

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**
Prince George's County Planning Board
Office of the Chairman

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Upper Marlboro, Maryland 20772
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May 30, 2019

The Honorable Todd M. Turner
Chairman, Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Chairman Turner: 

District Council Resolution 17-2019 directed the Planning Board to initiate a minor amendment to the 2004 Gateway Arts District Development District Overlay (D-D-O) Zone Table of Permitted Uses within the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* to include "Urban Farm" as a permitted use within the Traditional Residential Neighborhood (TRN) character area of the Gateway Arts District.

On April 14, 2019, the Planning Board reviewed the proposed minor amendment to the Gateway Arts District Development District Overlay (D-D-O) Zone Table of Permitted Uses and initiated the minor amendment. The Planning Board reviewed the Technical Staff report and the digest of testimony received by the close of record on May 15, 2019, at their regularly scheduled meeting on May 30, 2019. The Planning Board recommends approval of the proposed minor amendment in CR-17-2019. The Planning Board further recommends the County Council evaluate the provisions of Section 27-441(b), Footnote 129, of the Zoning Ordinance based on the issues raised in testimony.

Enclosed is a copy of the Technical Staff Report which contains the staff analysis of the proposed minor amendment. The staff analysis also reviews the public testimony received at the joint public hearing.

Thank you for considering our recommendation. If the Planning Board can be of further assistance to you regarding this matter, please contact me or call Michael Zamore, Project Leader, at 301-952-3253.

Sincerely,



Elizabeth M. Hewlett
Chairman

Enclosures:

1. Planning Board Resolution 19-69
2. Staff report and recommendation
3. Staff Analysis of Testimony from the April 30, 2019 Joint Public Hearing regarding a proposed change to the Gateway Arts District Development District Overlay Zone Table of Permitted Uses
4. PowerPoint, May 30, 2019, Planning Board worksession
5. April 30, 2019 public hearing transcript, including the list of speakers
6. Exhibits received by the Clerk of the Council, including submissions admitted into the public hearing record by its May 15, 2019 closing date

cc: Prince George's County Council Members
Andree Green Checkley, Planning Director
Derick Berlage, Acting Deputy Planning Director
Kipling Reynolds, AICP, Chief, Community Planning Division
Scott Rowe, AICP, CNU-A, Supervisor, Community Planning Division, Long-Range Planning Section
Michael Zamore, Planner Coordinator, Community Planning Division, Long-Range Planning Section

PGCPB No. 19-69

RESOLUTION

WHEREAS, on March 5, 2019, the District Council adopted CR-17-2019 directing the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission to initiate a minor amendment to the Development District Overlay Zone Table of Permitted Uses within the *2004 Approved Sectional Map Amendment for the Prince George's County Gateway Arts District*; and

WHEREAS, the minor amendment is to include "Urban Farm" uses to the Table of Permitted Uses, and permit them in the Traditional Residential Neighborhood Character Area; and

WHEREAS on April 14, 2019, the Prince George's County Planning Board initiated the minor amendment process at its regular session; and

WHEREAS, the Prince George's County Planning Board, in conjunction with the Prince George's County District Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the Minor Amendment to the Prince George's County Gateway Arts District Development District Overlay Zone, on April 30, 2019; and

WHEREAS, on May 30, 2019, the Planning Board held a public worksession on the minor amendment to examine the analysis of testimony presented at the April 30, 2019 joint public hearing and exhibits received before the close of the public record on May 15, 2019; and

WHEREAS, a technical staff report has been prepared that analyzes the proposed minor amendment to the Prince George's County Gateway Arts District Development District Overlay Zone; and

WHEREAS, testimony was presented during the Joint Public Hearing that identified potential interaction between the proposed Minor Amendment and the provisions of Section 27-441(b), Footnote 129, of the Zoning Ordinance; and

WHEREAS, per Section 27-642(e) of the Zoning Ordinance of Prince George's County, the Planning Board shall transmit a draft of the proposed amendment, a technical staff report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone amendment within 30 days of the date of the joint public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby recommend Prince George's County District Council APPROVE the Minor Amendment to the Prince George's County Gateway Arts District Development District Overlay Zone, this said approval to update the Gateway Arts District Development District Overlay Zone Table of Permitted Uses, adding "Urban Farm" as a permitted use within the Traditional Residential Neighborhood Character Area and prohibiting this use in the other Character Areas; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the minor amendment has been prepared in accordance with the requirements of Section Sec. 27-642 of the Zoning Ordinance; and


BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the minor amendment, as heretofore described, is in conformance with the principles of orderly comprehensive land use planning and staged development, being consistent with the *2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, and with consideration having been given to the applicable County Laws, Plans, and Policies; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board recommends the County Council evaluate Section 27-441(b), Footnote 129, and consider revising its provisions to address issues raised in the public testimony on this Minor Amendment.

This is to certify that the foregoing is a true and correct 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 Bailey, seconded by Commissioner Geraldo with Commissioners Hewlett, Bailey and Geraldo voting in favor of the motion, and with Commissioners Washington and Doerner absent at its regular meeting held on Thursday, May 30, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of May 2019.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 5/30/19



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3972

May 30, 2019

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Andree Green Checkley, Planning Director *AGC*
Kipling Reynolds, AICP, Chief, Community Planning Division *K.R.*

FROM: Scott Rowe, AICP, CNU-A, Supervisor, Long Range Planning Section, Community Planning Division *for S.R.*
Michael Zamore, Planner Coordinator, Long Range Planning Section, Community Planning Division *MZ*

SUBJECT: **CR-17-2019, Proposed Minor Amendment of the 2004 Gateway Arts District Development District Overlay (D-D-O) Zone**

On March 5, 2019, the District Council adopted Council Resolution (CR)-17-2019, directing the Planning Board to initiate a minor amendment to the Gateway Arts District Development District Overlay (D-D-O) Zone's Table of Permitted Uses within the 2004 *Approved Sectional Map Amendment for the Prince George's County Gateway Arts District*. The proposed change is to add "Urban Farm" as a permitted use in the Traditional Residential Neighborhood (TRN) character area of the Gateway Arts District. Pursuant to Section 27-642 of the Zoning Ordinance, on April 14, 2019, the Planning Board initiated the proposed minor amendment to the Gateway Arts District Development District Overlay Zone. Staff has prepared a report that evaluates the proposed change to the Development District Overlay Zone (see Attachment 1).

A Joint Public Hearing on the minor amendment was held on Tuesday, April 30, 2019. Twenty-nine (29) testimonies were received at the public hearing and prior to the close of the public record on May 15, 2019. Of these testimonies seven (7) supported the minor amendment and 22 opposed it. The analysis of testimony on the proposed change to the Gateway Arts District Development District Overlay Zone is in Attachment 2.

Staff Recommendation:

Staff recommends **APPROVAL** of the proposed Minor Amendment and that the County Council evaluate the provisions of Section 27-441(b), Footnote 129, in response to the testimony received at the Joint Public Hearing for CR-17-2019

Attachment 1

MINOR AMENDMENT TO THE PRINCE GEORGE'S COUNTY GATEWAY ARTS DISTRICT DEVELOPMENT DISTRICT OVERLAY (D-D-O) ZONE (CR-17-2019)

STAFF REPORT

The District Council, by Council Resolution CR-17-2019, adopted on March 5, 2019, directed the Planning Board to initiate a Minor Amendment of the Gateway Arts District Development District Overlay (D-D-O) Zone Table of Permitted Uses within the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* pursuant to the procedures described in Section 27-642 of the County Zoning Ordinance. CR-17-2019 proposes a change to the Development District Overlay (D-D-O) Zone to include "Urban Farm" as a permitted use within the Traditional Residential Neighborhood (TRN) of the Gateway Arts District.

CR-17-2019 was adopted pursuant to Section 27-642 of the County Zoning Ordinance, which provides for the Minor Amendment of Approved Master, Sector, Functional Plans, and Development District Overlay Zones. On Thursday, April 30, 2019, the Planning Board initiated CR-17-2019, under Section 27-642.

BACKGROUND

Location: The Prince George's County Gateway Arts District Development District Overlay (D-D-O) Zone covers 1,908 acres of land in northwestern Prince George's County. Its boundaries encompass four municipalities along the US 1 Corridor: City of Hyattsville, City of Mount Rainier, Town of Brentwood, and Town of North Brentwood. (see Figure 1) These municipalities are located within Councilmanic District 2, Planning Area 68, and are within the Established Communities policy area as defined by the 2014 *Approved Plan Prince George's 2035 General Plan* (Plan 2035).

1. **Plan Approval:** The Sector Plan was approved by CR-78-2004, on November 30, 2004. This sector plan replaced the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* for the portions of Planning Area 68 within the sector, and amended the 2002 *Prince George's County Approved General Plan*, the 1982 *Master Plan of Transportation*, the 1983 *Functional Master Plan for Public School Sites*, the 1990 *Public Safety Master Plan*, the 1992 *Prince George's County Historic Sites and Districts Plan*, and the 1975 *Countywide Trails Plan with the 1985 Equestrian Addendum*.
2. **Section 27-642:** Section 27-642 of the County Zoning Ordinance: Minor Amendment to Approved Master, Sector, Functional Plans, and Development District Overlay Zones, governs the minor amendment process. It reads as follows:
 - (a) Minor amendments of approved master, sector, functional plans and/or associated Development District Overlay Zones may be initiated by Resolution of the District Council, or by the Planning Board upon approval by Resolution of the District Council. At the time of initiation, a joint public hearing date shall be scheduled to occur within 60 days, in accordance with the notice requirements set forth in Sections 27-644(b)(2)(A) through Section 27-644(b)(2)(D) of this Subtitle.

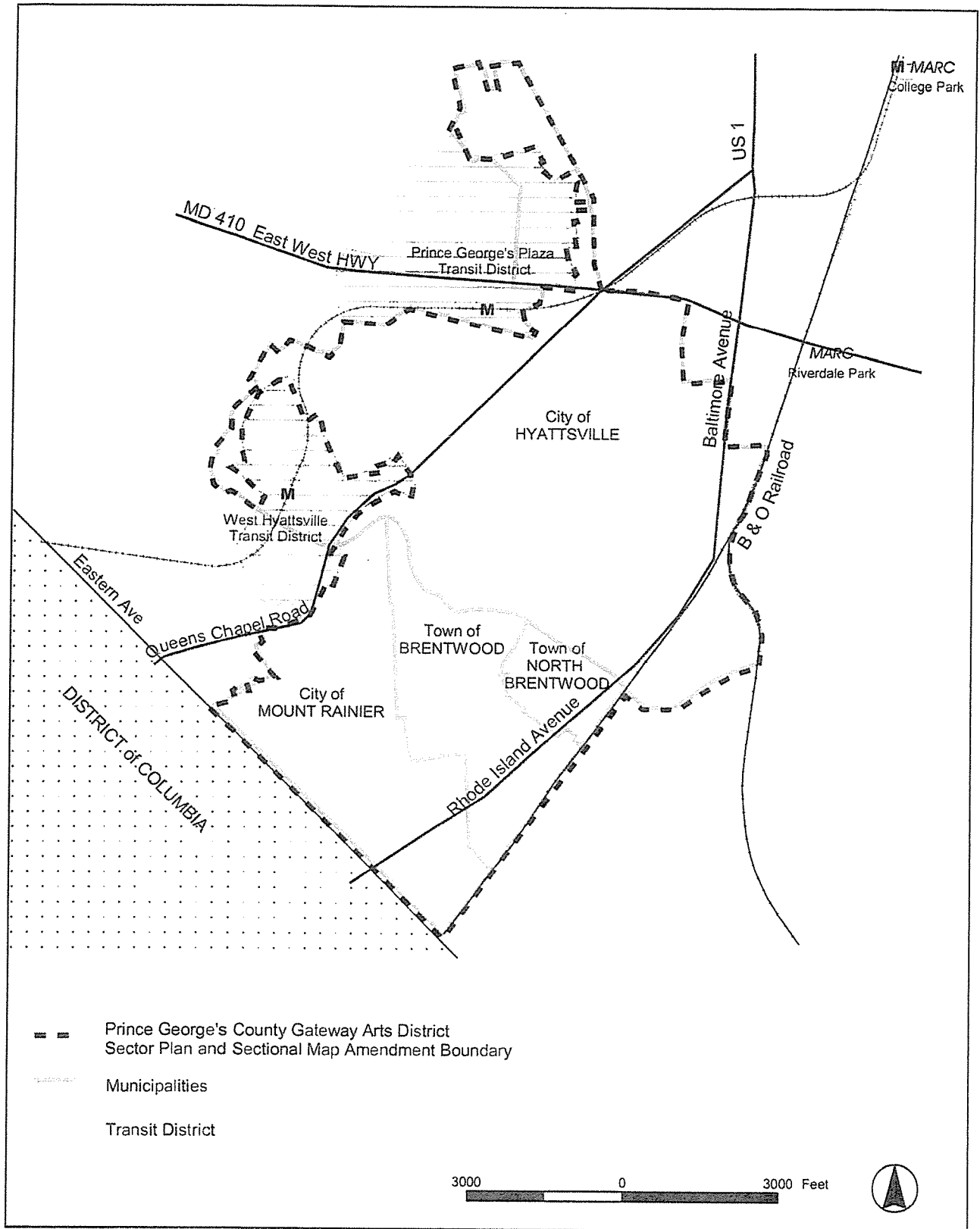


Figure 1. Gateway Arts District Boundary

- (b) The minor amendment process may be utilized to:
 - (1) advance the goals of an approved comprehensive plan, functional plan, or development district plan; or
 - (2) safeguard the public safety health and welfare of citizens and residents within the plan area boundaries.

- (c) The scope of the minor amendment shall be limited to:
 - (1) a geographic area which is not more than 50% of the underlying plan area, but not limited to a single property or property owner;
 - (2) limited to specific issues regarding public planning objectives; or
 - (3) for the purpose of correcting errors in the text or maps in the applicable plan.
 - (4) Notwithstanding subsections (1) through (3), herein, the minor amendment process shall not be utilized for any amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.

- (d) The Resolution initiating a minor amendment shall set forth the purpose and scope of the proposed amendment, and shall state the date of the joint public hearing on the proposed amendment.

- (e) The Planning Board shall transmit a draft of the proposed amendment, a technical staff report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone amendment and/or the Planning Board's adoption of the plan amendment within 30 days of the date of the joint public hearing.

- (f) Within 90 days of receipt of the Planning Board's recommendation, the District Council shall approve, approve with revisions, or disapprove the proposed minor amendment. (CB-35-2015)

The proposed changes under review were intended to fall under Section 27-642(a), minor amendments of approved master plans.

- 3. **Gateway Arts District Sector Plan Vision:** *The 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* envisions its four municipalities developing into vibrant arts communities, while preserving the “heart” of the four small towns. To promote context-sensitive development, the plan established seven character areas, each with its own standards and list of permitted uses.

- 4. **Traditional Residential Neighborhood Character Area:** The Traditional Residential Neighborhood (TRN) character area, encompassing 980 acres, is the largest of the seven-character areas. The TRN suggests “a glimpse of small-town America, overlaying land zoned for single-family housing (attached and detached).” The sector plan defines the character area’s main assets as “the historic houses and streetcar suburban pattern of interconnecting narrow streets and shaded sidewalks within easy access to town centers and Metro.” These are assets to be protected from encroachment or significant loss of integrity. The initiated minor amendment (CR-17-2019) is exclusively applicable to the Traditional Residential Neighborhood character area.(see Map 2 on page 5)

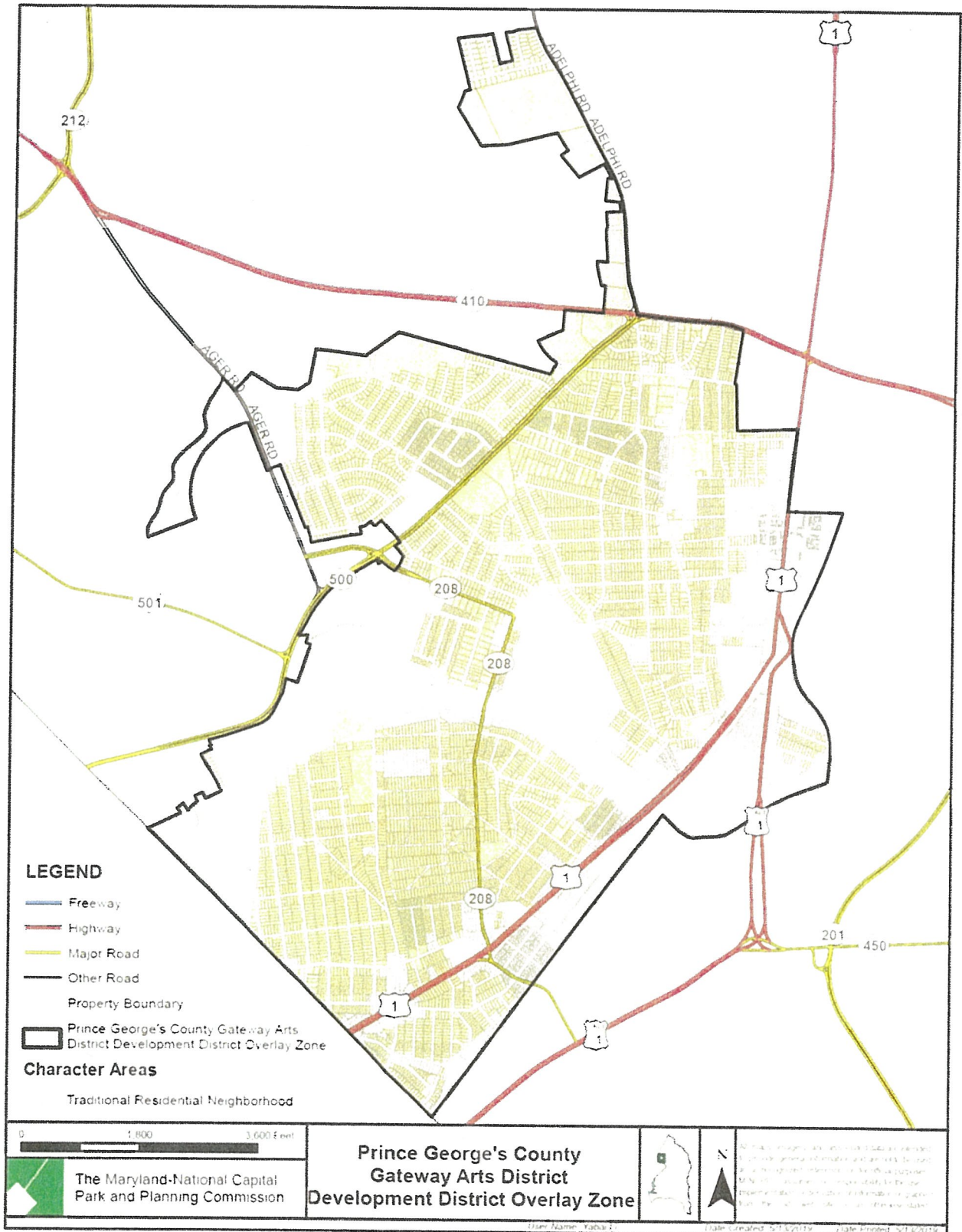


Figure 2. Map of the Prince George's Gateway Arts District Development District Overlay (D-D-O) Zone

5. **Definition of Urban Farm:** Section 27-107.01(a)(243.8) of the Zoning Ordinance defines urban farm as: “

A use that permits a non-profit organization or for-profit business to cultivate fruits, vegetables, flowers, that permits composting, beekeeping, agricultural education, and incidental sales (excluding in the R-80 and R-55 Zones) on the property and excludes livestock. However, a Health Department permit is required if fruits and vegetables are cut up or prepared foods are sold to the public. The non-profit organization or for-profit business operating an urban farm shall be a cooperator with the Prince George's Soil Conservation District and operate under an approved Farm Management Plan. Accessory structures ordinarily found in association with an Urban Farm are permitted. The appearance and scale of all accessory structures shall be in compliance with the existing requirements of the zone. Off-street parking and loading requirements in Part II and Landscape Manual regulations do not apply to an Urban Farm. The term shall not include "Agriculture."

6. **Previous Amendments Relevant to the Prince George's County Gateway Arts District Development District Overlay (D-D-O) Zone:**

- **CB-35-2015.** This Council Bill amended the Zoning Ordinance to provide a minor amendment process for approved comprehensive plans, functional plans, development district plans and associated approved Development District Overlay Zones. The amendments proposed in CR-48-2015 were the first amendments in the newly created minor amendments.
- **CR-48-2015.** Through this Council Resolution, approved on September 19, 2015, the District Council directed the Planning Board to amend the Gateway Arts District Development District Overlay Zone via three amendments:
 - Amend the development district standards of the 2004 Sector Plan and Sectional Map Amendment concerning freestanding signs in the Traditional Residential Neighborhood character area.
 - Amend the Traditional Residential Neighborhood character area's Table of Uses concerning the conversion of a one-family detached dwelling to a building containing up to three dwelling units.
 - Amend the Table of Uses Permitted, to clarify that the use “Vehicle parts and tire store” was prohibited within the Gateway Arts Development District.
- **Planning Board Resolution PGCPB No. 14-65.** In 2014 the Planning Board initiated and adopted a Bed and Breakfast Amendment 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 within the municipal boundaries of the City of Hyattsville, City of Mount Rainier, and the Town of Brentwood. It also incorporated development district standards as requirements of the use.

- **CR-80-2007.** In 2007, at the request of the City of Mount Rainier, the District Council amended nine standards of the Gateway Arts District D-D-O Zone within the Traditional Residential Neighborhood character area in Mount Rainier. CR-80-2007 replaced specific site design (net lot coverage), access and circulation, building height standards, and parking and loading with the development standards from the One-Family Detached Residential (R-55) Zone.

- **CB-97-2018.** This Council Bill “permits, on a limited basis, the development of single-family detached, single-family attached, and townhouse residential uses within the O-S (Open Space) Zone of Prince George’s County, under certain specified circumstances”. CB-97-2018 amended Section 27-441(b) of the County Zoning Ordinance. Several testimonies identified a potential unintended consequence of CR-17-2019 to inadvertently permit the construction of townhouses and one-family detached dwellings on Open Space (O-S)-zoned properties, subject to the conditions in Footnote 129 of Section 27-441(b) of the County Zoning Ordinance:

(A) The property is located within a character area that is the subject of a Minor Amendment to an area Sector Plan and Sectional Map Amendment approved on or after March 1, 2018;

(B) The property that is proposed for residential development, consisting of single-family detached and single-family attached residential dwelling units, will be located on of lot(s) or parcel(s) with an aggregate acreage of not more than One Hundred Thirty (130) acres in size;

(C) Development regulations applicable to O-S Zone set forth within this Subtitle, including minimum lot sizes, coverage, frontage, setbacks, density, lot width, yards, building height, distance between townhouse groups and other requirements shall not apply to the development of single-family detached and single-family attached (townhouse) residential dwellings as authorized herein. Instead, the density regulations for the R-R Zone shall apply. All such other development regulations, including architectural review of proposed uses for development of the subject property, shall be as established and shown on a Detailed Site Plan approved in accordance with Part 3, Division 9 of this Subtitle; and

(D) A preliminary plan of subdivision approval process shall apply to development authorized pursuant to this Section.

Staff analysis finds that:

1. Pursuant to Section 27-548.22(e) of the Zoning Ordinance, “Development District Standards may limit land uses or general use types allowed in the underlying zone where the uses are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone. Development District Standards may allow uses prohibited in the underlying zone where the uses are compatible with the goals of the Development District and purposes of the D-D-O Zone.” The Tables of Uses on pages 167-199 of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District* control the use of land within the Gateway Arts District Development District Overlay Zone, *not* the Tables of Uses in the Zoning Ordinance.

2. The following dwelling unit types are permitted by right in the Traditional Residential Neighborhood Character Area, regardless of the provisions of Section 27-441(b):
 - a. "Dwelling"
 - b. Dwelling unit on the first floor:
 - i. Facing streets wider than two lanes
 - ii. Facing streets a total of two lanes of traffic or less
 - c. Dwelling, one-family detached, cluster development
 - d. Dwelling, one-family detached (in general)
 - e. Dwelling, two-family detached
 - f. Any other dwelling unit type permitted by the District Council pursuant to Section 27-548.26(a)(1)(B).
3. The following dwelling unit types are permitted by right in the Traditional Residential Neighborhood Character Area if permitted by the provisions of Section 27-441(b):
 - a. Dwelling, one-family semidetached, if allowed in the underlying zone
 - b. Dwellings, one-family triple-attached (in general), if allowed in the underlying zone
 - c. Dwelling, quadruple-attached, if allowed in the underlying zone
 - d. Townhouse, in general, if allowed in the underlying zone
4. CB-97-2018 was adopted in 2018; it applies to properties affected by a minor amendment to the 2006 *Approved Sector Plan for the East Glenn Dale Area* (CR-20-2018).
5. CR-17-2019 does not amend an area Sector Plan.
6. However, CR-17-2019 proposes a minor amendment to a Development District Overlay Zone and, as such zones are only implemented through a sectional map amendment, and because amendments to such overlay zones are the only manner in which the District Council may amend a sectional map amendment through the provisions of Section 27-642 of the Zoning Ordinance, approval of this proposed minor amendment would potentially permit construction of dwelling units subject to the provisions of Section 27-441(b), Footnote 129.
7. There are 16 properties, totaling 7.54 acres, located in the D-D-O/O-S Zone within the TRN Character Area subject to this amendment. (see Map 3 on page 8)

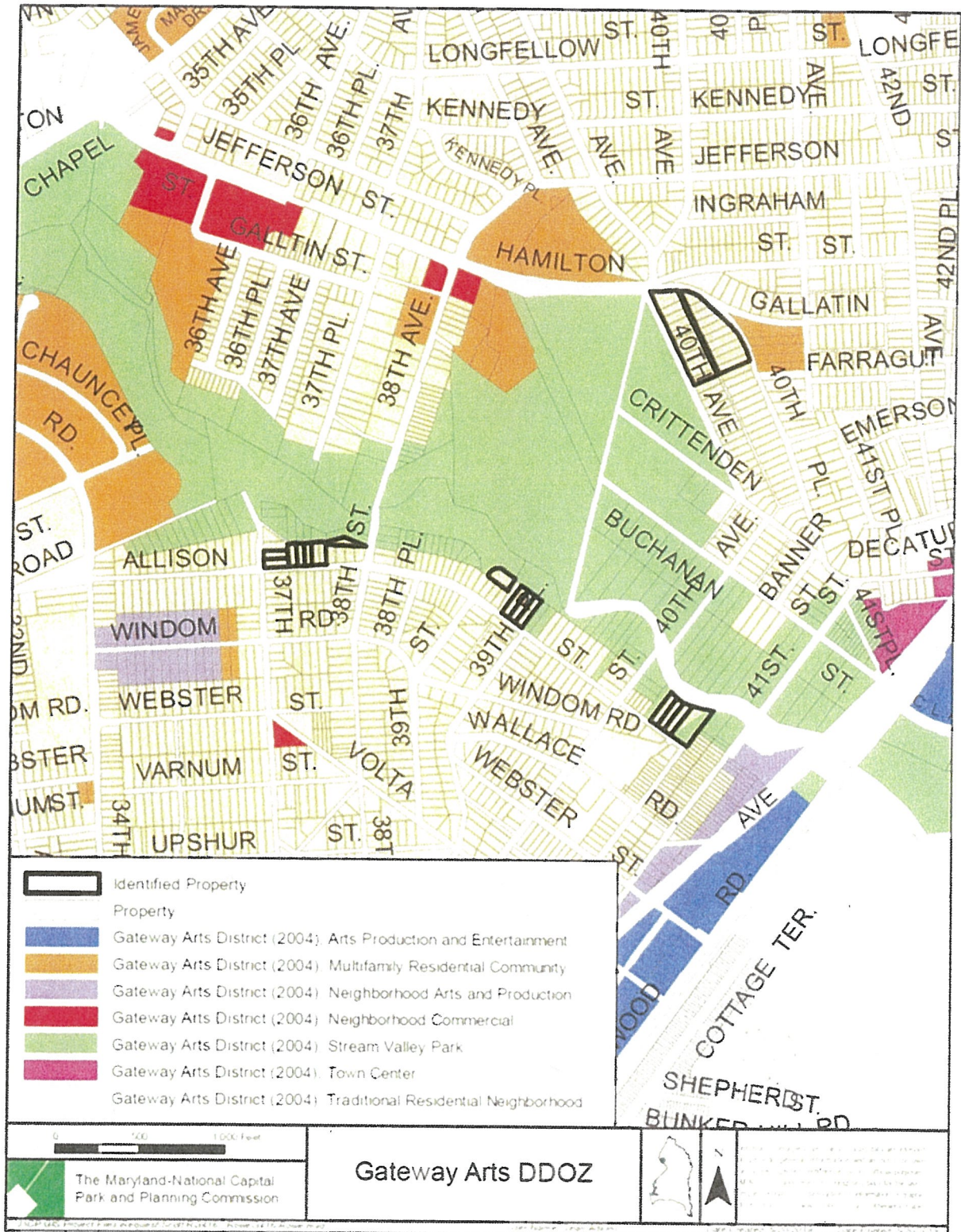


Figure 3. Map showing 16 properties, totaling 7.54 acres, located in the D-D-O/O-S Zone within the TRN Character Area.

EVALUATION

Staff reviewed and evaluated the amendment to the Prince George's County Gateway Arts District Development District Overlay Zone, for conformance to the following criteria:

1. The requirements of Section 27-642 of the Zoning Ordinance for a Minor Amendment to an Approved Master, Sector, Functional Plan and Development District Overlay Zone.
2. The requirements of Section 27-548.26 of the Zoning Ordinance for an Amendment of an Approved Development District Overlay Zone.
3. The 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*

1. Zoning Ordinance Compliance

Compliance with Sec. 27-642 (a)

Amendments of approved minor, sector, functional plans and/or associated Development District Overlay Zones may be initiated by Resolution of the District Council, or by the Planning Board upon approval by Resolution of the District Council. At the time of initiation, a joint public hearing date shall be scheduled to occur within 60 days, in accordance with the notice requirements set forth in Sections 27-644(b)(2)(A) through Section 27-644(b)(2)(D) of this Subtitle.

Comments: By Council Resolution CR-17-2019 of March 5, 2019, the District Council directed the Planning Board to initiate the minor amendment to the 2004 Gateway Arts District Development District Overlay Zone. The Planning Board initiated the minor amendment at its regular session on April 14, 2019. A joint public hearing was held on April 30, 2019.

Compliance with Sec. 27-642 (b)

The minor amendment process may be utilized to:

- (1) *advance the goals of an approved comprehensive plan, functional plan, or development district plan; or*
- (2) *safeguard the public safety health and welfare of citizens and residents within the plan area boundaries.*

Comments: Since the adoption of the Gateway Arts Development District Table of Permitted Uses in 2004, the District Council codified a new use, "Urban Farm," within the local zoning laws and permitted the use in certain zones in the County. However, the use "urban farm" was not addressed in the Gateway Arts Development District Table of Permitted Uses because the use was not yet considered in the local zoning laws. This, in effect, prohibited urban farm uses in the Development District. The proposed minor amendment to include "Urban Farm" uses and permit the use in the Traditional Residential Neighborhood character area, better aligns to both the Gateway Arts Development District's vision and the sector plan's goals.

Plan 2035 sees urban farming as "the changing nature of urban agriculture in the County". The Plan views the agriculture sector (including urban farms) not only serving as an important source of fresh

and healthy foods, but also generating direct economic returns by creating new jobs and offering hands-on training (page 224). Plan 2035's policies and strategies to promote urban agriculture include:

“Policy HC 2: Improve residents’ access to fresh foods, in particular for households living in low-income areas with limited transportation options, and promote sources of fresh foods countywide.

HC2.1 Evaluate and revise, as appropriate, the County Code to accommodate urban agriculture and ease restrictions on the production of locally-grown food.

HC2.3 In partnership with local nonprofits and community groups, the County Health Department, and the Department of Parks and Recreation, identify suitable local infill, brownfield, and other sites that may be appropriate for urban agriculture activities, community gardens, and farmers’ markets during the master planning process.”

Further, the minor amendment advances County goals to address food insecurity by making affordable, nutritious food more easily available through urban farms. By permitting urban farming within the Gateway Arts District Development District Overlay Zone, the minor amendment expands urban farm legislation in the County to include urban farms as a permitted use in an overlay zone. Prior to this, urban farming was not a permitted use in any of the County’s overlay zones. According to the new Zoning Ordinance, urban farming is a legitimate claim that deserves a place in every zone.

As stated on page 138 of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District*, the goal of the Traditional Residential Neighborhood Character Area is to “promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones.”

The purpose of the minor amendment process in Section 27-642 is to amend sector plans, master plans, functional master plans, and Development District Overlay Zones. The District Council may not amend the Zoning Ordinance through this process. Section 27-642(d) states “The Resolution initiating a minor amendment shall set forth the purpose and scope of the proposed amendment, and shall state the date of the joint public hearing on the proposed amendment.” The scope of the subject minor amendment is to add Urban Farm as a permitted use in the Traditional Residential Neighborhood Character Area. Amendments to the Zoning Ordinance are beyond the scope of this process; the provisions of Section 27-441(b), Footnote 129 may only be revised through a legislative amendment to the Zoning Ordinance.

Accordingly, staff recommends the District Council evaluate the provisions of Section 27-441(b), Footnote 129 of the Zoning Ordinance and consider amending its provisions in response to this testimony.

Compliance with Sec. 27-642 (c)

The scope of the minor amendment shall be limited to:

- (1) *a geographic area which is not more than 50% of the underlying plan area, but not limited to a single property or property owner;*
- (2) *limited to specific issues regarding public planning objectives; or*

- (3) *for the purpose of correcting errors in the text or maps in the applicable plan.*
- (4) *Notwithstanding subsections (1) through (3), herein, the minor amendment process shall not be utilized for any amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.*

Comments: The minor amendment is not consistent with Sec. 27-642(a)(1) and Sec. 27-642(a)(3) above in that the Traditional Residential Neighborhood character area of the Development District Overlay Zone, which is the target of CR-17-2019, encompasses 51.3% of the underlying plan area and the amendment's purpose is not to correct errors in the text or maps in the applicable plan. However, the scope of the minor amendment is limited only to items (1) or (2) or (3) above, and not to all three items.

The minor amendment is consistent with Sec.27-642(c)(2) and 27-642(c)(4) (see page 3) because it is limited to specific issues regarding public planning objectives (i.e. urban farming) and the amendment will not trigger major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.

Compliance with Sec. 27-642 (d)

The Resolution initiating a minor amendment shall set forth the purpose and scope of the proposed amendment and shall state the date of the joint public hearing on the proposed amendment.

Comments: In its adopted resolution CR-17-2019, the District Council directed the Planning Board to initiate a minor amendment for the Gateway Arts District Development District Overlay Zone to permit Urban Farm uses in the Traditional Residential Neighborhood (TRN) character area of the Gateway Arts Development District. Specifically, the amendment reads:

MINOR AMENDMENT ONE

Amend the Gateway Arts Development District Table of Permitted Uses to provide for "Urban Farm" uses and permit the use within the Traditional residential Neighborhood ("TRN") Character Area of the Gateway Arts Development District.

Pursuant to Section 27-642 of the County Zoning Ordinance, Council Resolution CR-17-2019 set a joint public hearing date for Tuesday, April 30, 2019.

Compliance with Sec. 27-642 (e)

The Planning Board shall transmit a draft of the proposed amendment, a technical staff report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone amendment and/or the Planning Board's adoption of the plan amendment within 30 days of the date of the joint public hearing.

Comments: A Planning Board work session is scheduled for May 30, 2019 to review and act on staff's analysis of the testimony received at the joint public hearing and prior to the close of the public

record. The Planning Board will forward its recommendation to Council by May 30, 2019 within the 30-day deadline. Staff's analysis of the testimony received is attached to this report as Attachment 3.

FINDINGS

1. The proposed minor amendment is consistent with Section 27-642 of the County Zoning Ordinance.
2. Amendment of the Gateway Arts Development District Table of Permitted Uses to add "Urban Farm" as a permitted use, is consistent with the policies and recommendations of Plan 2035 and the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.
3. The proposed minor amendment furthers Prince George's County's goals to increase food security and make more locally grown food available to Prince George's County citizens and residents. It addresses a legislative oversight that excluded urban farming as a use within the Traditional Residential Neighborhood character area of the Gateway Arts District Development District Overlay Zone. Staff fully supports the minor amendment.
4. The amendment will not trigger major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.
5. Approval of this proposed minor amendment would potentially permit construction of dwelling units subject to the provisions of Section 27-441(b), Footnote 129, on 16 properties, totaling 7.54 acres, located in the D-D-O/O-S Zone within the TRN Character Area. (see Map 3 on page 8)

Staff Recommendations:

Staff recommends APPROVAL of the proposed Minor Amendment and that the County Council evaluate the provisions of Section 27-441(b), Footnote 129, in response to the testimony received at the Joint Public Hearing for CR-17-2019