

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

2006 Legislative Session

Resolution No. CR-29-2006
 Proposed by Council Member Campos
 Introduced by Council Members Campos, Peters and Knotts
 Co-Sponsors _____
 Date of Introduction April 18, 2006

RESOLUTION

1 A RESOLUTION concerning the

2 City of Mount Rainier and City of Hyattsville

3 For the purpose of approving Mount Rainier's request to be excluded from the Gateway Arts
 4 District's development district standards, in part, as the standards affect properties within Mount
 5 Rainier's Traditional Residential Neighborhood (TRN) Character Area; and also approving
 6 Hyattsville's request to be excluded from the development district standards (including the table
 7 of uses) within Hyattsville's TRN Character Area.

8 WHEREAS, the Adopted and Approved Sector Plan and Sectional Map Amendment for the
 9 Gateway Arts District, approved by the District Council on November 30, 2004, in Council
 10 Resolution 78-2004, designated the boundaries for the Gateway development district and
 11 approved development district standards for new development within the district; and

12 WHEREAS, the Gateway Arts District Sector Plan includes the City of Mount Rainier and
 13 the City of Hyattsville, and the Plan designates residential neighborhoods within these cities as
 14 part of the Gateway Arts District's Traditional Residential Neighborhood (TRN) Character Area;
 15 and

16 WHEREAS, the TRN Character Area, one of seven designated character areas within the
 17 Gateway development district, has a set of development district standards which apply to all
 18 TRN Character Area properties; and

19 WHEREAS, the City of Mount Rainier has determined that nine of the TRN development
 20 district standards should not apply within Mount Rainier's limits, because they undermine efforts
 21 to protect the historic character of Mount Rainier's traditional residential neighborhoods; and

1 WHEREAS, the Mayor and Council of the City of Mount Rainier have submitted a request
2 to the County Council of Prince George's County, sitting as the District Council, that nine
3 specific development district standards not apply within the TRN Character Area in Mount
4 Rainier; and

5 WHEREAS, the City of Hyattsville has determined that the TRN Character Area standards
6 should not apply in Hyattsville, the development district standards as approved in CR-78-2004
7 and modified in CR-3-2005, because the TRN Character Area in Hyattsville is better served by
8 the Zoning Ordinance standards in the underlying zones; and

9 WHEREAS, the Mayor and Council of the City of Hyattsville have requested that the
10 District Council amend the TRN Character Area development district standards so that they do
11 not apply within Hyattsville; and

12 WHEREAS, after full consideration, the District Council has determined that the requests
13 by Mount Rainier and Hyattsville should be approved; and

14 WHEREAS, the Mount Rainier and Hyattsville requests should be considered amendments
15 of the request by the City of Hyattsville in January 2005 for a revision of the Gateway Arts
16 District Sector Plan and Sectional Map Amendment; and

17 WHEREAS, as to the Hyattsville request, the District Council submitted and approved an
18 SMA revisory petition for the Gateway Sector Plan and SMA in CR-2-2005 and CR-3-2005, to
19 alter development district standards and procedures in Hyattsville, Brentwood, North Brentwood,
20 and Mount Rainier; and

21 WHEREAS, the Council has determined that the present requests by the City of Mount
22 Rainier, as to nine standards in the Table of Uses for the TRN Character Area, and the City of
23 Hyattsville, as to all standards in the TRN Character Area, are deemed amendments of the
24 Council's revisory petition in CR-2-2005; and

25 WHEREAS, by this Resolution, the District Council approves the amended revisory
26 petition.

27 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
28 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
29 Regional District in Prince George's County, Maryland, that the Sector Plan and Sectional Map
30 Amendment for the Gateway Arts District, approved in Council Resolution 78-2004, are hereby
31 modified, by changing the Traditional Residential Neighborhood (TRN) Character Area

development district standards as follows (with brackets indicating deletions and underlining indicating new, added language):

Revision 1: Revise the Gateway Arts District Development District Standards Table (pages 135 to 158 in the Adopted and Approved Sector Plan) by adding the following footnote to standard 17, under Site Design (page 137): This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary. R-55 development standards shall apply instead.

Revision 2: Revise the Gateway Arts District Development District Standards Table (pages 135 to 158) by adding the following footnote to standard 19, under Site Design (page 137): This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary. R-55 development standards shall apply instead.

Revision 3: Revise the Gateway Arts District Development District Standards Table (pages 135 to 158) by adding the following footnote to standard 21, under Site Design (page 137): This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary. R-55 development standards shall apply instead, where porches are not permitted in the front-yard setback area.

Revision 4: Revise the Gateway Arts District Development District Standards Table (pages 135 to 158) by adding the following footnote to standard 25, under Site Design (page 138): This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary. R-55 development standards shall apply instead.

Revision 5: Revise the Gateway Arts District Development District Standards Table (pages 135 to 158) by adding the following footnote to standard 2, under Access and Circulation (page 138): This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary.

Revision 6: Revise the Gateway Arts District Development District Standards Table (pages 135 to 158) by adding the following footnote to standard 6, under Parking and Loading (page 139): This standard does not apply to the TRN Character Area within the Mount Rainier municipal boundary. R-55 development standards shall apply instead.

Revision 7: Revise the Gateway Arts District Development District Standards Table (pages 135 to 158) by adding the following footnote to standard 7, under Parking and Loading (page 139): This standard does not apply to the TRN Character Area within the Mount Rainier

1 municipal boundary. R-55 development standards shall apply instead.

2 **Revision 8:** Revise the Gateway Arts District Development District Standards Table
 3 (pages 135 to 158) by adding the following footnote to standard 7, under Building Height (page
 4 143): This standard does not apply to the TRN Character Area within the Mount Rainier
 5 municipal boundary. R-55 development standards shall apply instead.

6 **Revision 9:** Revise the Gateway Arts District Development District Standards Table
 7 (pages 135 to 158) by adding the following footnote to standard 12, under Site Design (page
 8 137): This standard does not apply to the TRN Character Area within the Mount Rainier
 9 municipal boundary. R-55 development standards shall apply instead.

10 BE IT FURTHER RESOLVED that the Gateway Arts District Development District
 11 Standards are hereby further amended, by adding a footnote to the Table of Development District
 12 Standards and to the Table of Uses, as follows:

13 The Traditional Residential Neighborhood standards do not apply
 14 within the City of Hyattsville.

15 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable, and if
 16 any provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,
 17 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or
 18 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,
 19 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or
 20 circumstances. It is hereby declared to be the intent of the District Council that this Resolution
 21 would have been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision,
 22 sentence, clause, section, zone, zoning map, or part had not been included herein.

Adopted this _____ day of _____, 2006.

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: _____
Thomas E. Dernoga
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council