

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2005 Legislative Session

Resolution No. CR-3-2005
Proposed by Council Member Campos
Introduced by Council Member Campos
Co-Sponsors _____
Date of Introduction February 1, 2005

RESOLUTION

1 A RESOLUTION concerning

2 The Gateway Arts District Sector Plan
3 and Sectional Map Amendment

4 FOR the purpose of approving amendments to the Gateway Sector Plan and SMA, as proposed
5 in the SMA Revisory Petition adopted in CR-2-2005, amendments to serve as additions to the
6 applicability section of the Development District Standards; for the purpose of authorizing, on a
7 temporary basis, Planning Board approval of limited detailed site plans in the Gateway district,
8 to grant zoning regulation waivers similar in form and effect to variances from the Board of
9 Appeals; for the purpose of authorizing the Board of Appeals, after appropriate amendment of
10 the Zoning Ordinance, to grant variances to certain development standards in the SMA; and for
11 the purpose of making related amendments to the Gateway Development District Standards.

12 WHEREAS, by Council Resolution 78-2004, adopted November 30, 2004, the District
13 Council approved the Gateway Arts District Sector Plan and Sectional Map Amendment, to
14 place all properties in the municipalities of Hyattsville, Mount Rainier, Brentwood, and North
15 Brentwood in the Gateway Development District Overlay Zone, and to make them subject to the
16 Gateway Development District Standards approved in the SMA; and

17 WHEREAS, the District Council intended that all developed single-family residential
18 properties in the municipalities should be eligible for variances, as provided in Section 27-229
19 (a) of the Zoning Ordinance, variances to be granted by the Board of Appeals from the
20 underlying zone provisions of the Development District Standards in the Gateway SMA; and
21

1 WHEREAS, when approving the Gateway SMA, the District Council did not provide for
2 variances from the Board of Appeals for any properties, and the applicability section of the
3 Development District Standards does not cover the case of variance approval for a developed
4 single-family residential property in existence at the time of SMA approval; and

5 WHEREAS, the District Council recognizes that the variance procedure before the Board
6 of Appeals affords owners of single-family dwellings a simple, straightforward process for
7 obtaining waivers from the strict application of zoning regulations to their properties, while the
8 site plan review process before the Planning Board is much more complex, costly, and time-
9 consuming; and

10 WHEREAS, the Council agrees that the Board of Appeals variance process available to
11 owners of single-family dwellings before SMA approval should remain available, after
12 appropriate amendment of the Zoning Ordinance; and

13 WHEREAS, on January 25, 2005, in CR-2-2005, the Council approved and filed a
14 petition to revise the SMA development standards; and

15 WHEREAS, the petition in CR-2-2005 has been reviewed in public hearing before the
16 District Council, after public notice required by law; and

17 WHEREAS, after hearing, and after review of the record on the petition in CR-2-2005,
18 the District Council makes these legislative findings:

19 A. The Gateway Arts District Sector Plan and Sectional Map Amendment, approved
20 in CR-78-2004, incorporated zoning standards in the underlying zones in the SMA and the new
21 Gateway Development District Standards in the Sector Plan;

22 B. The Gateway development standards include an applicability section, which gives
23 directions for the application of the substantive standards in the Sector Plan;

24 C. The applicability section of the SMA and relevant parts of the Zoning Ordinance
25 together provide that within the Gateway Development District, variances are prohibited, and
26 property owners seeking modification or waiver of development standards must file and have the
27 Planning Board approve detailed site plans;

28 D. Neither the applicability section nor the Gateway development standards
29 themselves provide for any type of variance process, other than Planning Board review and
30 approval of a detailed site plan;

1 E. The District Council finds and determines that mistake was made in the approval
 2 of the Gateway Sector Plan and SMA, CR-78-2004, and in its Development District Standards,
 3 which did not provide for limited site plan approval by the Planning Board for owners of single-
 4 family dwellings, to allow waivers of zoning regulations in a simplified, inexpensive procedure
 5 similar to the variance procedure before the Board of Appeals.

6 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
 7 County, Maryland, Maryland, sitting as the District Council for that portion of the Maryland-
 8 Washington Regional District in Prince George's County, that the Gateway Arts District
 9 Development District Standards are hereby amended, as follows:

10 1. This paragraph is added to the applicability section of the Gateway Development
 11 District Standards:

12 For all properties in the Development District with a single-family
 13 dwelling which was completed and owner-occupied as of November 30, 2004,
 14 the Board of Appeals, if authorized by the Zoning Ordinance, shall
 15 have the power to hear and decide appeals involving variances from
 16 the strict application of the regulations in the Ordinance.

17 2. Until June 30, 2005, or the effective date of District Council amendment of the
 18 Zoning Ordinance to grant the Board of Appeals jurisdiction to hear and decide appeals
 19 involving variances in the Development District Zone, whichever date first occurs, the Planning
 20 Board is authorized to approve waivers of the zoning regulations in a limited detailed site plan
 21 procedure, as follows:

22 a. This procedure may be used only by an owner of residentially-zoned
 23 property with an owner-occupied single-family dwelling which was completed and occupied as
 24 of November 30, 2004.

25 b. The owner may request, by application filed with the Planning Board, a
 26 waiver of zoning regulations in the property's underlying zone, but not Development District
 27 Standards specifically stated for the Gateway Development District.

28 c. For the owner, the Planning Board shall have the power to hear and
 29 decide, in a limited detailed site plan procedure, an appeal involving one or more variances from
 30 the strict application of the Zoning Ordinance. The Planning Board shall apply the same

1 standards as the Board of Appeals applies in variance cases, as provided in Section 27-230 of the
2 Zoning Ordinance.

3 d. For the limited detailed site plan procedure, the Planning Board may
4 approve regulations for filing fees, application requirements, and hearing and notice rules and
5 requirements. The regulations should require of applicants substantially the same expense in
6 filing fees as they would have in obtaining variances from the Board of Appeals, and
7 substantially the same information and application materials. For this procedure, the Planning
8 Board may reduce or waive any filing fee and modify any site plan application requirement.

9 3. As to all properties in the Gateway Arts District Development District, the
10 Department of Environmental Resources shall stay enforcement of zoning regulations applicable
11 to residentially-zoned properties with an owner-occupied single-family dwelling, until June 30,
12 2005, or the effective date of District Council amendment of the Zoning Ordinance to grant the
13 Board of Appeals jurisdiction to hear and decide appeals involving variances, whichever date
14 first occurs.

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

Adopted this 8th day of March, 2005.

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: _____
Samuel H. Dean
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council