

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2015 Legislative Session

Bill No. CB-15-2015

Chapter No. _____

Proposed and Presented by Council Members Taveras and Glaros

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning
2 2004 Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts
3 District Development District Overlay (D-D-O) Zone

4 For the purpose of amending, pursuant to Section 27-548.22 of the Zoning Ordinance, the uses
5 permitted within the Traditional Residential Neighborhood (“TRN”) character area within the
6 Development District Standards set forth in the *2004 Sector Plan and Sectional Map Amendment*
7 *for the Prince George’s County Gateway Arts District Sectional Map Amendment* Development
8 District Overlay (D-D-O) Zone to prohibit the use, “conversion of a one-family detached
9 dwelling to a building containing up to three dwelling units (not considered as a two-family,
10 three-family, or multifamily dwelling)” where it is prohibited in the underlying zoning
11 classification for the property within the character area, upon finding herein that such
12 amendment is necessary for the protection of the public safety, health, and welfare of citizens
13 and residents in the *2004 Sectional Map Amendment for the Prince George’s County Gateway*
14 *Arts District D-D-O Zone*.

15 WHEREAS, on November 30, 2004, the District Council adopted CR-78-2004, to approve
16 the *2004 Sector Plan and Sectional Map Amendment for the Prince Georges’ County Gateway*
17 *Arts District* (Arts District); and

18 WHEREAS, the Sectional Map Amendment (“SMA”) approved by the District Council
19 imposed a Development District Overlay (D-D-O) Zone within the area boundaries of the Arts
20 District; and

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1 WHEREAS, the Arts District D-D-O Zone established character areas that identify the
2 distinctive features of the existing development within the District in order to provide specific
3 standards for development within each area of the Development District; and

4 WHEREAS, the Council approved a specific designation within the Development District
5 to establish a Traditional Residential Neighborhood character area, consisting of property with
6 zoning classifications in the R-55, R-35, R-20, and R-T Zones, and for which the stated sector
7 plan goal of the TRN in the Arts District is to “preserve the single-family residential
8 neighborhood character as the anchor of the Arts District, while supporting artists who produce
9 and teach from their homes”; and

10 WHEREAS, the stated land use characteristics for the TRN character area within the Arts
11 District are that “historic houses and streetcar suburban pattern of interconnecting narrow streets
12 with shaded sidewalks and easy access to town centers and Metro are to be protected from
13 encroachment or significant loss of integrity”; and

14 WHEREAS, the plain language in the Land Use Characteristics within the Development
15 District Standards for the TRN character area of the Arts District states that “this development
16 character reinforces the existing single-family detached residential neighborhoods as calm, low-
17 traffic, and child-safe,” with “fine arts and handcraft home occupations,” and “development
18 district standards that rain the black face and scale of residential streets, as well as prohibit the
19 paving over of front yards and the construction of overly wide driveway aprons”; and

20 WHEREAS, Section 27-441(b) of the Zoning Ordinance provides that “conversion of a
21 one-family detached dwelling to a building containing up to three dwelling units (not considered
22 as a two-family, three-family, or multifamily dwelling)” is a prohibited use in the R-55, R-35, R-
23 20, and R-T Zones of the County; and

24 WHEREAS, Section 27-548.22(a) of the Zoning Ordinance provides that the “uses allowed
25 on property in a Development District Overlay Zone shall be the same as those allowed in the
26 underlying zone in which the property is classified, except as modified by Development District
27 Standards approved by the District Council”; and

28 WHEREAS, notwithstanding the specific text of the Arts District Sector Plan and SMA for
29 the TRN character area, as well as the provisions of Section 27-441 of the Zoning Ordinance, the
30 Table of Uses for the TRN character area within the Development District Standards for the Arts
31 District D-D-O Zone provides that the “conversion of a one-family detached dwelling to a

1 building containing up to three dwelling units (not considered as a two-family, three-family, or
 2 multifamily dwelling)” is allowed with an approved Special Permit (“SP”) and detailed site plan
 3 process within the TRN Character Area of the Arts District; and

4 WHEREAS, Section 27-548.22(b) of the Zoning Ordinance provides that
 5 “[n]otwithstanding any other provision of this Code, the District Council may, by law, amend the
 6 uses allowed on a property within the Development District Standards of an approved D-D-O
 7 Zone to eliminate an incompatible, detrimental, or erroneous use that is permitted in the D-D-O
 8 Zone but prohibited in the underlying zoning classification for the property, upon finding that
 9 such amendment necessary to safeguard the public safety, health, and welfare of the citizens and
 10 residents within an approved D-D-O Zone”; and

11 WHEREAS, the District Council hereby finds that the use known as “conversion of a one-
 12 family detached dwelling to a building containing up to three dwelling units (not considered as a
 13 two-family, three-family, or multifamily dwelling)” is incompatible with and contrary to the Arts
 14 District TRN character area designation because it impairs the purpose of the Development
 15 District TRN character area to protect “historic houses and streetcar suburban pattern of
 16 interconnecting narrow streets with shaded sidewalks and easy access to town centers and
 17 Metro” from “encroachment or significant loss of integrity,” frustrate efforts to realize land use
 18 and development prescriptions of the Arts District, and erodes the TRN character area in a
 19 manner detrimental to the public safety, health, and welfare of the citizens and residents in the D-
 20 D-O Zone; now, therefore,

21 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 22 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 23 District in Prince George's County, Maryland, that, in accordance with the provisions of Section
 24 27-548.22 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27
 25 of the Prince George's County Code, the District Council hereby finds and declares that, within
 26 the 2004 *Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway*
 27 *Arts District* Development District Overlay (D-D-O) Zone Development District Standards for
 28 the Traditional Residential Neighborhood Character Area in the R-55, R-35, R-20, and R-T
 29 Zones, the use, “conversion of a one-family detached dwelling to a building containing up to
 30 three dwelling units (not considered as a two-family, three-family, or multifamily dwelling)” is
 31 contrary to the public safety, health, and welfare.

1 SECTION 2. BE IT FURTHER ENACTED that, based on the findings set forth in Section
2 1, above, and pursuant to Section 27-548.22(b) of the Zoning Ordinance, the District Council
3 hereby amends the allowed uses set forth in the Table of Uses for the Traditional Residential
4 Neighborhood character area within the Development District Standards of the 2004 *Sector Plan*
5 *and Sectional Map Amendment for the Prince George’s County Gateway Arts District* to
6 eliminate the incompatible, detrimental, or erroneous use, namely conversion of a one-family
7 detached dwelling to a building containing up to to three dwelling units (not considered as a two-
8 family, three-family, or multifamily dwelling), in the Traditional Residential Neighborhood
9 character area where that use is prohibited in an underlying R-55, R-35, R-20, or R-T Zone.

10 SECTION 3. BE IT FURTHER ENACTED that the District Council hereby further
11 amends the Use Table for the TRN Character Area within the Development District Standards of
12 the Arts District to add a clarifying footnote at page 194 of the Arts District plan to state,
13 “Conversion of a one-family detached dwelling to a building with two dwelling units is
14 permitted with an approved special permit and detailed site plan process.”

15 SECTION 4. BE IT FURTHER ENACTED that, upon enactment, a copy of this Ordinance
16 be transmitted to the Maryland-National Capital Park and Planning Commission in order for staff
17 to make appropriate text revisions, and any necessary map revisions, to incorporate the changes
18 imposed by this Ordinance within the 2004 *Sector Plan and Sectional Map Amendment for the*
19 *Prince George's County Gateway Arts District*, and to provide notice to property owners in
20 accordance with the Zoning Ordinance, including any affected property owners.

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SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this _____ day of _____, 2015.

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: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.