

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2017 Legislative Session**

Resolution No. CR-17-2017
Proposed by Council Member Taveras
Introduced by Council Members Taveras, Lehman, Glaros, Franklin and Davis
Co-Sponsors _____
Date of Introduction March 28, 2017

RESOLUTION

1 A RESOLUTION concerning
2 The 2004 Gateway Arts District for Prince George’s County
3 For the purpose of approving a minor amendment to the Gateway Arts Development District
4 Table of Permitted Uses within the 2004 *Sector Plan and Sectional Map Amendment for the*
5 *Prince George's County Gateway Arts District.*

6 WHEREAS, on November 30, 2004, the Prince George’s County Council, sitting as the
7 District Council for that portion of the Maryland-Washington Regional District in Prince
8 George’s County (“District Council”) approved the 2004 *Sector Plan and Sectional Map*
9 *Amendment for the Prince George’s County Gateway Arts District*, and

10 WHEREAS, in accordance with the provisions of the Zoning Ordinance of Prince George’s
11 County, Maryland, being also Subtitle 27 of the Prince George’s County Code (“Zoning
12 Ordinance”), the comprehensive zoning approval approved by the District Council also approved
13 a D-D-O (Development District Overlay) Zone for the geographic area of Prince George’s
14 County included within the plan boundaries of the Gateway Arts District; and

15 WHEREAS, as stated within Section 27-548.19 of the Zoning Ordinance, the purpose of
16 the D-D-O Zone is to ensure that the development of land in the Gateway Arts development
17 district meets the goals established for the district set forth in the Sector Plan and takes advantage
18 of unique opportunities presented by the district; and

19 WHEREAS, pursuant to Section 27-548.24 of the Zoning Ordinance, the District Council’s
20 2004 Gateway Arts Sector Plan and Sectional Map Amendment (“SMA”) approved certain
21 development district standards, including seven (7) character areas to govern development within

1 the Gateway Arts Development District area, and which replace or modify the development
2 regulations applicable to the underlying zoning classifications therein; and

3 WHEREAS, the Gateway Arts Development District standards approved by the District
4 Council also include a Table of Uses Permitted for each character area that controls the
5 underlying uses listed in the Zoning Ordinance; and

6 WHEREAS, the District Council takes administrative notice of the provision of the
7 Gateway Arts Development District that, if a use is not listed in the Development District Table
8 of Uses, said use shall be prohibited; and

9 WHEREAS, as a result, the District Council finds that, since approving the Gateway Arts
10 Development District in 2004, subsequent amendments to the text of the Zoning Ordinance
11 established certain additional uses within the local zoning laws, such as “Tattoo Parlor” and
12 “Music Recording Studio,” which, by operation of law, were not contemplated at the time the
13 Table of Permitted Uses for the 2004 Gateway Arts Development District was approved, and are
14 thus prohibited uses within the Gateway Arts Development District; and

15 WHEREAS, it is the desire of the District Council to address these two subsequently
16 enacted uses that were not previously contemplated within the Gateway Arts Development
17 District Table of Permitted Uses, and

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

21 WHEREAS, the District Council adopted CR-089-2016 on November 14, 2016, thereby
22 directing initiation of a minor amendment to the 2004 *Sector Plan and Sectional Map*
23 *Amendment* in order to propose the addition of the uses “Tattoo Parlor” and “Recording Studio”
24 to certain character areas within the Gateway Arts Development District; and

25 WHEREAS, as previously adopted by way of the findings set forth in CR-089-2016, it
26 remains the finding of the District Council that the proposed minor amendments to the Gateway
27 Arts Development District are authorized by the provisions of Section 27-642 of the Zoning
28 Ordinance, because the subject proposed minor amendment: (1) advances the goal of an
29 approved development district plan; (2) involve no more than 50% of the underlying plan area,
30 but are not limited to a single property or property owner; and (3) do not constitute an

1 amendment which would require major transportation analysis and/or modeling, revised water
2 and sewer classifications, or any Adequate Public Facilities analysis; and

3 WHEREAS, in accordance with the prescriptions of law, the District Council and Planning
4 Board thereafter conducted a duly advertised joint public hearing on February 7, 2017, in order
5 to receive public comment and other testimony into a record of joint public hearing testimony
6 concerning the proposed minor amendments to the Gateway Arts Development District; and

7 WHEREAS, after the close of the record of joint public hearing testimony on February 10,
8 2017, Planning Board's technical staff prepared a summary of testimony submitted to the record
9 for the February 7, 2017, joint public hearing on the proposed minor amendment for use by
10 Planning Board for use in preparation of a recommendation as to the proposed amendments to
11 the 2004 Gateway Arts Development District standards, as required by law; and

12 WHEREAS, upon conducting a public work session on the proposed minor amendments on
13 March 2, 2017, Planning Board voted to adopt Resolution No. PGCPB No. 17-28, including its
14 recommendations for approval of the minor amendments proposed for the 2004 Gateway Arts
15 Development District embodied therein, and transmitted same to the District Council on March
16 2, 2017, respectively, in accordance with the applicable prescriptions of law; and

17 WHEREAS, on March 21, 2017, the District Council held a public work session, convened
18 by the Council Chairman as the Committee of the Whole in accordance with all applicable
19 administrative procedures and provisions of law, to examine the record of joint public hearing
20 testimony; the digest of said hearing testimony prepared by Planning Board technical staff; and
21 the recommendations adopted by Planning Board regarding the proposed minor amendments to
22 the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway
23 Arts District*; and

24 WHEREAS, after respective procedural and substantive presentations by legal counsel to
25 the Council and Planning Board staff, as well as questions and other discussion regarding the
26 record of hearing testimony for the proposed minor amendment by members of the District
27 Council, the Committee of the Whole voted favorably on March 21, 2017, to direct staff to
28 prepare a resolution of approval as to the proposed minor amendments to the 2004 *Sector Plan
29 and Sectional Map Amendment for the Prince George's County Gateway Arts District*, in
30 accordance with the recommendations adopted by Planning Board within PGCPB No. 17-28.

1 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George’s
2 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
3 Regional District in Prince George’s County, Maryland, that, in accordance with Sections 27-
4 548.26 and 27-642 of the Zoning Ordinance for Prince George’s County, Maryland, being also
5 Subtitle 27 of the Prince George’s County Code, the proposed minor amendment to the 2004
6 *Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts*
7 *District*, as set forth in the recommendation of approval and embodied in a resolution adopted by
8 Planning Board via PGCPB No. 17-28, as set forth in Attachment A hereto and incorporated as if
9 restated fully herein, be and the same is hereby APPROVED.

10 BE IT FURTHER RESOLVED that the Clerk of the Council shall transmit a copy of this
11 Resolution to the Prince George’s County Planning Board of the Maryland-National Capital Park
12 and Planning Commission in accordance with the requirements of Sections 27-548.26 and 27-
13 642 of the County Zoning Ordinance.

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

Adopted this 28th day of March , 2017.

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: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council