV	
 Date Introduced: 11/1/2004	
Public Hearing: 11/23/2004 - 10:00 AM	
 Council Action (1) 11/23/2004 - ENACTED	
Council Votes: MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A	
Pass/Fail: P	
Remarks:	

AFFECTED CODE SECTIONS:

27-548.22

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 10/26/2004

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

Staff summarized the issues discussed at the September 29 meeting and informed the committee that the Planning staff had revised the use list in the Sector Plan to remove certain uses that were of concern.

The committee concluded that these deletions would not be deemed substantive and would therefore not require an additional public hearing on the Sector Plan.

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 9/29/2004

Held in committee.

Staff gave an overview of the bill and summarized referral comments that were received. CB-71-2004 was transmitted by the Planning Board for the purpose of implementing the Gateway Arts District Sector Plan's goals and recommendations. The Development District Overlay Zone regulations in the Zoning Ordinance provide now that development standards in a development district may not permit uses prohibited in the underlying zones of district properties. CB-71-2004 reverses that rule, to allow such standards in the Gateway Arts District, where the uses (otherwise prohibited) are compatible with Arts District goals and D-D-O Zone purposes.

Joseph Chang of the Planning Department's Community Planning Division addressed the committee providing background on the Gateway Arts District Sector Plan and the intent of this bill to provide a means of allowing arts-related uses that are not otherwise mentioned in the underlying zones contained in the Zoning Ordinance.

The Principal Counsel and the Office of Law found the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-71-2004.

In reviewing a copy of the use tables proposed in the Gateway Arts District Sector Plan, Council Member Exum expressed concern about some of the permitted uses, such as dance hall or special event location, cabaret, drinking places, including bars, nightclubs, or cocktail lounge. Ms. Exum indicated that since there is a desire to limit these types of uses in other parts of the County, it is not advisable to allow them in the Arts District. Council Member Dean echoed Ms. Exum's concern and commented on problems that are often associated with these types of uses.

Chairman Dernoga suggested that the use tables subcommittee of the Zoning Ordinance Task Force review the uses proposed for the Arts District as part of their effort to condense the list of uses into a few general areas. Al Dobbins, Community Planning Division Chief, indicated that the Planning staff would work with the Council and their staff to refine the list and provide further definition of certain uses.

The Principal Counsel informed the committee that a public hearing was held on the Gateway Arts District Sector Plan, and if the use list were modified significantly, an additional public hearing would be necessary extending the approval date of the Plan.

The Legislative Officer advised the committee that it would be more appropriate to regulate activity rather than narrowly define uses in the Zoning Ordinance as a means of addressing concerns associated with certain uses.

The committee suggested further review of these issues prior to taking action on the bill.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

Section 27-548.22 of the Zoning Ordinance allows Development District Standards, of the Development District Overlay (D-D-O) Zone, approved in conjunction with a Sectional Map Amendment to limit land uses permitted in the underlying zone but does not allow uses prohibited in the underlying zone. This legislation would allow Development District Standards of the D-D-O Zone within the Prince George's County Gateway Arts District to add new uses that are prohibited in the underlying zone but are compatible with the goals of the Gateway Arts District.

CODE INDEX TOPICS:

INCLUSION FILES:
