

City Council of Hyattsville, Maryland

AGENDA

City Council Regular Meeting

Monday, January 23, 2017

8:00 PM



Council Chambers

Hyattsville Municipal Building

4310 Gallatin Street, 3rd Floor

Hyattsville, MD 20781

(301) 985-5000 www.hyattsville.org

CITY COUNCIL

[Mayor Candace B. Hollingsworth](#)

[Edouard Haba, Council President, Ward 4](#)

[Bart Lawrence, Council Vice President, Ward 1](#)

[Kevin Ward, Ward 1](#)

[Robert S. Croslin, Ward 2](#)

[Shani N. Warner, Ward 2](#)

[Patrick A. Paschall, Ward 3](#)

[Thomas Wright, Ward 3](#)

[Paula J. Perry, Ward 4](#)

[Ruth Ann Frazier, Ward 5](#)

[Joseph Solomon, Ward 5](#)

ADMINISTRATION

Tracey E. Nicholson, City Administrator

Laura Reams, City Clerk, 301-985-5009, lreams@hyattsville.org

WELCOME TO THE CITY OF HYATTSVILLE CITY COUNCIL MEETING! Your participation at this public meeting is valued and appreciated.

Agenda/Packet: The Agenda/Packet is available for review at the Hyattsville Municipal Building and online at www.hyattsville.org prior the scheduled meeting (generally available no later than the Friday prior to the scheduled Monday meeting). Please note, times given for agenda items are estimates only. Matters other than those indicated on the agenda may also be considered at Council discretion.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk's Office at (301) 985-5009. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Audible Devices: Please ensure all audible devices are turned off or otherwise not audible when the City Council is in session. Thank you.

Consent Agenda: Items listed on the Consent agenda are considered to be routine in nature, and are normally approved by one motion. Please note that most items on the Consent agenda have been discussed at a previous meeting. If a Councilmember wishes to comment on a particular item, that item shall be removed from the Consent agenda to "action" to allow for additional discussion.

Public Input: If you wish to address the Council during the Public Comment period, please submit an Audience Participation Form to the City Clerk prior to the beginning of the meeting. Matters identified during Public Comment that are not on that meeting's agenda will be referred to staff for follow-up or considered on a future agenda. Issues that require a response will be addressed publically at the next regular Council meeting. Speakers are requested to keep their comments to no more than two (2) minutes per speaker. Written comments or supporting documents may be turned in to the City Clerk for distribution to the Mayor and Council.

Ways to Watch the Meetings Live: City Council meetings are broadcast live on cable television channel 71 (Comcast) and channel 12 (Verizon). You may also view meetings live online at hyattsville-md.granicus.com/MediaPlayer.php?camera_id=2

Replay Schedule: The meetings will be re-broadcast on cable television, channel 71 (Comcast) and channel 12 daily at 7:00 a.m., 1 p.m., and 8 p.m. Meetings are also able for replay online at www.hyattsville.org/councilagendas.

City Information: Sign up to receive text and email notifications about Hyattsville events, government, police and programs at www.hyattsville.org/list.aspx

Inclement Weather: In the event of inclement weather, please call 301-985-5000 to confirm the status of the Council meeting.



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1. **Call to Order and Council Roll Call**
2. **Pledge of Allegiance to the Flag**
3. **Approval of Agenda**
4. **Public Comment (8:10 p.m. – 8:20 p.m.) Limit 2 minutes per speaker**
5. **Presentations (8:20 p.m. - 8:40 p.m.)**
 - 5.a) **FY-2015 Audit Update (5 minutes)**

Motion #: Presentation
Sponsor(s): At the Request of the City Administrator
[Cover Page_FY15 Audit.pdf](#)
 - 5.b) **Riverfront at West Hyattsville Metro (15 minutes)**

Motion #: Presentation with associated Discussion Item
Sponsor(s): At the Request of the City Administrator
[Cover_Riverfront WHVL Presentation.pdf](#)

[Memo - Riverfront at West Hyattsville Metro - Presentation.docx](#)

[Riverfront at West Hyattsville Metro PPS and DSP Presentation.pdf](#)
6. **Consent Items (8:40 p.m. - 8:45 p.m.)**
 - 6.a) **Hyattsville Ordinance 2017-01: Revisions to Chapter 8, Elections Code (SECOND READING/ADOPTION)**

I move that the Mayor and Council adopt Hyattsville Ordinance 2017-01, an ordinance whereby the City Council updates chapter 8 of the Code to reflect changes in the charter regarding qualifications to vote and to make explicit the authority of the Board of Supervisors of Elections, to provide for a Supplemental Voting Registry, to add a list of definitions and duties so as to clarify the elections law, to specify minimum times for the polls to be open, to change Absentee voting to Vote-by-Mail, to adjust campaign finance reporting deadlines to reflect early voting dates, to specify certain rules, and regulations and limitations regarding campaign finance, and to outline a complaint procedure for election law violations (SECOND READING/ADOPTION).

Motion #: 119-01-FY17
Sponsor(s): At the Request of the City Administrator
[Cover Page_Ordinance 2017-01.pdf](#)

[Chapter 8 Elections FINAL.pdf](#)
 - 6.b) **Appointment to the Planning Committee**

I move that the Mayor and Council re-appoint David Marshall (Ward 2) to the Planning Committee for a term of 2 years to expire on January 23, 2019.

Motion #: 120-01-FY17

Sponsor(s): Haba, Wright

[Cover Page Planning Appointment.pdf](#)

[D. Marshall Planning Reappointment.pdf](#)

6.c) Appointment to the Code Compliance Advisory Committee

I move that the Mayor and Council appoint Nicolas Michiels (Ward 1) to the Code Compliance Committee for a term of 2 years to expire on January 23, 2019.

Motion #: 121-01-FY17

Sponsor(s): Lawrence, Ward

[Cover Page Code Appointment.pdf](#)

[Nicolas Michiels Code Application redacted.pdf](#)

7. Action Items (8:45 p.m. - 9:05 p.m.)

7.a) Purchase of Department of Public Works Parks Operations Vehicle (10 minutes)

I move the Mayor and Council approve the purchase of a 2017 Chevrolet Silverado 3500HD Crew Cab from Criswell Automotive under the Maryland State Contract , to replace Parks operations vehicle PKV0489, at a cost not to exceed \$57,000.00.

Motion #: 123-01-FY17

Sponsor(s): At the Request of the City Administrator

[Cover Page DPW Vehicles.pdf](#)

7.b) Purchase of Police Vehicles (10 minutes)

I move that the Mayor and City Council authorize the purchase of ten replacement vehicles from Hertrich Ford, the purchase of vehicle equipment and up-fitting from the Brekford Corporation, and four mobile radios from Motorola Corporation. Total expenses will not exceed the approved FY17 Capital Expenditure line item 70-202-001-5642 funding balance of \$419,256.

Motion #: 124-01 -FY17

Sponsor(s): At the Request of the City Administrator

[Cover Police Vehicles.pdf](#)

[2017 Vehicle Replacement.docx](#)

8. Discussion Items (9:05 p.m. - 9:50 p.m.)

8.a) Riverfront at West Hyattsville Metro (15 minutes)

Motion #: Discussion, Scheduled for Action on 2/6/17

Sponsor(s): At the Request of the City Administrator

[Cover Riverfront WHVL Discussion.pdf](#)

[Memo - Riverfront at West Hyattsville Metro - Discussion.pdf](#)

[SOJ-DSP16029.docx](#)

[Composite Concept Plan 2016_10_07.pdf](#)

[PPS-415020_002.pdf](#)

[Planning Committee Minutes - 10.18.2016.docx](#)

[Planning Committee Minutes- 11.15.2016.docx](#)

8.b) Gateway Arts District Sector Plan: Minor Amendment to the Table of Uses (15 minutes)

Motion #: Discussion, Scheduled for Action on 2/6/17

Sponsor(s): At the Request of the City Administrator

[Cover Page_GAD.pdf](#)

[MNCP&PC DDO Zone 2004 Arts Gateway Minor Amendments.pdf](#)

[Gateway Arts District - Character Area Map.pdf](#)

[Memo GAD_Minor_Amendments--Tattoo_MRS.docx](#)

8.c) Change to Wall and Fence Ordinance (15 minutes)

I move that the Council direct the City Attorney to revise portions of Chapter 68 Article II subsections (7), (8), and (17) to allow maintenance, repair and replacement of non-conforming fences and add subsection (18) to address safety standards.

68-7, C (7) Retain only the first sentence: "All fences or retaining walls legally existing on June 30, 2003 which do not comply with the general restrictions 1-6 above shall be deemed legal non-conforming uses." Delete the remaining paragraph.

68-7, C (8). Remove "except for natural aging" from the section. "A fence or retaining wall deemed to be a legal non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner "except for natural aging" may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed provided it is repaired or replaced with a fence or wall using a different material or style for such fence or wall or varying the height or length of such fence or wall, the owner or his agent must apply for an exception. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence or wall as long as the fence or wall is not changed in character and repairs are made substantially the same as the materials requiring maintenance or repair.

68-7, C (17). Revise the first paragraph to state that "No fences or retaining wall may be erected or put in place without first obtaining a permit from the City, unless it is to maintain or repair an illegal non-conforming fence."

68-7, C (18). New: "All maintenance, repairs and replacement of non-conforming fences must comply with the safety standards outlined in this Chapter."

Motion #: Discussion, Scheduled for Action on 2/6/17

Sponsor(s): Croslin

[Cover Page_Croslin.pdf](#)

[Robert Croslin Motion.docx](#)

[Chapter 68 Housing Standards.pdf](#)

[County Code_Fences.pdf](#)

9. **Council Dialogue (9:50 p.m. - 10:00 p.m.)**
10. **Community Notices and Meetings**
 - 10.a) **City Calendar: January 24 - February 1, 2017**
Motion #: N/A
Sponsor(s): At the Request of the City Administrator
[Main City Calendar Jan 24 - Feb 1 2017.pdf](#)
11. **Motion to Adjourn**



Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017
Submitted by: Ron Brooks
Submitting Department: Finance
Item Type: Audit
Agenda Section: Presentations

SUBJECT

FY-2015 Audit Update

Motion #

Presentation

Recommendation:

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

Summary Background:

We completed the analysis of the Debt Service and Capital Funds as well as the review of various files and budget adjustments. The auditors recommended additional written policies for "Grant Awards" that will ensure compliance with grant requirements by the grantee. Fixed assets system updates are ongoing and making progress. Closeout of the audit is projected to be mid-February 2017. We continue updating "notes to financials" and other sections of the FY-2015 audit as needed.

Next Steps:

As we closeout each phase of the audit, we will transfer that information into the current draft copy of the FY-2015 financial statements until completed.

Fiscal Impact:

Late audit filings can result in the loss of various State Grants, loss of revenues from State Highway Funds and create limited opportunities to secure funding for current and future capital improvement needs.

City Administrator Comments:

See summary background above.

Community Engagement:

N/A

Strategic Goals:

Goal 1 - Ensure Transparent & Accessible Governance.

Legal Review Required?

N/A



Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017

Submitted by: Jim Chandler

Submitting Department: Community & Economic Development

Item Type: Planning & Development

Agenda Section: Presentations (8:20 p.m. - 8:40 p.m.)

SUBJECT

Riverfront at West Hyattsville Metro (15 minutes)

Motion #

Presentation with associated Discussion Item

Recommendation:

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

[Memo - Riverfront at West Hyattsville Metro - Presentation.docx](#)

[Riverfront at West Hyattsville Metro PPS and DSP Presentation.pdf](#)

Summary Background:

The applicant will be providing the City Council with a brief presentation detailing the proposed Preliminary Plan of Subdivision (PPS 4-15020) and Infrastructure Detailed Site Plan (DSP-16029) for the Riverfront at West Hyattsville project.

Next Steps:

The applications and Staff summary are included as a Discussion item on the agenda and scheduled for Action on February 6, 2017. The applicant's Planning Board hearing is tentatively scheduled for March 2, 2017.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

The applicant met with the Hyattsville Planning Committee on October 18th to present and discuss the subject property. The same presentation was given to the City Council on October 17th. The presentations provided a general overview of the site plan and discussed storm water management practices taking place on site.

During the conversation, Committee members brought up questions related to ownership of the roadways, public access to the park/amphitheater, trash pickup, bicycle and pedestrian connectivity as well as storm water management. Committee members were generally satisfied by the applicant's responses and did not have any major concerns that would compromise the project.

Strategic Goals:

Goal 2: Ensure the Long-Term Economic Viability of the City

Action 2.2 – Invest and manage City infrastructure including streets, sidewalks and public facilities

Action 2.3 – Promote and invest in opportunities for alternative transportation methods to support multi-modal connectivity throughout the City.

Action 2.4 – Provide economic development programming and projects to support and facilitate infill, revitalization, redevelopment and transit-oriented investment.

Legal Review Required?

N/A



City of Hyattsville

Memo

To: Mayor and City Council
CC: Tracey Nicholson, City Administrator
From: Jim Chandler, Assistant City Administrator; Director, Community and Economic Development
Date: January 18, 2017
Re: Presentation – Riverfront at West Hyattsville Metro: PPS 4-15020 and DSP-16029 ETOD
Attachments: Presentation – January 23, 2017

The applicant will be providing the City Council with a brief presentation detailing the proposed Preliminary Plan of Subdivision (PPS 4-15020) and Infrastructure Detailed Site Plan (DSP-16029) for the Riverfront at West Hyattsville project.

The applications and Staff summary are included as a Discussion item on the January 23rd agenda.

RIVERFRONT AT WEST HYATTSVILLE METRO



Preliminary Plan 4-15020
Detailed Site Plan DSP-16029

January 23, 2017

AGENDA

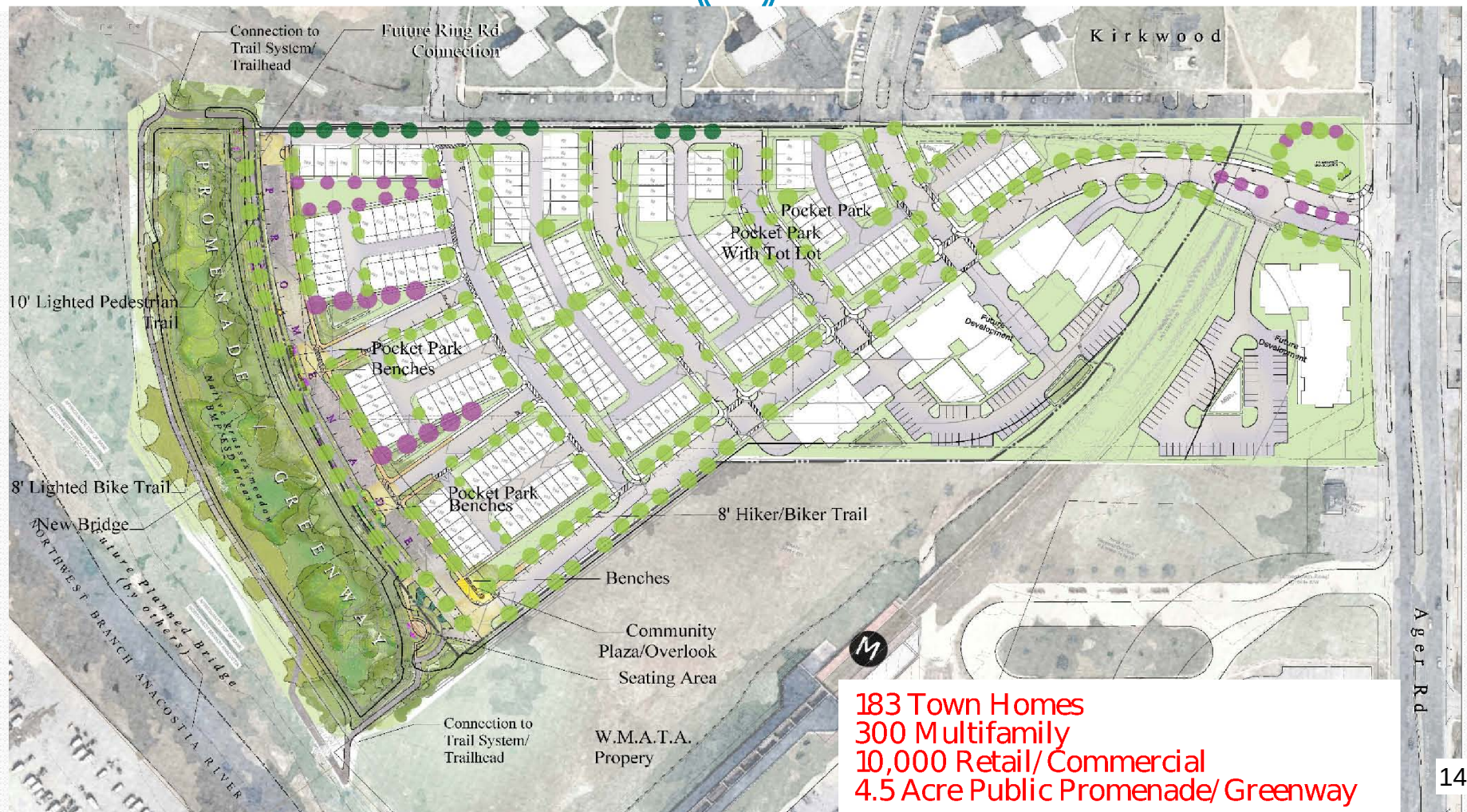


- Development Team
 - Bobby Gilbane, Gilbane Development Company
 - Tom Haller, Gibbs and Haller
 - Alex Villegas, Rodgers Consulting
 - Mike Sponseller, West Hyattsville Property Company
- Project Location / Overview
- Preliminary Plan of Subdivision 4-15020
- SWM Layout & Approval Letter
- Infrastructure Only Detailed Site Plan DSP-16029
- Typical Street Sections
- Conceptual Park Exhibits

PROJECT LOCATION



PROJECT OVERVIEW



PRELIMINARY PLAN OF SUBDIVISION # 4-15020

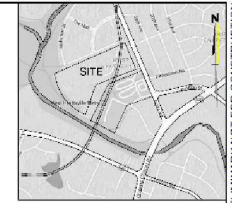
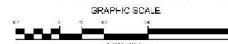
RIVERFRONT AT WEST HYATTSVILLE METRO

17th ELECTION DISTRICT - CHILLUM

PRINCE GEORGE'S COUNTY, MARYLAND

GENERAL NOTES:

- The property is Parcel 1, Lot 15020, Folio 05, and Plat WAM0507.
- The subject property is located on Tax Map 41, and GSD P4.
- The subject property is located on PGSC 200 Sheet: 200R02, 200R03.
- The site plan shows 163 lots, 32 Parcels. The proposed number of dwelling units for the subdivision is 482. The total consists of 163 Residential townhomes and 360 Multifamily.
- The project is located in the 17th Election District, 15020.
- The Preliminary Plan of Subdivision is prepared for 18.45 Total Acres of land zoned M-X-1. Mixed Use - Transit-Oriented, which is also part of the D-C-D.
- No developable area outside of PMA. Existing - 0.07 Acres. Proposed - 18.45 Acres.
- Acres of Environmental Regulated Features: Existing PMA - 15.35 Acres, Proposed PMA - 0 Acres.
- Acres of 100-year floodplain: Existing PP - 15.35 Acres, Proposed PP - 0 Acres.
- Acres of Road dedication: "MIXED USE - 15.35 Acres.
- The Existing Zoning is M-X-1. The current use is an abandoned warehouse.
- The proposed use of this property is for a mixture of residential, dwelling units, multi-family, and commercial retail uses. Additionally there will be some public space.
- The subject property proposes to conform to the following residential uses: 3.50 Acres for townhomes, 5.00 acres for multifamily.
- The subject property proposes a residential density calculation of 13.50 DU/Acre for townhomes and 61.22 DU/Acre for multifamily.
- The subject property falls under the TDCP which has no immediate zoning requirements for minimum lot. Therefore, the subject property proposes 8,800 SF as the minimum lot size to be located in District One Plan.
- The subject property falls under the LUZ which has no minimum lot width or "foot of building" and front setback line. Therefore the subject property proposes 162 SF as the minimum lot width to be located in District One Plan.
- The subject property does not fall within the Sustainable Growth Tier.
- The subject property does not fall under Andrews, Inland Land Use Control.
- The subject property does fall within the Center or Center location for West Hyattsville.
- The subject property has an existing GFA of 262,000 SF. The Preliminary Plan proposes 10,000 SF Commercial GFA.
- The District Management Council Plan (M) 1905-2010 was previously approved. A revised Council Plan (M) 1905-2010 (3) depicting the latest signal was submitted to the Council for review.
- The subject property is under Water & Sewer Category 3.
- The subject property does not fall under the Active Policy Area.
- The subject property does not have a mandatory park dedication requirement. However, 866 SF will be donated to MDC for an additional park space.
- There is no evidence of a cemetery on or near the subject property.
- There is no evidence of historic sites on or near the subject property.
- The Tree Conservation Plan - Type 1 is included in this subdivision.
- The subject property is not located within the Chesapeake Bay Critical Area.
- There are no existing wetlands on the subject property.
- There are no streams on the subject property.
- The Natural Resource Inventory Plan (NRI) 000-103 was previously approved on March 21, 2019.
- The subject property is not in an adjacent to any assessments held by the Maryland Environmental Trust, the Maryland Agricultural Land Preservation Foundation, or any land trust.
- The subject property contains 0.10 acres of P.U.E. along the residential streets. The P.U.E. area is mostly 5 feet. Along the Public R.O.W. they vary up to 10 feet.
- The subject property proposes an on-site stormwater area to be dedicated to Park use and services as a water line and a water line P.U.E. R.O.W. (residential side) Acre Road.
- Boundary survey was prepared by Denbury and Davis, Inc.
- West Hyattsville Property Company, LLC is the owner and applicant for the subject property.
- Noise and Vibration Study for the subject property was performed by Haskin Associates LLC and will be submitted with this application. This study shall address appropriate mitigation measures to achieve acceptable indoor and outdoor noise levels.
- The 17th EDC 4-15020 will supersede the previous 17th EDC 4-15046.
- Other references showed that subdivision was Section 24 1076020 of the Subdivision Regulations. As a consequence to a governmental agency for public use. See also LUPP 602-F-20-100000 and LUPP 420-2017 Prince Georges County.



VICINITY MAP
1:50,000

SHEET INDEX	
SHEET NUMBER	SHEET TITLE
2	17th EDC 4-15020

- #### LEGEND
- EX. BOUNDARY LINE
 - EX. LOT LINE
 - EX. BLDG
 - EX. SIDEWALK
 - EX. PARKING STRIPING
 - EX. 10' CONTOUR LINE
 - EX. 2' CONTOUR LINE
 - EX. TREES
 - EX. ROAD LINE
 - EX. FIRE LINE
 - EX. FENCE
 - EX. WETLAND
 - EX. SANITARY SEWER
 - EX. STREAM BUFFER
 - EX. STREAM
 - EX. FLOODPLAIN
 - EX. PRIMARY NGMT AREA
 - EX. 65 DB LINE
 - PR. R.O.W.
 - PR. LOT LINE
 - PR. BLDG
 - PR. SIDEWALK
 - PR. PARKING STRIPING
 - PR. FACE OF CURB
 - PR. BACK OF CURB
 - PR. ROAD PAVEMENT
 - STEEP SLOPES (15-25%)
 - STEEP SLOPES (OVER 25%)
 - PR. SEWER
 - PR. WATER
 - PR. STORM DRAIN
 - PR. TREES
 - PR. PUE
 - PR. STORM DRAIN EASEMENT
 - 300' LOT DEPTH FROM METRO

THIS MAP IS FOR
RECORD ONLY.
IT IS NOT TO BE USED
FOR ANY OTHER PURPOSE.
ANY CHANGES TO THIS
MAP MUST BE APPROVED
BY THE COUNTY ENGINEER.

APPROVAL

PROJECT NUMBER:
SUBMITTER NAME:
DATE: 10/1/2020

FOR THE ENGINEER'S USE ONLY: (To be filled out by the Engineer)
DATE: 10/1/2020
SIGNATURE: [Signature]

NOTES FOR IDENTIFICATION

1. This map is for identification only and is not to be used for any other purpose. Any changes to this map must be approved by the County Engineer.



COUNTY ENGINEER'S OFFICE: PRINCE GEORGE'S COUNTY, MARYLAND

REVISION	DATE	REVISION	DATE	REVISION	DATE	Owner/Developer:	RIVERFRONT AT WEST HYATTSVILLE METRO	RODGERS CONSULTING	DATE: 10/1/2020	PRELIMINARY PLAN OF SUBDIVISION # 4-15020
						WEST HYATTSVILLE PROPERTY COMPANY, LLC				
						6045 RIVERFRONT BLVD. SUITE 600				
						WEST HYATTSVILLE, MD 20784				
						PHONE: 703-312-7225				
						CONTACT: GUY RIVERFRONT-GRANT				

STORMWATER MANAGEMENT



THE PRINCE GEORGE'S COUNTY GOVERNMENT



Department of Permitting, Inspections
and Enforcement
Site/Road Plan Review Division
9400 Peppercorn Place, Suite 420
Largo, Maryland 20774
(301) 883-5710



STORMWATER MANAGEMENT CONCEPT APPROVAL

CASE NAME: BARRETT'S ADDN TO KIRKWOOD VILLAGE, PARCELS 1 AND 112_RIVERFRONT AT WEST HYATTSVILLE METRO CASE #: 11905-2016-01
APPLICANT'S NAME: WEST HYATTSVILLE PR
ENGINEER: RODGERS CONSULTING

REQUIREMENTS:

Technical Review is required for PUBLIC/PRIVATE Storm Drain/SWM Construction.

Type of Storm Drainage/SWM Construction is both PUBLIC and PRIVATE.

These additional approvals are required: None.

These fees apply: REVIEW, FEE-IN-LIEU.

These bonds apply: None.

Required water quality controls: INFILTRATION.

Required water quantity controls: None.

A maintenance agreement is required.

No special conditions apply.

Required easements: FLOOD PLAIN.

Storm Water Management fee payment of \$12,427.00 in lieu of providing on-site attenuation/quality control measures.
(Fee-In-Lieu subject to change during technical review.)

CONDITIONS OF APPROVAL:

1. LANDSCAPE PLANS ARE REQUIRED AT TECHNICAL REVIEW.
 2. SITE DEVELOPMENT PERMIT REQUIRED INCLUDING ULTIMATE R/W FRONTAGE IMPROVEMENTS, INCLUDING STORM DRAINAGE, STREET TREES AND STREET LIGHTING AND ON-SITE GRADING.
 3. MIXED USE RESIDENTIAL IS PROPOSED.
 4. THE PROPERTY IS WITHIN FLOODPLAIN. FLOODPLAIN STUDY IS PROVIDED, WHICH SHOWS COMPENSATORY STORAGE IS PROVIDED.
 5. THIS IS A REDEVELOPMENT SITE. THIS SITE WAS GRANDFATHERED TO PROVIDE ESD FOR 50% OF EXISTING IMPERVIOUS AREA.
 6. FLOODPLAIN WAIVER APPROVAL IS REQUIRED PRIOR TO TECHNICAL APPROVAL.
 7. MNCPP&C PARKS AND RECREATIONS APPROVAL IS REQUIRED PRIOR TO TECHNICAL APPROVAL.
 8. PROVIDE DOWNSTREAM CAPACITY ANALYSIS AT TECHNICAL REVIEW.
 9. MD-378 SMALL POND APPROVAL REQUIRED FOR TECHNICAL APPROVAL.
- REVIEWED BY SB.

CASE NAME: BARRETT'S ADDN TO KIRKWOOD VILLAGE, PARCELS 1 AND 112_RIVERFRONT AT WEST HYATTSVILLE METRO CASE #: 11905-2016-01

APPROVED BY:

Rey De Guzman

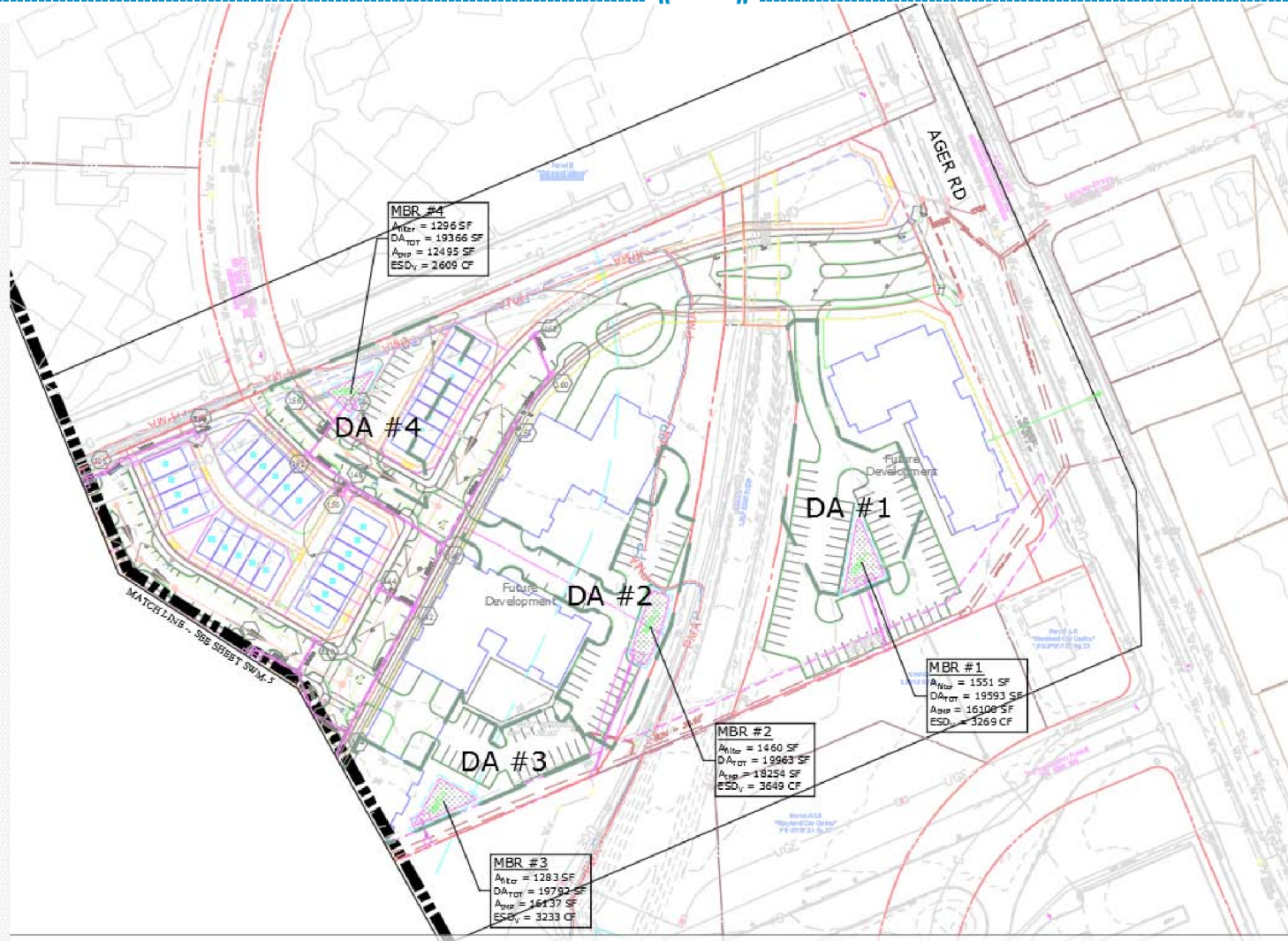
APPROVAL DATE: December 8, 2016
EXPIRATION DATE: December 8, 2019

CC: APPLICANT, SCD, PERMITS
P.4.0, FORM 4507 (REV 04/03)

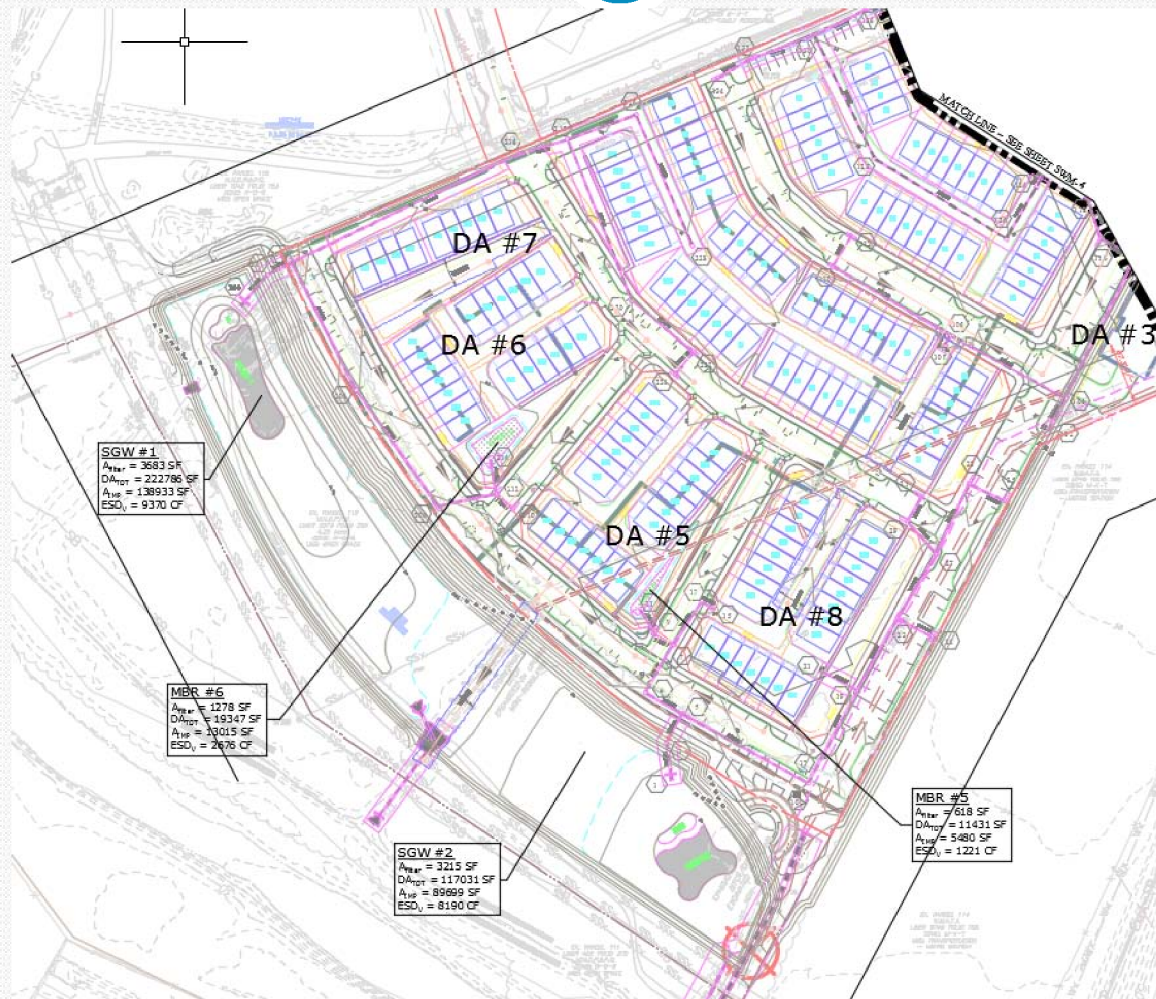
FOR OFFICE USE ONLY

ADC MAP:	5409 E-7	207 SHEET:	207NE02
STREET NAME:	AGER RD		
WATERSHED:	13-Northwest Branch		
NUMBER OF DUS:	186	COST PER DWELLING:	0

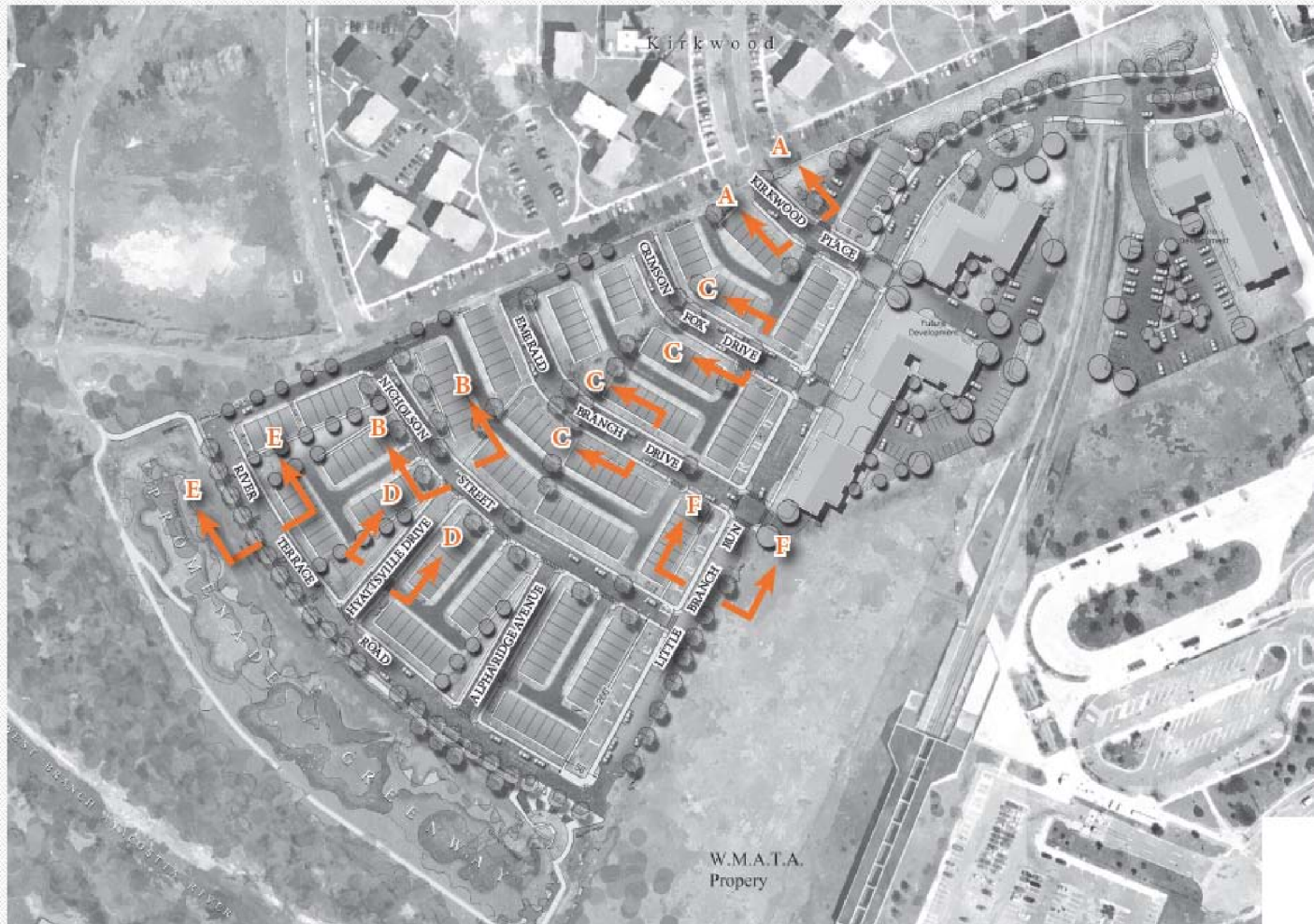
STORMWATER MANAGEMENT



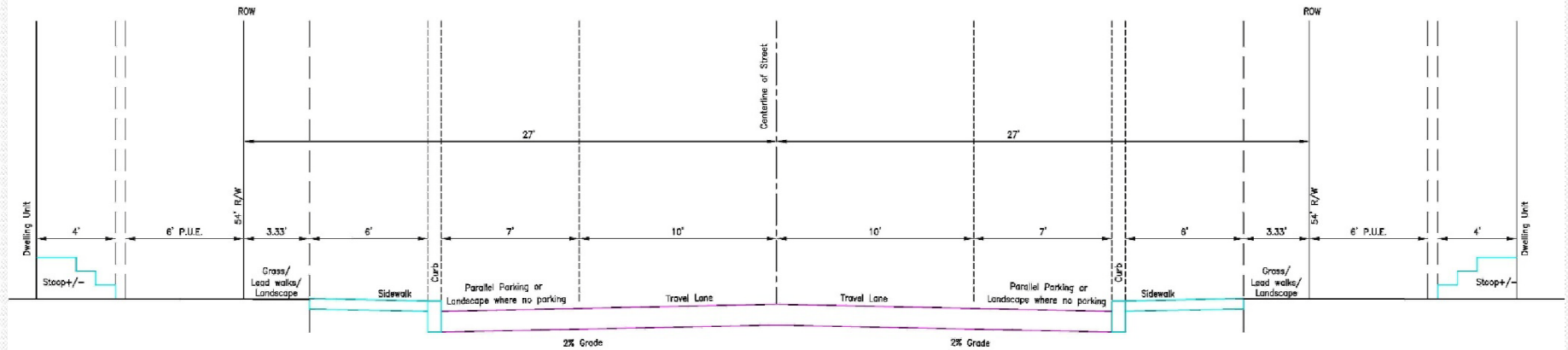
STORMWATER MANAGEMENT



STREET SECTION KEY MAP

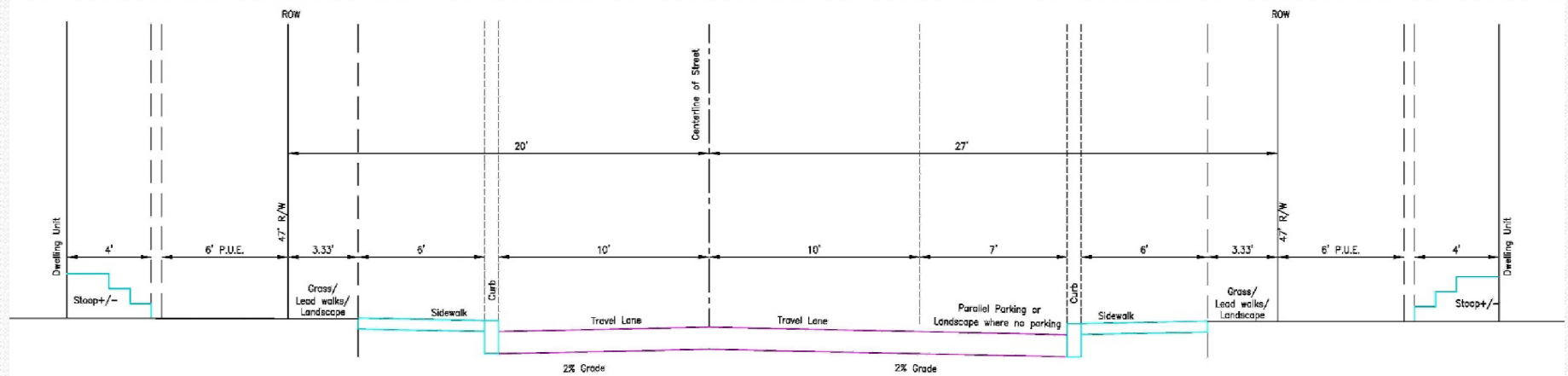


TYPICAL STREET SECTIONS



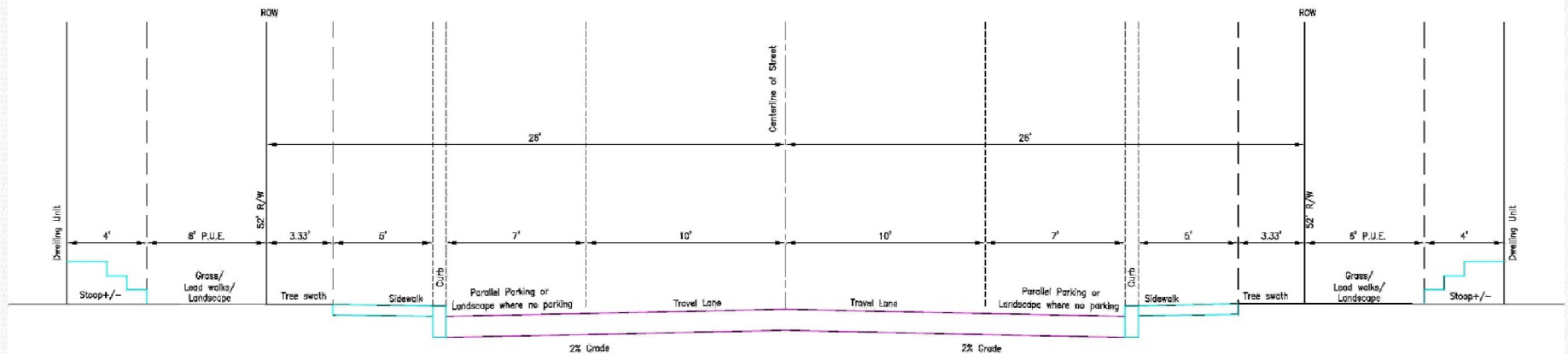
Typical Street Section 'A-A'
Local Access Roads /Ex. "Kirkwood Place, Nicholson Street"

TYPICAL STREET SECTIONS



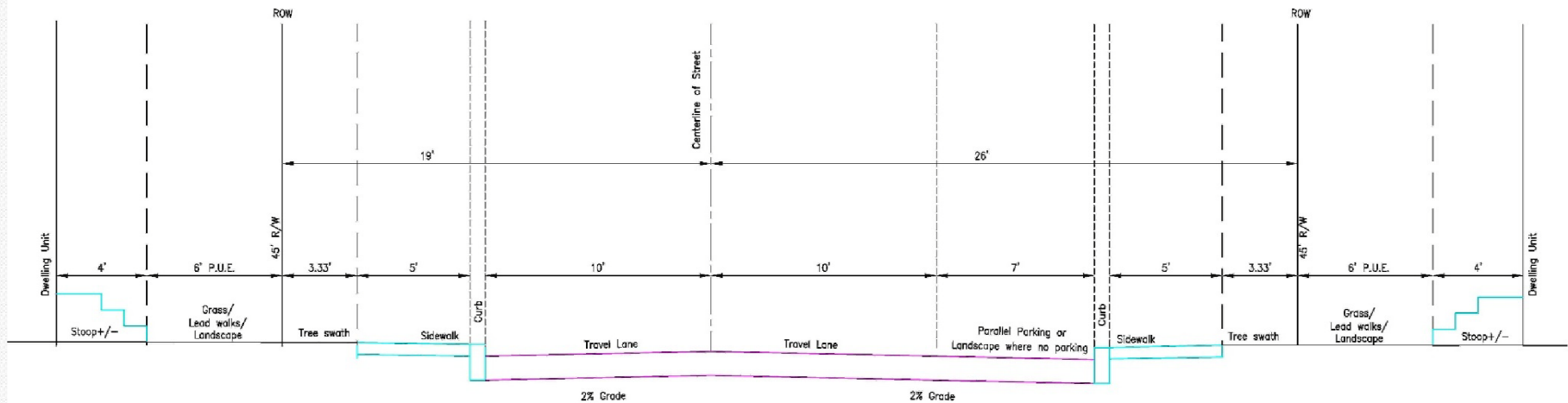
Typical Street Section 'B-B'
Local Access Roads /Ex. "Nicholson Street"

TYPICAL STREET SECTIONS



Typical Street Section 'C-C'
Local Access Roads /Ex. "Crimson Fox Drive, Emerald Branch Drive"

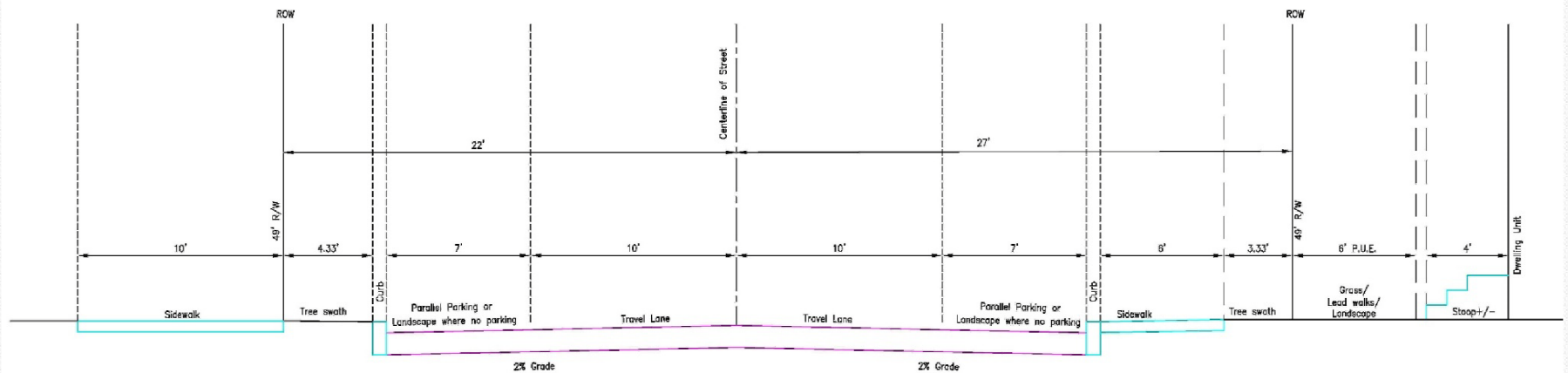
TYPICAL STREET SECTIONS



Typical Street Section 'D-D'

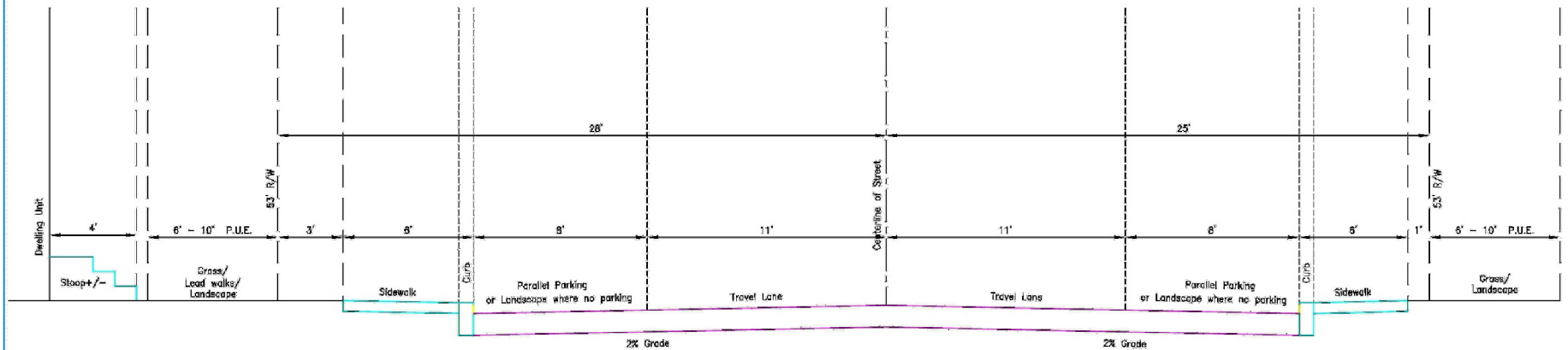
Local Access Roads /Ex. "Alpha Ridge Avenue, Hyattsville Drive"

TYPICAL STREET SECTIONS



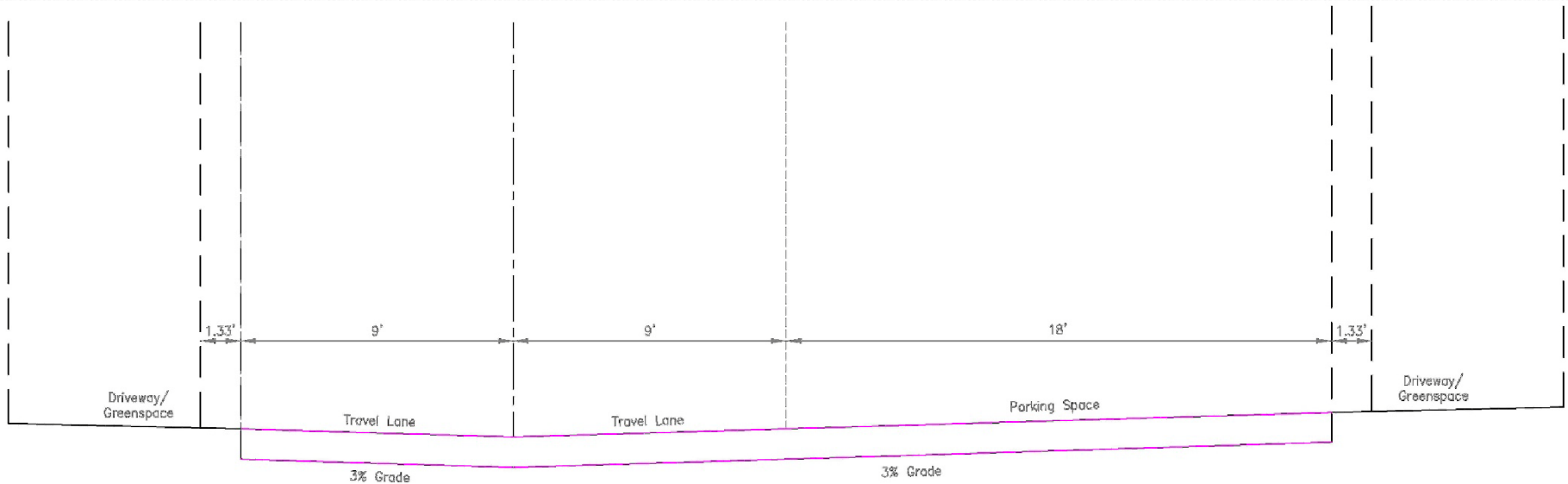
Typical Street Section 'E-E'
Park Drive "River Terrace Road"

TYPICAL STREET SECTIONS



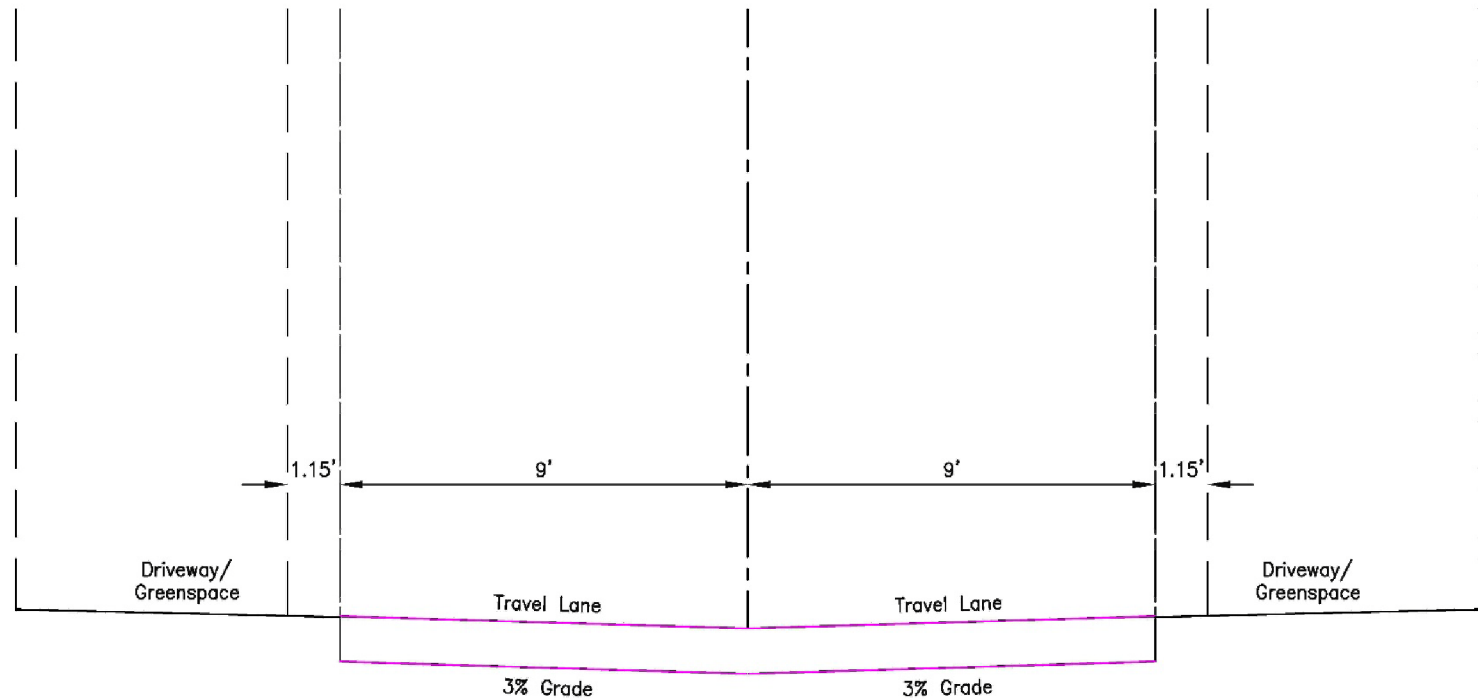
Typical Street Section 'F-F'
Main Collector "Little Branch Run"

TYPICAL STREET SECTIONS



Typical Street Section 'G-G'
Residential Alley with Parking /Ex."Hush Alley"

TYPICAL STREET SECTIONS



Typical Street Section 'H-H'

Residential Alley /Ex. "Quiet Alley, Summer Alley, Spring Alley,
Elkhorn Alley, Whisper Alley, Still Alley"

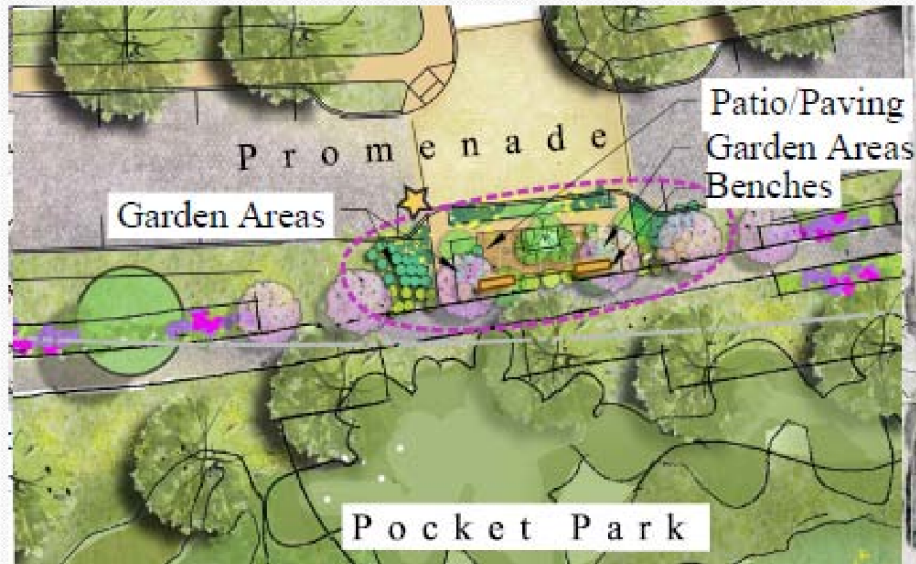
COMMUNITY PLAZA/OVERLOOK



SEATING AREA



POCKET PARK/ GRAVEL WETLANDS







Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017
Submitted by: Laura Reams
Submitting Department: City Clerk
Item Type: Ordinance
Agenda Section: Consent Items

SUBJECT

Hyattsville Ordinance 2017-01: Revisions to Chapter 8, Elections Code (SECOND READING/ADOPTION)

Motion

119-01-FY17

Recommendation:

I move that the Mayor and Council adopt Hyattsville Ordinance 2017-01, an ordinance whereby the City Council updates chapter 8 of the Code to reflect changes in the charter regarding qualifications to vote and to make explicit the authority of the Board of Supervisors of Elections, to provide for a Supplemental Voting Registry, to add a list of definitions and duties so as to clarify the elections law, to specify minimum times for the polls to be open, to change Absentee voting to Vote-by-Mail, to adjust campaign finance reporting deadlines to reflect early voting dates, to specify certain rules, and regulations and limitations regarding campaign finance, and to outline a complaint procedure for election law violations (SECOND READING/ADOPTION).

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

[Cover Page_Ordinance 2017-01.pdf](#)

[Chapter 8 Elections FINAL.pdf](#)

Summary Background:

The proposed updates to Chapter 8 of the Code reflect changes in the Charter regarding qualifications to vote and to make explicit the authority of the Board of Supervisors of Elections, to provide for a Supplemental Voting Registry, to add a list of definitions and duties so as to clarify the elections law, to specify minimum times for the polls to be open, to adjust campaign finance reporting deadlines to reflect early voting dates, to specify certain rules and regulations and limitations regarding campaign finance, change the terminology from absentee ballots to vote-by-mail and to outline a complaints procedure for elections law violations.

The Council held discussions on the proposed changes to Chapter 8, Elections Code on the following dates in 2016: January 4, February 10, November 21, December 5 and December 19.

Attached is the final copy of the ordinance based on the December 19 Council discussion. Major changes are summarized below.

- 8-1 Inserted definition of financial institution
- 8-21 (C) Insert duplicate language regarding definition of foreign nationals
- 8-21 (E) Revised to stated that a candidate or committee should open a generic bank account with a financial institution and register the account with the City as the candidate's or political committee's campaign account.
- 8-21 (G) Inserted language restricting contributions from corporate entities
- 8-22 (D) Added language to clarify use of retained campaign funds

- 8-40 Inserted language that ties the violation to the date of the most recent election.

Next Steps:

A first reading was held on January 9, 2017. The item is scheduled for second reading/adoption on January 23, 2017, with an effective date of February 12.

Upon adoption, the Election Board will make the necessary modifications to the Board of Elections Rules and Regulations and work with City staff to update election materials for the upcoming 2017 City Election.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

The Board of Elections will publish updated elections materials reflecting adopted changes in advance of the 2017 election.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

Complete

**CITY OF HYATTSVILLE
ORDINANCE 2017-01**

An ordinance whereby the City Council updates chapter 8 of the Code to reflect changes in the charter regarding qualifications to vote and to make explicit the authority of the Board of Supervisors of Elections, to provide for a Supplemental Voting Registry, to add a list of definitions and duties so as to clarify the elections law, to specify minimum times for the polls to be open, to change Absentee voting to Vote-by-Mail, to adjust campaign finance reporting deadlines to reflect early voting dates, to specify certain rules, and regulations and limitations regarding campaign finance, and to outline a complaint procedure for election law violations.

WHEREAS, Maryland Annotated Code, The Local Government Article, Section 5-202 grants to municipal corporations of the State of Maryland, including the City of Hyattsville, the power to protect the health, comfort, and convenience of their citizens; and

WHEREAS, the Mayor and City Council deem it in the best interest of its citizens to update the elections law to reflect early voting, City-Only Supplemental Voter Registry, voting and participation in elections, ~~and~~ define the powers of the Board of Supervisors of Elections, and to prevent corruption and circumvention of campaign finance provisions.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that Chapter 8 of the Hyattsville Code is hereby amended to read as follows:

**Chapter 8
ELECTIONS
ARTICLE I**

General Election Procedures

- § 8-1. Definitions, and Powers and Duties of Board.
- § 8-2. Election Day, Advance Voting Day, **Vote-By-Mail**~~Absentee voting~~.
- § 8-4. Qualifications for Registration Officers, Clerks and Judges of Elections; oath of office and Applicability.
- § 8-8. Contests and appeals.
- § 8-9. Runoff elections.
- § 8-10. Campaign materials; authority line; penalty.
- § 8-11. Provisional voting.
- § 8-12. **Registration of Voters for City-Only Supplemental Voter Registry.**

ARTICLE II

Campaign Finance

- § 8-15 Reports Required.
- § 8-16 Deadline for filing reports.
- § 8-17 Form; Affirmation of report.
- § 8-18 Special reporting requirements.
- § 8-19 Appointment of Campaign Treasurer.
- § 8-20 Failure to appoint a treasurer or file reports.
- § 8-21 Restrictions on Campaign Contributions.
- § 8-22 Restrictions on Use of Campaign Funds.
- § 8-23 Penalties.

ARTICLE III

Vote-by Mail Absentee Ballots

- § 8-27 Application Form for **Vote-By-Mail Absentee** Ballot.
- § 8-28 Contents of Application for **Vote-By-Mail Absentee** Ballot.
- § 8-29 **Vote-By-Mail Absentee** Ballots; Review of Applications, Delivery and Maintenance of Records.
- § 8-30 Form and Contents of **Vote-By-Mail Absentee** Ballots.
- § 8-31 Instructions to voters.
- § 8-32 **Vote-By-Mail Absentee** Ballots; Procedure for Assistance.
- § 8-33 Procedure for Counting and Canvassing **Vote-By-Mail Absentee** Ballots.
- § 8-13 Penalty.

ARTICLE IV

Complaints

- § 8-40 Filing Procedure for Complaints.
- § 8-41 Investigation of Complaints.
- § 8-42 Procedure When Violation of Chapter Not Found.
- § 8-43 Procedure When Violation of Chapter is Found.
- § 8-44 Board Hearings Generally.
- § 8-45 Board Action When Violation of Chapter Not Found.
- § 8-46 Board Action When Violation of Chapter Found.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 8-7C amended at time of adoption of Code; see Ch. 1, amended 02-20-07 by HO-2007-03]

General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Registration, nominations and elections - See Charter, Art. IV.

ARTICLE I

General Election Procedures

§ 8-1. Definitions, and Powers and Duties of Board.

A. As used in this chapter, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

Board: Board of Supervisors of Elections for the City.

Candidate: Individual who seeks nomination for election, or seeks election, to City office.

Contribution: A gift, in-kind, contribution, or promise of gift of money, donated to any candidate or representative or political committee.

Contributor: Any person who makes a contribution or expenditure of cash or in-kind contribution to or on behalf of a candidate or political committee.

Election: General or special elections, referenda, or other questions at any election held by the City.

Expenditure: Any transfer, disbursement or promise of money or valuable thing (in-kind contribution), by a candidate, treasurer, or other agent of such candidate, or political committee to promote or assist in the promotion of the success or defeat of a candidate or proposition submitted to a vote at any election.

Financial Institution: Any bank licensed to receive deposits and make loans which is insured by the Federal Deposit Insurance Corporation.

Foreign National: A foreign government, foreign political party, foreign corporation, foreign association or partnership. A United States citizen living abroad and an immigrant with a green card shall not be considered a foreign national.

In-kind contribution: Anything of value, other than a gift or promise of money, donated to any candidate or representative, or a representative of any political committee, to promote or assist any candidate, political committee, or proposition submitted to a vote of any election.

Person: A corporation, business, other legal entity, or an individual.

Political committee or "committee": Any combination of two (2) or more persons formed in any manner, which independently collects or expends a cumulative amount of one hundred dollars (\$100.00) or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office or any cause to be submitted to the voters.

Report: A report of expenditures, loans, and contributions (in-kind or cash) received by any candidate or political committee.

Surplus campaign funds: Funds left in a candidate's account after the election is certified and all campaign debts, including all loans, have been paid.

Treasurer: Any person appointed by a candidate or political committee to receive or disburse money or other things of value to promote or assist in the promotion of any candidate or proposition.

Vote-by-Mail: shall include the process whereby voters make application for and submit completed ballots by either mail or in person drop off at a location authorized by the Board.

B. Powers and Duties of the Board of Supervisors of Elections.

In addition to any power, duty, or responsibility provided in the City Charter, the Board of Supervisors of Elections shall be in charge of all City elections. The Board shall:

- (1) Issue and maintain all election records in a separate filing system provided by the City.
- (2) Provide for the nominations for elected City officers and verify the eligibility of election candidates, which includes reviewing and certifying petitions for office as outlined in this chapter, and verifying that such candidates are residents of the City.
- (3) Provide, receive, review, and certify that campaign reports from candidates are timely and complete as outlined in the Elections Code.
- (4) Coordinate Ceity staff, with the approval of the City Administrator, to assist and support the Board in its official duties.
- (5) Provide for voting by Vote-By-Mail~~voting by absentee~~ ballot and provisional ballot.
- (6) Validate the authenticity of returned Vote-By-Mail~~absentee~~ ballots and completed provisional ballots.
- (7) Provide a form for the certificate of polling place challengers and watchers.
- (8) Select and train election judges to assist in the operation of the polling places ~~on~~ for City elections ~~day~~. The Board shall also oversee the operations of the polling places.
- (9) Issue the official election ballot.
- (10) Keep, maintain, administer, and update the City Supplemental Voter Registry and accept, examine, and, as appropriate, approve registration applications for the Supplemental Voter Registry.
- (11) Certify all election results.
- (12) Provide for recount of ballots.
- (13) Administer and enforce all election laws.
- (14) Conduct, as necessary, administrative review. The Board shall investigate and/or conciliate any written complaints and shall hold hearings and make determination on any alleged violations of the elections provisions of the Charter or elections ordinance of the City Code. The Board shall promptly inform the City Administrator of any hearing. The Board, when conducting an administrative review, shall be granted the following powers to:
 - a. Investigate complaints filed with the Board of matters of election practices or other matters within the jurisdiction of the Board.

- b. Dismiss complaints.
- c. Conciliate complaints.
- d. Summon concerned parties to hearings.
- e. Conduct hearings.
- f. Adopt rules and procedures for the conduct of hearings.
- g. Implement enforcement actions, which include cease and desist orders, and the ability to make recommendations to the City Administrator to impose civil penalties not to exceed one thousand dollars (~~\$500.00~~ 1000.00). The Board shall have the power to seek judicial enforcement of its decisions by application to courts of competent jurisdiction for injunctions, mandamus, and other appropriate judicial review when conducting an administrative review. The Board may also refer complaints to the Office of the State's Attorney for prosecution as the circumstance may warrant.
- h. Hearings conducted by the Board shall be open to the public. Unless otherwise provided, the City Attorney shall advise the Board. Either the complaining party or the respondent may request, in writing, a closed hearing. However, unless the Board finds a compelling reason to close the hearing (and closing is allowed by State law), the request shall ordinarily be denied. The deliberations of the Board shall not be public. The Board shall have the power to summon all witnesses it deems necessary. The hearing shall be held not less than seven (7) days, unless the Board determines that emergency circumstances require an earlier hearing, and not more than thirty (30) days after service of the statement of charges and summons. The summons so issued must be signed by the chairperson of the Board or a designee and shall require the attendance of named persons and the production of relevant documents and records. Failure to comply with a summons shall constitute violation of this chapter and subject to penalty pursuant to §8-34 of this chapter. The complaining party or parties and the respondent may, at their option, appear before the Board in person or by duly authorized representative(s) and may have the assistance of an attorney. The parties may present testimony and evidence that shall be given under oath or by affirmation. The Board shall keep a full record of the hearing. If the hearing is public, the record shall be open to inspection by any person, and, upon request by any principal party to the proceeding, the Board shall furnish such party a copy of the hearing record, if any, at such charges as are necessary to meet costs. The Board may extend the time for any hearing and the issuance of any finding, opinion, and orders. The Board has the power to adopt rules and procedures with reference to the conduct and manner of these proceedings.

§ 8-2. Election Day, Advance Voting Day, Vote-By-Mail~~Absentee~~ voting. [Amended 2-9-09 by HO-2009-04]

- A. Election Day for Special Elections and referenda shall ordinarily be done on a Tuesday as set by the City Council.
- B. If the City Council **or Board of Supervisors of Elections** provides for an advance voting day in any referendum or Election, ~~ordinarily unless otherwise directed~~, the Saturday immediately

before Election Day shall be an advance voting day when the polls shall be open to qualified voters at the times and places specified and advertised by the Board of Supervisors of Elections. The polls shall be open for a minimum of eight (8) hours on any advance voting day **that occurs on a weekend and at least four (4) hours on advance voting days on a weekday. In no event will an advance voting date be set more than fifteen (15) days before Election Day.**

C. Any person qualified to vote in the Election may **use a Vote-By-Mail** ~~absentee~~ ballot, but only pursuant to the provisions of this Chapter.

§ 8-4. Qualifications for Registration Officers, Clerks and Judges of Elections; oath of office and Applicability. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

A. Registration Officers and Judges and Clerks of Elections appointed by the City Council or by the Board shall be registered voters of the City ~~and citizens of the United States~~. They shall, before entering upon their duties, take the oath required by law for all registration and election officials.

B. This chapter applies to elections as defined in this chapter.

§ 8-8. Contests and appeals. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

Contests concerning voting or the validity of any ballot under this chapter shall be decided by the Board of Supervisors of Elections. No ballot shall be rejected except by the unanimous vote of the entire Board. Any candidate or ~~absentee~~ voter aggrieved by any decision or action of such Board shall have the right of appeal to the Circuit Court for Prince George's County, Maryland. Such appeals shall be taken by way of petition filed with the court within five (5) days from the date of the completion of the official canvass by the Board of all the votes cast at any election and shall be heard de novo and without a jury by said court as soon as possible. There shall be a further right of appeal to the Court of Appeals, provided that such appeal shall be taken within forty-eight (48) hours from the entry of the decision of the lower court complained of, and all such appeals shall be heard and decided on the original papers, including a typewritten transcript of the testimony taken in such cases, by the Court of Appeals, as soon as possible after the same have been transmitted to said court. Said original papers, including the testimony, shall be transmitted to the Court of Appeals within five (5) days from the taking of the appeal.

§ 8-9. Runoff elections. [Added 5-5-86 by HB No. 3-86]

A. If, at any election directed by the Charter, any two (2) or more candidates for the office of Mayor or Councilmember who have received the highest number of votes shall have received an equal number of votes, or the vote upon any referendum, **except for an advisory referendum**, shall result in a tie, a special election shall be ordered by the Board of Election Supervisors.

B. The special election shall be held within three (3) months of the election at which the tie vote occurred, ~~-shall be only for~~ **include** those offices for which the equal number of votes was cast or referendum questions which resulted in a tie vote, and shall be conducted in the same manner as provided in the relevant sections of Article IV of the Charter.

§ 8-10. Campaign materials; authority line; penalty. [Added 2-20-2007 by HO-2007-03]

A. For the purposes of this Code, "campaign material" means any material that:

- (1) Contains text, graphics, or other images;

(2) Relates to a candidate, a prospective candidate, or the approval or rejection of a question; and

(3) Is published or distributed to anyone by, at the request of, or under the authority of, a candidate **or committee**.

B. Except as otherwise provided in this section, each item of campaign material shall contain, set apart from any other message, an authority line that states the name and address of the person, treasurer, or campaign manager responsible for the publication or distribution of the same.

C. The authority line need state only the name and title of the responsible person if:

(1) The name and address of the responsible person has been filed with the City Clerk; or

(2) The campaign material item is too small to include all the information specified in paragraph (B) of this section in a legible form.

D. Any material that is published or distributed in support of or in opposition to a candidate **or referendum** without being directly or indirectly authorized by the candidate as provided above in Subsection (A)(3) may and ordinarily should include the following statement: "this message has been authorized and paid for by (name of payer or any organization affiliated with the payer). This message has not been authorized or approved by any candidate."

E. It shall be unlawful for any person to knowingly publish or distribute for the purpose of influencing votes any materials with a false or incorrect authority line. Any person who violates this section shall be guilty of a misdemeanor and subject to the penalties including a **fine of up to** five hundred dollar (\$500.00) and/or imprisonment **not to exceed** thirty (30) days.

§ 8-11 . Provisional Voting. [Added 12-1-14 by HO 2014-09]

A. Eligibility. An individual is eligible to cast a provisional ballot if:

(1) The individual declares in a written affirmation under oath submitted with the provisional ballot that the individual is a registered voter in the State **or the City** and is eligible to vote in that election, and

(2)

(i) The individual's name does not appear on the City's election register or list of voters; or

(ii) An election official asserts the individual is not eligible to vote.

B. Application. Before an individual casts a provisional ballot,

(1) The individual shall complete and sign the provisional ballot application prescribed by the Board of Elections Supervisors, and

(2) The individual shall be given a data sheet on how the voter may obtain information on whether the vote was counted or not counted and the reasons therefore.

C. Locations and procedure. An eligible voter shall be issued and may cast a provisional ballot at a polling location on Election Day or at an early voting location during early voting.

D. Special envelopes. When voted, a provisional ballot shall either be enclosed in an envelope designated for such ballots or stored in an electronic format as specified by the Board of Elections.

E. Penalties. Any person who is convicted of violation of any of the provisions of this section or of making a false statement pursuant to an application for a provisional ballot shall be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for no more than six (6) months, or both.

F. Canvass of provisional ballots.

- (1) The Board ~~of Elections~~ shall adopt regulations regarding the handling and canvassing of provisional ballots.
- (2) An envelope of a provisional ballot shall not be opened until the Board ~~of Elections~~ has approved the provisional ballot application.
- (3) The Board ~~of Elections~~ may not reject a provisional ballot except by unanimous vote.
- (4) The Board ~~of Elections~~ shall reject a provisional ballot if:
 - (i) The individual is not qualified to vote in the election;
 - (ii) The individual failed to sign the oath on the provisional ballot application;
 - (iii) The individual cast more than one (1) ballot for the same election; or
 - (iv) The provisional ballot is marked by an identifying mark that is clearly evident and can be used to identify the ballot.
- (5) The Board ~~of Elections~~ shall establish a system that any individual who casts a provisional ballot may access whether the ballot was counted.

§ 8-12. Registration of Voters for City Only Supplemental Voter Registry.

A. Pursuant to the City Charter, the Board shall maintain a supplemental voter registry of those voters who are not registered to vote under the State Universal Registration Act. Any such voter qualified under C4-1, who is at least 16 years of age, has the City of Hyattsville as the applicant's primary residence, has resided within the corporate limits of the City for thirty (30) days, does not claim the right to vote elsewhere in the United States and has not been found by a Court to be unable to communicate a desire to vote, is eligible to register for the City Supplemental Voter Registry.

B. Procedures. Any person qualified to register to vote shall complete a City Registration Application, which shall be under oath and signed by the applicant. The applicant shall submit to the Board documentary proof as outlined in subsection C below ~~that the applicant meets the above qualifications to be on the City Supplemental Voter Registry.~~ Upon approval of the documentation, the Board shall register the applicant on the City Supplemental Registry.

C. Required identification and proof of residence. The following documents shall be considered acceptable to establish the qualifications for registration:

- (1) Current photo identification or an identification card issued by a federal, state, or local government entity of the United States or any foreign country or school provided the identification document contains a photograph or identifying information such as name, date of birth, gender, height, or eye color. Examples of acceptable documentation include a United States or foreign passport, visa, alien registration card, driver's

license, Motor Vehicle Administration identification card, military identification, or school ID with photo; or

(2) Documents that establish current residency, if not already established by the documents above. Examples include a copy of a deed, house or apartment lease, utility bill, paycheck, bank statement, school record, or other official or government document that shows name current address in the City; or

(3) If the applicant is unable to provide the acceptable identification or proof of residence as recited above, it shall be acceptable proof if the applicant submits an affidavit on a form provided by the City Clerk attesting to the qualifications. The affidavit shall contain the following information:

- (i) the applicant's name and residence address including street and number;
- (ii) a statement that the applicant meets the registration requirements of the City Charter to be a qualified voter in the City;
- (iii) that the address on the application is the applicant's ~~his or her~~ primary residence;
- (iv) the applicant has lived in the City of Hyattsville for at least thirty (30) days; and
- (v) the applicant does not claim the right to vote elsewhere in the United States.

The affidavit shall be executed under the penalties of perjury.

ARTICLE II

Campaign Finance

[Added 4-9-07 by HO-2007-07]

§ 8-15. Reports required. [Amended 12-1-14 by HO 2014-10]

A. Each candidate for the Office of Council or Mayor and the candidate's designated campaign treasurer shall file with the City Clerk reports as specified below ~~which~~ **that** shall list individually each and every contribution and expenditure **as defined in this chapter** in furtherance of the candidate's nomination and election. The reports shall also include a total amount of all contributions.

B. Any political committee making expenditures in excess of one hundred dollars (\$100.00) to assist in the promotion of the success or defeat of any candidate or slate of candidates for elective office or to advocate a position on any cause to be submitted to the voters, shall file reports in accordance with this Article.

C. Unless otherwise provided, any report shall include contributions received or expenditures made by the candidate, ~~or made by~~ any other person with the knowledge of the candidate, ~~or~~ the candidate's treasurer, **or any person acting on behalf of a political committee**. Reportable contributions and expenditures shall include cash, campaign signs, brochures, postage, advertisements, professional services (*i.e.*, the entity or person is or has been compensated for similar services regularly on a full or part-time basis outside of the campaign), and any other material used for the campaign.

D. All reports filed shall be available for examination by any member of the public during normal office hours of the City Clerk.

E. All candidates/committees shall file their campaign finance reports as herein provided as well as with the State Board of Elections.

F. In this Article II the term “candidate” shall include any individual who has not registered as a candidate, but is actively running for elected office in a City election, or any individual who shall be declared as elected by the Board of Supervisors of Elections. The Board shall determine the applicant’s campaign finance report(s) to be filed by such a “candidate.”

§ 8-16. Deadline for filing reports; Review by Board.

A. When there is no advance voting day, the following deadlines for campaign reports shall apply:

1. Initial Report - An initial report shall be filed on the 15th day preceding the election day and shall include all reportable contributions and expenditures made since the last preceding election.

2. Second Report - A second report shall be filed on the 7th day preceding the election day and shall include reportable contributions and expenditures made since the last preceding election.

3. Third Report - A third report shall be filed on the 7th day following the election day and shall include all reportable contributions and expenditures made since the last preceding election.

B. When there are advance voting days, the following deadlines for campaign reports shall apply:

1. Initial Report - An initial report shall be filed on the 5th day preceding the first advance voting day and shall include reportable contributions and expenditures made since the last preceding election.

2. Second Report - A second report shall be filed on the 7th day preceding the election day and shall include reportable contributions and expenditures made since the last preceding election.

3. Third Report - A third report shall be filed on the 7th day following the election and shall include reportable contributions and expenditures made since the last preceding election.

C. Further Reports - If a final report reflects a cash balance, unpaid bill(s), or a deficit greater than five hundred dollars (\$500.00), an annual report shall be filed on or before December 31 of each year, until the cash balance, unpaid bill(s), or deficit is eliminated and a report reflecting such is filed with the City Clerk’s Office. Each report filed shall include all contributions and expenditures made or received since the previous report.

D. Reports must be filed at the office of the City Clerk by 5:00 p.m. of the day they are due.

E. The Board shall appoint an individual or individuals with some expertise in reading financial statements to promptly review all reports filed. This person shall notify the Board of any irregularities, discrepancies, or errors; recommend action to the Board; and attempt to assist the persons reporting to correct any deficiencies.

§ 8-17. Form; affirmation of report.

A. The reports shall be made on forms or in a format provided by the City Clerk and approved by the City Attorney. The reports shall be subscribed and sworn to (or affirmed) by the candidate and by the candidate's treasurer, **or by the officers of a political committee, and shall include the receipts for all expenditures, dates, amounts, and information to identify each contributor and recipient of funds.**

B. Each report shall include any balance remaining from the last reporting period (including prior elections), as well as all contributions received and expenditures made from the day of the filing of the last report (if any) through the day preceding the filing of the report.

§ 8-18. Special reporting requirements.

~~A.~~ **Family contributions** - a report need not identify separately the campaign contributions made by the candidate or the candidate's spouse or domestic partner but may aggregate such under one line or total.

~~B. — In a case where the total contributions for the campaign (excluding contributions by the candidate, or the candidate's spouse/domestic partner) are less than fifteen hundred (\$1,500.00) dollars for a Councilmember candidate or five thousand (\$5,000.00) dollars for Mayoral candidate, the candidate may file an abbreviated report that attests under oath that the contribution limits outlined herein were not exceeded, and states the total contributions, the contributions outlined in subsection (a) above, and the contributions outlined in section 8-15. Nothing in this section 8-18 waives the requirements of reporting all expenses.~~

§ 8-19. Appointment of Treasurer.

A. Each candidate **or political committee** shall appoint one treasurer and shall file the name and address of the treasurer, together with the treasurer's acceptance of the appointment in writing, on a form provided by, and returned to, the City Clerk, no less than thirty (30) days ~~prior to~~**before** the election. **In the event of the resignation of an appointed treasurer, the candidate or committee must immediately inform the Board and shall within seventy-two (72) hours appoint a new treasurer and so inform the Board in writing.**

B. A candidate **or member of the political committee** may serve as the treasurer so long as the candidate **or committee** has not received and does not intend to receive a total of reportable contributions more than fifteen hundred dollars (\$1,500.00) excluding contributions **to a candidate's campaign if made** by a candidate or the candidate's spouse.

C. In the event the contributions exceed the amount in subsection (b) immediately above, the candidate **or committee** must report such to the eCity eClerk, and appoint a treasurer and file the appropriate form within two (2) days.

§ 8-20. Failure to appoint a treasurer or file reports.

A. ~~The Board of Election Supervisors~~ or the Clerk shall promptly send a written notice to any candidate **or committee** who fails to appoint a treasurer or to file timely campaign finance reports. Such notice shall be posted on the City's website and on the City's bulletin board.

B. ~~The Board of Election supervisors~~ is responsible for ensuring that all forms and campaign finance reports are in substantial compliance with this chapter. If the Board identifies a reporting inaccuracy or deficiency, ~~they~~ **it** shall notify the candidate and candidate's treasurer in writing.

A corrected report shall be filed within seven (7) days of such notice, unless the Board waives such inaccuracy or deficiency for good cause, with or without a hearing.

C. Failure to file a corrected report within seven (7) days after a notice from the Board or the City Clerk is sent shall render the report overdue.

§ 8-21. Restrictions on Campaign Contributions.

A. Maximum contribution. The maximum contribution per contributor for any one candidate or committee shall be no more than five hundred dollars (\$500.00) for any City election. No candidate or political committee may accept money from any contributor if the contributor has previously contributed five hundred dollars (\$500.00) to the election or issue.

B. Maximum contribution. No candidate or political committee or any person acting on behalf of a candidate or political committee may accept a contribution in excess of five hundred dollars (\$500.00) from any one person (or entity) in any election.

C. Prohibitions. No candidate or political committee shall accept any contribution from a(n) (1) anonymous contributor or (2) a foreign national which is defined as a foreign government, foreign political party, foreign corporation, foreign association or partnership. A United States citizen living abroad and an immigrant with a green card shall not be considered a foreign national as defined in Section 8-1. Any such contribution shall be promptly paid over to the City to be used for any public purpose.

D. Candidate and spouse contributions. The contributions of a candidate or the candidate's spouse to the candidate's own campaign shall not be subject to the limitations of this Section 8-21, but monetary contributions must pass through the candidate's campaign account and be reported.

E. Separate campaign account. When the contributions received by a candidate or political committee exceed a total of two hundred dollars (\$200.00), all funds must be deposited in an campaign account opened with a financial institution and designated with the City of Hyattsville as the candidate's or political committee's campaign account. Such funds must not be commingled with any other funds or accounts.

F. Loans for a campaign.

(1) A loan to a candidate is considered a contribution unless: (a) the loan is from a financial institution or other entity in the business of making loans or (b) the loan is to the candidate and repayment is personally guaranteed by the candidate and is due within one year of the date of the loan.

(2) A loan by the candidate or spouse is exempt from the requirements of this subsection.

(3) The total amount of all loans to a candidate or committee for any election shall not exceed five thousand dollars (\$5,000.00). Amounts spent by candidate of their own money shall not be limited by this subsection.

G. Contributions from corporate entities. No candidate may accept a contribution from a corporation, business, or legal entity. This prohibition only applies to direct contributions from a corporation, business, or legal entity.

§ 8-22. Restrictions on Use of Campaign Funds.

A. No cash withdrawals shall be allowed.

B. Campaign funds shall not be used to pay a fine for a violation of this Chapter.

C. No person other than a candidate, treasurer, political committee, or other agent with specific written authorization by the candidate or political committee, shall make an expenditure from the campaign account.

D. Disposition of surplus funds. After an election, surplus funds shall not be converted to personal use. A a candidate or political committee may retain surplus funds or, if not retained, surplus funds shall ~~may~~ be disposed of as follows:

(1) Returned, pro rata, to the contributors by the treasurer; or

(2) Paid to a charitable organization registered pursuant to Article 41, Section 103B, of the Annotated Code of Maryland, as amended, or to a charitable organization exempt from such registration pursuant to Article 41, Section 103 of the Annotated Code of Maryland, as amended; or

(3) Paid to a local board of education or to a recognized nonprofit organization providing services or funds for the benefit of pupils or teachers; or

(4) Paid to any public or private institution of higher education in the state for scholarship or loan purposes.

§ 8-23. Penalties. [Amended 12-1-14 by HO 2014-10]

A. The City Ethics Commission shall have non-exclusive jurisdiction to investigate and decide any violations of this Article II. **The City Administrator shall monitor and make appropriate recommendations to the Board and the Ethics Commission in the event of duplicative hearings.**

B. The penalties recited in this section are cumulative so that the imposition of one or more of the penalties does not preclude the imposition of any other penalty outlined in this section.

C. A candidate shall not be seated and sworn as an elected official and shall not receive a salary until all reports required by this chapter are filed in compliance with the requirements of this Chapter as well as all reports required by the City's Ethics Ordinance.

D. In addition to any other penalty or sanctions the City Council may, after notice and/or hearing, impose such censure or penalty on the person elected who has violated this Article that the Council deems reasonable and appropriate including a refusal to seat the individual, removal from office, and a declaration that the seat is vacant.

E. It shall be a misdemeanor for any person, including a treasurer or candidate for public office, to willfully violate or cause or allow a violation of this Article II. Upon conviction, a fine of up to one thousand dollars (\$1,000.00) may be imposed by the Court.

F. The Board may impose a fine of two hundred (\$200.00) dollars on any unsuccessful candidate and the candidate's treasurer if the final report as described in section 8-14 above is more than seven (7) days late. The Board shall have the power to waive or reduce the penalty for good cause with or without a hearing.

G. The Board may at its discretion choose not to qualify as a candidate any individual who in any previous campaign as a candidate has not filed all required reports. The Board shall not qualify as a candidate anyone who has consistently failed to observe any required procedures regarding election in previous campaigns. The Board shall have discretion to consider any mitigating circumstances in any ruling on a candidacy. Appeals to Board action shall be available pursuant to C-4-7 of the Charter.

ARTICLE III

Vote-by-MailAbsentee Ballots

§ 8-27. Application Form for Vote-by-MailAbsentee Ballot. [Added 5-3-76; Amended 12-19-83 by HB No. 15-83; 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03]

A. Printed forms of applications for **Vote-by-Mailabsentee** ballots in accordance with the requirements of this chapter shall be provided by the Board and shall be available to any qualified voter.

B. The Board of Supervisors of Elections shall prescribe the forms of application for candidacy, **Vote-by-Mailabsentee** registration and ballot, application for **Vote-By-Mailabsentee** ballot by a registered voter, and related affidavits and statements for consideration by the Mayor and City Council as the Board deems necessary.

§ 8-28. Contents of Application for Vote-by-MailAbsentee Ballot. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A qualified voter desiring to vote at any election as an **Vote-by-Mailabsentee** voter shall make an application, in writing, to the Board for an **Vote-By-Maileabsentee** ballot. The application shall contain an affidavit, which need not be under oath but which shall set forth the following information under penalty of perjury:

A. The voter's name and residence address, including the street and number.

B. That the person is a qualified voter at the residence address given.

C. If the person voted at the preceding election, the residence address from which he or she voted.

D. The address to which the ballot is to be mailed, if different from the resident address.

§ 8-29. Vote-by-MailAbsentee Ballots: Review of Applications, Delivery and Maintenance of Records. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A. Rejection of application. Upon receipt of an application containing the affidavit, the Board shall reject the application only upon the unanimous vote of the entire Board and, when rejected, shall notify the applicant of the reason therefor, if it determines, upon inquiry, that the applicant is not legally qualified to vote in the election.

B. Delivery of ballot. If the applicant is a qualified voter as stated in ~~the~~his/her affidavit, the Board shall, as soon as practical thereafter, deliver to ~~the applicant~~him/her at the office of the Board or mail ~~the voter's Vote-by-Mail ballot to the applicant~~him/her at an address designated by ~~the applicant~~him/her an ~~Vote-by-Mailabsentee voter's ballot~~. If the applicant is one with respect to whom free postage privileges are provided for by any other federal law, rule, or

regulation, the Board shall take full advantage of these privileges. In all other instances, postage for transmitting ballot material to voters shall be paid by the voters. If the ballots are to be sent by mail, the determination required in Subsection A of this section shall be made in such time as will allow the sending and return of the ballots by regular mail, depending on the mailing address, and including at least one (1) day for marking the ballots and completing the affidavit.

C. Record of applications received and ballots delivered.

(1) The Board shall keep a record of applications for **Vote-By-Mail**~~absentee~~ voters' ballots as they are received; showing the date received and the names and residence of the applicants, and such record shall be available for examination by any registered voter.

(2) After approval of an application for an **Vote-by-Mail**~~absentee~~ ballot and the mailing/delivery to the applicant of an **Vote-by-Mail**~~absentee~~ ballot, then the **approved applicant's** voters record card in the precinct binder shall be removed and placed in a separate binder marked "registered **Vote-by-Mail**~~absentee~~ voters" and retained in the office of the Board. A marker shall be placed in the regular precinct binder with the voter's name and shall record the fact that an **Vote-by-Mail**~~absentee~~ ballot has been mailed, which shall show the date on which the ballot was sent. No such voter shall vote or be allowed to vote in person at any polling place.

D. One (1) ballot per applicant. Not more than one (1) **Vote-By-Mail**~~absentee~~ ballot shall be mailed to any one (1) applicant unless the Board has reasonable grounds to believe that the **Vote-By-Mail**~~absentee~~ ballot previously mailed has been lost, destroyed, or spoiled.

§ 8-30. Form and Contents of Absentee Ballots. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

A. Printing of ballots for **Vote-By-Mail**~~absentee~~ voters, envelopes, and instructions. In sufficient time ~~prior to~~**before** any election, the Board shall have printed an adequate number of ~~absentee~~ ballots, the three (3) kinds of envelopes described in this section, and the instructions to **Vote-By-Mail** ~~absentee~~ voters as set out in ~~§ 8-9~~ of this chapter.

B. **Vote-By-Mail**~~Absentee~~ ballots, ~~in~~**at** the discretion of the Board, will be in the form of paper ballots. The form and arrangement of all ~~such~~~~absentee~~ ballots shall be as prescribed by the Board of Supervisors of Elections.

C. Format and printing of ballots. The ballots shall contain the words "**Vote-By-Mail**~~absentee~~ ballot" printed in large letters in a clear space at the top of each paper ballot. Underneath these words shall be printed the following warning: "Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make identifying mark." The designation of the election ward shall be left blank on paper ballots on the back and outside of said ballots, and such designation shall be filled in by the Board before being sent to any registered ~~absentee~~ voter. All candidates shall be listed by office and alphabetically within the office. Referendum questions shall follow the listing of candidates for all offices.

D. Envelopes. The Board of Supervisors of Elections shall prescribe the size, form, and printed content of the **Vote-By-Mail**~~absentee~~ ballot material envelopes, providing for a covering envelope, a ballot envelope, and a return envelope.

§ 8-31. Instructions to voters. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-9-09 by HO-2009-04]

Printed Instructions. The printed instructions for the casting of **Vote-By-Mail**absentee ballots shall be prescribed by the Board of Supervisors of Elections, and it shall prescribe instructions for paper ballots.

Restrictions regarding Ballots. No completed ballot shall be handled or delivered by a candidate or an individual volunteering or working for a candidate except for ~~their~~his/her own ballot or that of ~~their~~his/her immediate family member or a member of ~~their~~his/her household.

Delivery. Completed ballots during voting hours may be hand-delivered to the City Clerk's Office during normal business hours or to the Board of Supervisors of Elections during voting hours at the voting places on any Election day or advance of Election Day, or at a place and time designated by the Board of Supervisors of Elections for receiving such.

§ 8-32. Vote-by-MailAbsentee Ballots; Procedure for Assistance. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A. Application procedure for voting. Any qualified voter shall make application for an **Vote-by-Mail**absentee ballot as provided in this chapter. The completed application shall be filed in the office of the Board of Supervisors of Elections no later than 10:00 a.m. on the last day the City offices are open for regular business ~~prior to~~before election Day. No completed application shall be handled, or delivered by a candidate or an individual volunteering or working for a candidate except for ~~their~~his/her own application or that of ~~their~~his/her immediate family member or a member of ~~their~~his/her household. Upon receipt of a completed application, the Board shall mail or provide to the voter entitled thereto an **Vote-By-Mail**absentee ballot.

B. Assistance in marking ballot. Any otherwise qualified voter who is blind, physically challenged or impaired and is for one (1) of these reasons unable to mark ~~their~~his/her absentee ballot and sign the required oath may be assisted in voting by any person selected by the voter. Any person rendering assistance pursuant to this subsection must execute the certification of the oath of person assisting **Vote-By-Mail**absentee voter form.

§ 8-33. Procedure for Counting and Canvassing Vote-By-MailAbsentee Ballots. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-9-09 by HO-2009-04]

A. Opening or unfolding ballots. The Board shall not open or unfold any **Vote-By-Mail**absentee ballot at any time ~~prior to~~ before the closing of the polls and the beginning of the canvass of the absentee ballots.

B. Procedure generally. No absentee ballot shall be counted if it is received by the Board of Supervisors of Elections after the closing of the polls on election Day. Immediately following the canvass of the votes cast at the regular voting places in the City on Election Day, the Board shall meet at the usual office of the Board and shall proceed to count, certify, and canvass the **Vote-By-Mail**absentee ballots contained in the ballot envelopes received ~~by it prior to~~ before the closing of the polls on Election Day. No ballot shall be rejected by the Board except by the unanimous vote of the entire Board. This canvass shall be conducted by ward in accordance with the applicable provisions of § C4-11 of the City of Hyattsville Charter. All **Vote-By-Mail**absentee voters' applications, certifications, ballot envelopes, and ballots shall be kept separate and apart from ballots cast at the regular voting places and retained for six (6) months after the date of the election at which they were cast, unless prior to that time the Board shall be ordered by a Court of competent jurisdiction to keep the same for any longer period.

C. Ballot voted for person who has ceased to be a candidate. Any **Vote-By-Mail**~~absentee~~ ballot voted for a person who has ceased to be a candidate shall not be counted for such candidate, but such vote shall not invalidate the remainder of such ballot.

D. Death of voter before ~~E~~-election ~~D~~day. Whenever any Board shall determine from proof of investigation that any person who has marked and transmitted or deposited in person with the Board an **Vote-By-Mail**~~absentee~~ ballot, whether under act of Congress or the provisions of this chapter, has died before election day, said Board shall not count the ballot of said deceased voter, but it shall be preserved by the Board for six (6) months and may then be destroyed. If, at or ~~prior to~~ **before** the time of such counting and canvassing, the Board shall not have determined that the ~~absentee~~ resident who marked a ballot had died before election day, said ballot shall be counted, and the fact that said **Vote-By-Mail**~~absentee~~ resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.

E. Placement of ballots in **Vote-By-Mail**~~absentee~~ ballot box and entry in registry; more than one (1) ballot in envelope; marking ballots. If the Board determines that the provisions for filling out and signing the oath on the outside of the ballot envelope have been substantially complied with and that the person signing the voter's oath is entitled to vote under this chapter in any ward of the City, as the case may be, and has not already voted therein on election day, it shall open the ballot envelope and remove the ballot ~~the~~ therefrom and place it in an **Vote-By-Mail**~~absentee~~ ballot box. When any ballot envelope is opened, the Board shall enter in the appropriate register the fact that the voter whose name appears thereon has voted, using the initials "VBMAB" to indicate the vote has been by a **Vote-By-Mail**~~absentee~~ ballot. If there is more than one (1) ballot in the ballot envelope, all shall be rejected. **Vote-By-Mail**~~absentee~~ ballots may be marked by any kind of pencil or ink.

F. More than one (1) ballot received from the same person. If the Board receives from the same person ~~prior to~~**before** the closing of the polls on ~~E~~election ~~D~~day more than one (1) **Vote-By-Mail**~~absentee~~ ballot, it shall count, certify, and canvass only the **Vote-By-Mail**~~absentee~~ ballot with the earliest date, or, if both are undated or dated the same, none of the ballots received from such person shall be counted.

§ 8-34. Penalty. [Added 2-20-07 by HO-2007-03]

Anyone who willfully signs any ~~false~~ application, **affidavit**, or oath **containing false information** or who willfully does any act contrary to the terms and provisions of this chapter with **the** intent to cast an illegal vote or to aid another in doing so or who willfully violates any of the provisions of this ~~C~~chapter or who applies for a ballot under any other name than **their**~~his/her~~ own name shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than **one thousand dollars** ~~five hundred dollars (\$1000.00)~~ or to imprisonment of not more than ninety (90) days, or to both, at the discretion of the Court.

ARTICLE IV

Complaints

§ 8-40. Filing Procedure for Complaints.

Any candidate for office who believes they should be certified as elected by the Board and has not been certified, must file with the Board a complaint within seven (7) days of the

Board's certification. Any person who is a qualified voter of the City and believes that a violation of this chapter or a provision of the City Charter has occurred, except for the question of the certification of a candidate by the Board, may file a written complaint with the Board of Supervisors of Elections. The complaint shall include all particulars of the allegation, and must be signed by the complaining party. Such complaint must be filed with the Board within one hundred and eighty (180) days of the date of the alleged violation, but may not be filed later than one hundred eighty (180) days from the date of the most recent election to which the alleged violation pertains.

§ 8-41. Investigation of Complaints.

After the filing of any complaint, the Board of Supervisors of Elections shall make such investigation as deemed appropriate to ascertain whether there are reasonable grounds to believe the allegation is true. The Board may request the City Administrator's assistance in this investigation.

§ 8-42. Procedure When Violation of Chapter Not Found.

If the Board of Supervisors of Elections, in investigating a complaint, determines there are no reasonable grounds to believe that a violation of this chapter has occurred, the Board shall issue a written order dismissing the complaint.

§ 8-43. Procedure When Violation of Chapter is Found.

If the Board of Supervisors of Elections, in investigating a complaint, determines there are reasonable grounds to believe that a violation of this chapter has occurred, the Board or its designee shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representative as the parties may choose to assist them. If a complaint is conciliated, the terms of the conciliation agreed to by the parties may be reduced to writing and incorporated into a consent agreement as needed.

§ 8-44. Board Hearings Generally.

If there are reasonable grounds to believe a violation of law has occurred and the case has not been conciliated, the Board shall serve upon the person against whom the complaint has been filed (designated as the "respondent") a summons and statement of charges shall be served upon all interested parties along with a notice of the time and place of the hearing. The respondent or an authorized representative may file such statements with the Board before the hearing date as deemed necessary in support of respondent's position.

§ 8-45. Board Action When Violation of Chapter Not Found.

If, at the conclusion of a hearing, the Board determines, upon the preponderance of the evidence of record, that the respondent has not violated this chapter or any applicable election law, the Board shall state and publish its findings and issue an order dismissing the complaint.

§ 8-46. Board Action When Violation of Chapter Found.

If, at the conclusion of a hearing, the Board determines, upon the preponderance of the evidence of the record, that the respondent has violated this chapter or any applicable election law, the Board shall state and publish its findings and issue an order. Such order shall require the respondent to cease and desist from such unlawful conduct, impose such

conditions, mandates or prohibitions on any violator as the Board determines to be appropriate and may require the respondent to take corrective action. In addition, the Board may recommend to the City Administrator the imposition of civil penalties not to exceed one thousand dollars (\$1,000.00) as defined in this chapter.

Any order of the Board may be appealed to the Circuit Court ~~of~~ for Prince George's County, Maryland within fourteen (14) days of issuance. Failure to comply with an order of the Board shall constitute a violation of this chapter subject to the penalties outlined herein.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable;

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days from the date of its adoption;

AND BE IT FURTHER ORDAINED that a fair summary of this ordinance shall forthwith be published twice in a newspaper having general circulation in the City and otherwise be made available to the public.

INTRODUCED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on January 9, 2017.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on January 23, 2017.

Adopted: January 23, 2017

Attest: _____
Laura Reams, City Clerk

Candace B. Hollingsworth, Mayor

~~{}~~ indicate deletions

/**BOLD** indicates additions

Asterisks * * * Indicate matter retained in existing law but omitted herein

Effective Date: February 12, 2017



Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017
Submitted by: Laura Reams
Submitting Department: City Clerk
Item Type: Appointment
Agenda Section: Consent Items

SUBJECT

Appointment to the Planning Committee

Motion #

120-01-FY17

Recommendation:

I move that the Mayor and Council re-appoint David Marshall (Ward 2) to the Planning Committee for a term of 2 years to expire on January 23, 2019.

Sponsor(s):

Haba, Wright

ATTACHMENTS

[D. Marshall_Planning Reappointment.pdf](#)

Summary Background:

Please see attached re-appointment application.

Next Steps:

N/A

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

Agendas for the Planning Committee Meetings are posted on the City's website. Meetings are open to the public and all are encouraged to attend.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Action 1.1 - Provide Information and Opportunities for Resident Participation in Civic Endeavors.

Legal Review Required?

N/A

Board, Committee and Commission Application

Status: submitted

Profile

D. MARSHALL

First Name

Last Name

[REDACTED]

Email Address

[REDACTED]

Street Address

[REDACTED]

City

[REDACTED]

Suite or Apt

[REDACTED]

State

[REDACTED]

Postal Code

To find your City Ward, click on this link! <http://www.hyattsville.org/538/Residency-Verification-Page>

Ward 2

Ward

[REDACTED]

Primary Phone

[REDACTED]

Alternate Phone

Which Boards would you like to apply for?

Planning Committee

N/A

Referred By:

Biographical Statement

Planning Committee 17 Jan. 17 I was always curious as to how decisions are made to construct and place parks, schools, shopping areas, transportation hubs, and houses in my community. Since these decisions affect every member of the community, in my opinion, it is important to have input from a variety of people in the community. I spent my early adult years as a blue collar worker; I have also helped several friends manage their small, blue collar business. Most of these people are the folks who work in the local small business, walk to Metro train stations, use the bus systems, have children in the public schools, use the local parks and recreation facilities, live in the rental and purchased homes and apartments, as well as patronize the local business. I think that my participation with the planning committee helps the City, the committee, and the community better understand the needs and wants of our community, our City government, and the developers. When the City Of Hyattsville, and others, decided to form a planning committee, I was very happy to become a part of that committee. Marshall



Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017
Submitted by: Laura Reams
Submitting Department: City Clerk
Item Type: Appointment
Agenda Section: Consent Items

SUBJECT

Appointment to the Code Compliance Advisory Committee

Motion #

121-01-FY17

Recommendation:

I move that the Mayor and Council appoint Nicolas Michiels (Ward 1) to the Code Compliance Committee for a term of 2 years to expire on January 23, 2019.

Sponsor(s):

Lawrence, Ward

ATTACHMENTS

[Cover Page_Code Appointment.pdf](#)

[Nicolas Michiels_Code Application_redacted.pdf](#)

Summary Background:

Please see attached appointment application.

Next Steps:

N/A

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

Agendas for the Code Compliance Advisory Committee Meetings are posted on the City's website. Meetings are open to the public and all are encouraged to attend.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Action 1.1 - Provide Information and Opportunities for Resident Participation in Civic Endeavors.

Legal Review Required?

N/A

Board, Committee and Commission Application

Status: submitted

Profile

Nicolas

First Name

Michiels

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

To find your City Ward, click on this link! <http://www.hyattsville.org/538/Residency-Verification-Page>

Ward 1

Ward

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Code Compliance Advisory Committee

Referred By:

Biographical Statement

I would be grateful to have the opportunity to serve on the Code Compliance Advisory Committee. As an attorney, I am prepared to engage in careful review of proposed changes, revisions, or new ordinances for the City Code. My primary goal would be to craft standards that 1) help businesses thrive and 2) eliminate blight.



Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017

Submitted by: Lesley Riddle

Submitting Department: Public Works

Item Type: Purchase

Agenda Section: Action Items (8:45 p.m. - 9:05 p.m.)

SUBJECT

Purchase of Department of Public Works Parks Operations Vehicle (10 minutes)

Motion #

123-01-FY17

Recommendation:

I move the Mayor and Council approve the purchase of a 2017 Chevrolet Silverado 3500HD Crew Cab from Criswell Automotive under the Maryland State Contract, to replace Parks operations vehicle PKV0489, at a cost not to exceed \$57,000.00.

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

Summary Background:

Currently the DPW Parks operations are supported by 2 pickups trucks: PKV0489 and PK0288. The park operations truck PK0489 is 13 years old and has reached the end of its useful life. Both vehicles are over 13 years of age, have considerable operational issues, and cannot support the material and equipment needed to sustain operations for the next 5 to 10 years.

Request the replacement of one of the pickup trucks with a Chevrolet four-wheel drive crew cab that can efficiently and effectively support the Parks Depts needs for seasonal work and snow removal efforts.

\$300,000 was approved in FY-2017 Capital Improvements Plan for replacement vehicles and the required \$56,349.60 for this truck was included in that approved amount. This purchase will be lease financing that will be presented for approval at the next Council meeting.

Next Steps:

With Council approval the City will purchase the vehicle off of the Maryland State Contract.

Fiscal Impact:

Funds for this vehicle are in the Department of Public Works - Capital Improvement budget.

City Administrator Comments:

Recommend Approval

Community Engagement:

N/A

Strategic Goals:

Foster Excellence in all City Operations

Legal Review Required?

N/A



Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017

Submitted by: Douglas Holland

Submitting Department: Police Department

Item Type: Purchase

Agenda Section: Action Items

SUBJECT

Purchase of Police Vehicles

Motion #

124-01 -FY17

Recommendation:

I move that the Mayor and City Council authorize the purchase of ten replacement vehicles from Hertrich Ford, the purchase of vehicle equipment and up-fitting from the Brekford Corporation, and four mobile radios from Motorola Corporation. Total expenses will not exceed the approved FY17 Capital Expenditure line item 70-202-001-5642 funding balance of \$419,256.

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

[2017 Vehicle Replacement.docx](#)

Summary Background:

During the FY2017 budget preparation process, members of the Police Budget Committee requested funding for replacement vehicles in accordance with the police vehicle replacement schedule . The final approved FY2017 budget ordinance includes Capital Expenditure line item 70-202-001-5642 with a balance of \$419,256 for the replacement of ten (10) vehicles, equipment and upfitting expenses and four additional in-vehicle radios. The replacement vehicles will include five (5) 2017 Ford AWD Sedans, Three (3) 2017 Ford AWD Utility SUVs, One (1) 2017 Ford Fusion Hybrid and one (1) 2017 Ford Evidence Van.

The department requested \$423,000 in the FY-2017 Capital Improvements Plan for vehicles. Funding for the purchase of these vehicles will be lease financing that will be presented for approval at the next Council meeting.

Next Steps:

Purchase according to the City's procurement policy and approval of the City Treasurer

Fiscal Impact:

Expenditure not to exceed \$419,256

City Administrator Comments:

Recommend Approval

Community Engagement:

N/A

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A



Memo

To: Mayor and Council
From: Douglas K. Holland, Chief of Police
CC: Tracey Nicholson, City Administrator
Date: January, 19, 2017
Re: Police Vehicle Purchase

Purpose

The purpose of this memorandum is to request Mayor and Council approval for the purchase and up fitting of ten (10) replacement vehicles.

Background

During the FY2017 budget preparation process, members of the Police Budget Committee referred to the police vehicle replacement schedule as justification for Vehicle Capital Expenditure funding. The final approved FY2017 budget ordinance includes Capital Expenditure line item 70-202-001-5642 has a funding balance of \$419,256 for replacement of ten (10) vehicles. The replacement vehicles will include five (5) 2017 Ford AWD Sedans, Three (3) 2017 Ford AWD Utility SUVs, One (1) 2017 Ford Fusion Hybrid and one (1) 2017 Ford Evidence Van.

The Statewide contracts for Law Enforcement Vehicles identified as BPO numbers 001B7400097 and 001B7400150 has been awarded to Hertrich Fleet Services, Inc., 1427 Bay Road, Milford, Delaware. Pursuant to Article 41, Section 18-201 of the Annotated Code of

Maryland, we, as a Municipal / Government Agency are authorized to purchase vehicles in accordance with the terms identified in the contracts.

The equipment purchase and up fitting of the vehicles will be contracted through the Brekford Corporation 7020 Dorsey Road, Hanover, Maryland and will be purchased thru State Contract, Blanket Purchase Order(BPO) Number 060B2490022. Pursuant to Article 41,, Section 18-201 of the Annotated Code of Maryland, we, as a Municipal Government Agency are authorized to purchase and install the necessary emergency lighting, video and radio equipment, decals, etc. ...for our new police vehicles with the terms identified in this contract.

Additionally, four (4) mobile radios are needed as replacements/spares for existing vehicles. The radios are purchased from Motorola using Prince George's County Contract ARO No. C-0891-06.

2017 Ford Police Sedan AWD	\$25,113 x 5 = \$125,565		
Equipment and Up Fitting	\$17,063 x 5 = \$ 85,315		
2017 Ford Utility AWD	\$28608 x 3 = \$ 85,824		
Equipment and Up Fitting	\$14,915 x 3 = \$ 44,743		
2017 Ford Fusion Hybrid	\$25,572 x 1 = \$ 25,572		
Equipment and Up Fitting	\$ 4,846 x 1 = \$ 4,846		
2017 Ford Transit Evidence Van	\$28,473 x 1 = \$ 28,473		
Equipment and Up Fitting	\$ 1,498 x 1 = \$ 1,498		
Mobile Radios	\$ 4,030 x 4 = \$ 16,120		
TOTALS	Vehicles	\$265,634	\$
	Equipment	\$136,402	
	Radios	\$ 16,120	
		\$418,156	
FY 17 Capital Expenditure line item 70-202-001-5642 balance		\$419,256	

Recommendation

It is recommended that the Mayor and City Council authorize the purchase of ten replacement vehicles from Hertrich Ford, the purchase of vehicle equipment and up-fitting from the Brekford Corporation and 4 mobile radios from Motorola Corporation. Total expenses will not exceed the approved FY17 Capital Expenditure line item 70-202-001-5642 funding balance of \$419,256.



Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017

Submitted by: Jim Chandler

Submitting Department: Community & Economic Development

Item Type: Planning & Development

Agenda Section: Discussion Items (9:05 p.m. - 9:50 p.m.)

SUBJECT

Riverfront at West Hyattsville Metro (15 minutes)

Motion

Discussion, Scheduled for Action on 2/6/17

Recommendation:

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

[Memo - Riverfront at West Hyattsville Metro - Discussion.pdf](#)

[SOJ-DSP16029.docx](#)

[Composite Concept Plan 2016_10_07.pdf](#)

[PPS-415020_002.pdf](#)

[Planning Committee Minutes - 10.18.2016.docx](#)

[Planning Committee Minutes- 11.15.2016.docx](#)

Summary Background:

The subject property is located at 5620 Ager Road, adjacent to the West Hyattsville Metro station. The property is 18.4 acres and includes a structure has been vacant for over a decade and is not structurally sound. The applicant proposes developing the site into a walkable, residential community that would include 183 townhomes with the potential for an additional phase of development to include 300-multifamily rental units and 10,000 square feet of commercial space. The development will include the construction of a public park and amphitheater space, as well as pedestrian and bicycle improvements made to the Northwest Branch Trail.

Next Steps:

The development is scheduled for discussion by the Hyattsville City Council, and tentatively scheduled to be on the action agenda on February 6, 2017. The projected Planning Board meeting date is March 2, 2017.

The referral of City comments for the preliminary plan of subdivision (PPS) was due to the M-NCPPC reviewer on January 9th, and the expedited transit oriented development (ETOD) was due on January 23rd. City Staff notified them of our City Council meeting schedule and they have agreed to accept comments immediately following the February 6th City Council meeting.

Fiscal Impact:

The cost for maintenance of publicly dedicated roadways, sanitation services and street lighting will meet current levels of City services.

City Administrator Comments:

Based on the information in the referral packages, staff recommends support of the PPS and the Infrastructure Detailed Site Plan with the stated conditions.

Community Engagement:

The applicant hosted an informal pre-application open house at Felegy Elementary School on October 28, 2015 to solicit feedback from the surrounding community.

In October 2016, the applicant presented their proposal to both the Hyattsville Planning Committee and the City Council. The presentations provided a general overview of the site plan and storm water management on-site recommendations. During the meeting, Committee members brought up questions related to ownership of the roadways, public access to the park/amphitheater, trash pickup, bicycle and pedestrian connectivity as well as storm water management. Committee members were generally satisfied by the applicant's responses and did not have any major concerns that would compromise the project.

The Committee discussed the project again at a November 15, 2016 meeting. Minutes from the October and November meetings are attached to this memo and a summary of recommendations are provided below.

- They would like to see some connection to Kirkwood Apartments. If it is not feasible, they appreciate that the applicant is designing the streets to eventually connect;
- Determine in advance how storm water management is going to be managed
- They are supportive of the roadways being dedicated to the City

Strategic Goals:

Goal 2: Ensure the Long-Term Economic Viability of the City

Action 2.2 – Invest and manage City infrastructure including streets, sidewalks and public facilities

Action 2.3 – Promote and invest in opportunities for alternative transportation methods to support multi-modal connectivity throughout the City.

Action 2.4 – Provide economic development programming and projects to support and facilitate infill, revitalization, redevelopment and transit-oriented investment.

Legal Review Required?

N/A



Memo

To: Mayor and City Council
CC: Tracey Nicholson, City Administrator
From: Jim Chandler, Assistant City Administrator; Director, Community and Economic Development
Katie Gerbes, Community Planner
Date: January 18, 2017
Re: Riverfront at West Hyattsville Metro: PPS 4-15020 and DSP-16029 ETOD
Attachments: October 2016 Planning Committee Minutes
November 2016 Planning Committee Minutes
SOJ-DSP16029
PPS-415020_002
Composite Concept Plan

The purpose of this memorandum is to provide the Mayor and Council with information regarding Preliminary Plan of Subdivision (PPS) 4-15020 and Infrastructure Detailed Site Plan (DSP) 16029 for the Riverfront at West Hyattsville project. The City received referrals for these applications on December 13, 2016 and January 5, 2017 respectively.

Based on review of the information in the referral packages, it is Staff's recommendation that the City Council support this Preliminary Plan of Subdivision and Infrastructure Detailed Site Plan with the conditions.

Project Details

The subject property is located at 5620 Ager Road, adjacent to the West Hyattsville Metro station. The property is 18.4 acres and includes a structure has been vacant for over a decade and is not structurally sound for habitation. The applicant proposes developing the site into a walkable residential community that would include 183 townhomes, with the potential for an additional phase of development to include 300-multifamily rental units and 10,000 square feet of commercial space. The development will include the construction of a public park and amphitheater space, as well as pedestrian and bicycle improvements made to the Northwest Branch Trail.

The property is zoned M-X-T (Mixed Use Transit Oriented) and lies within the West Hyattsville Transit District Overlay Zone (TDOZ), a form based overlay zone, which advocates for high density, transit oriented development. It is Staff's assessment that the proposed development is consistent with goals and development standards of the West Hyattsville TDOZ.

The street network of the proposed development is a grid layout modified for the triangular shaped property. Access to the property will be off of Ager Road onto the main spine road of the community, Little Branch Run. The other main road in the development is River Terrace Road, which runs along the promenade. The remaining road network is a system of smaller access streets and alleyways to access the rear loaded garages. Collectively the applicant and the City have decided that it is in the best interest of all for the roadways to be dedicated to the City of Hyattsville. This enables the City to meter on-street spaces, employ a residential parking zone, and also ensure that the maintenance of the road is kept up. As a result, the applicant has designed the streets in the development (River Terrace Road, Little Branch Run, Nicholson Street, Emerald Branch Drive, Crimson Fox Drive, Hyattsville Drive and Alpha Ridge Avenue) to the City's public street standards. The alleyways used to access the garages will remain private to be managed by the homeowner's association. A site plan showing the layout of the road network is attached.

One of the main features of the development is a promenade greenway at the southwestern edge of the property, along the Northwest Branch Trail. The majority of this park space is actually owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) Parks Department. It was dedicated to the Parks Department from the subject property in the 1957. The applicant and the Parks Department have come to an agreement where the applicant may use the parkland for some of their stormwater management features, which is crucial because the project site lies within the 100-year floodplain. Properties that lie in the floodplain are required to take extra measures to manage stormwater and mitigate against a higher flooding risk. As a result, an arrangement has been made where the applicant can use dirt from the M-NCPPC property to raise the site out of the floodplain. The applicant will then incorporate underground compensatory storage for the site on the M-NCPPC parcel. In exchange, the parcel in question will be turned into a greenway with improvements made to the adjacent trail. M-NCPPC will retain ownership of this site with a memorandum of understanding in place for the applicant to control the maintenance of the stormwater facility.

Development Phasing

Due to the scale, grading and subdivision requirements of the subject property, the applicant has phased the review and approval process for the development into three distinct pieces:

- Phase I: Infrastructure plan and grading
- Phase II: Townhome development
- Phase III: Multifamily development and commercial pad site

The site requires significant infrastructure investments before building can begin. As a result, the applicant has decided to seek approval for the Preliminary Plan of Subdivision and infrastructure only Detailed Site Plan at this time. The joint approval of the PPS and infrastructure plan would allow the applicant to begin some of the ground work, such as razing the existing building, laying utility pipes and creating the internal road network now, before the architecture of the development is finalized. After the applicant has begun to do some of the basic ground work, they will come back to the Planning Board

seeking approval for the architecture portion of the Detailed Site Plan. The applicant anticipates the architectural DSP application will be submitted to the Planning Board in late summer/early fall of 2017.

Due to its location within the TDDP, this proposal qualifies to go through the Expedited Transit Oriented Development (ETOD) review process. This procedure speeds up the review process for eligible applications as a way to incentivize development in the County's transit districts. The review process is the same as standard developments, but must take place in a shorter timeframe of 60 days.

Variance Requests

At this time, the applicant is seeking three variances.

The first is a variance from the requirement that, "residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet." As proposed, three of the townhome lots and the multifamily portion of the development are less than 300 feet from the Metro right-of-way, specifically where the tracks begin to go underground. **Given the desire for high density in this area and the burying of the rail track, staff are supportive of this variance request.**

The second variance is for the removal of one specimen tree, a Red Maple. There is a requirement reading, "specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual." The tree in question here is in poor health, with obvious root damage, evident decay and is located in the area of the property to be utilized for compensatory storage of stormwater. If the tree were to remain, the applicant would be unable to use that area for compensatory storage and the entire development would need to be redrawn. **Given the ramifications of not removing this tree, coupled with the tree's poor health, staff are supportive of this variance request.**

The final variance sought by the applicant is regarding public utility easements. The requirement for public utility easements on private roads reads: "private roads provided for by this Subsection shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width, and shall be adjacent to either right-of-way line. The applicant is providing public utility easements on every lot and lot frontage, however in certain areas the easements of 10 feet is not contiguous. There are instances where the easements are split between the front and rear of the property. According to the applicant, the intent of the public utility easement is met and 10 feet of easement is provided on all properties, but the gas and electric easements are split, therefore resulting in two easements of five to six feet each. **Given that the applicant is indeed providing the required easements, simply in a different geometry, staff is supportive of this variance request.**

Planning Committee Review

On October 18, 2016, the applicant met with the Hyattsville Planning Committee to present and discuss the subject property. The presentation to the Planning Committee was the same presentation as was given to the City Council on October 17th, which provided a general overview of the site plan and discussed stormwater management practices taking place on site.

During the conversation, Committee members brought up questions related to ownership of the roadways, public access to the park/amphitheater, trash pickup, bicycle and pedestrian connectivity as well as stormwater management. Committee members were generally satisfied by the applicant's responses and did not have any major concerns that would compromise the project. The committee discussed the project again at the November 15, 2016 meeting. A summary of recommendation from the meeting are provided below. Minutes from the October and November meetings are attached to this memo.

- If possible, would like to see some connection to Kirkwood. Regardless of feasibility of a connection, appreciate that the applicant is designing the streets to eventually connect;
- It needs to be determined in advance how the stormwater management element is going to be managed;
- Supportive of the roadways being dedicated to the City

Staff Review and Recommendations

Staff is generally supportive of the PPS and DSP submitted. The applicant has demonstrated responsiveness to the recommendations and concerns of the community throughout the entire process thus far, and it is Staff's professional judgement that the applicant has made revisions to the application to address these concerns. Staff is recommending the City Council support the applications with the following conditions:

- **Variance Requests**
 - Support the variance request for a departure from the standards on related to the distance of a structure from a transit right-of-way line;
 - Support the variance request for the removal of one specimen tree;
 - Support the variance request for a departure from the standard of ten contiguous feet of public utility easements.
- **Recreation and Landscaping**
 - The promenade and amphitheater space must comply with the Americans with Disabilities Act (ADA);
 - Landscaping in the promenade greenway is privately maintained by the homeowner's association;
 - The low-lying vegetation in the bio-retention swales are of durable, low maintenance materials;
 - The applicant revises the plan to incorporate a tot lot or other programmed space meeting Prince George's County Parks and Recreation standards. The preferred location would be in the northern portion of the site, in the area where the applicant is proposing off-street parking spaces. These spaces are not necessary to meet either the parking requirements or operational needs of the development and it would provide

future resident on the northern end of the site immediate access to programmed recreation space.

- **Streets and Street Trees**

- In consultation with the City's Department of Public Works Director, Option 3 is the City's preferred street section for local access roads. This section would provide 10' travel lanes, 7' for on-street parking, a 7' sidewalk and a 10' planting strip in the right-of-way.
- Street trees shall be native species and in scale with urban tree standards.
- The applicant must conduct and provide to the City a land survey of the subject property and subdivisions to the City so that the City can maintain its GIS database and ensure proper dimensions.
- The applicant should make efforts to provide greater pedestrian and vehicular connectivity, where it is feasible and permitted by-right. If adjacent roads are publicly owned by either Prince George's County or the City of Hyattsville, the connection of the roadways is an appropriate condition and requirement of the applicant as part of the applicant's Infrastructure Detailed Site Plan (DSP-16029).

- **Street Lighting**

- Street lighting within the development shall be constructed to the PEPCO standard, so that it can be accepted into the public system.

- **Parking**

- While it cannot be made a condition of DSP approval, the acceptance of the public roadway network by the City is conditional upon the City and applicant negotiating and approving a Memorandum of Understanding that would detail the regulations and operation of parking within the subdivision development, which will include both the incorporation of a residential parking zone and metered on-street parking. The purpose of both parking management tools is to enable the public use of the public park facility but also to deter the practice of commuter parking within the neighborhood.
- Staff anticipates bringing forward separately an MOU consideration in Spring/Summer 2017, prior to the applicant's Architectural Detailed Site Plan.

Next Steps

The development is scheduled for discussion by the Hyattsville City Council on January 23, 2017, and tentatively scheduled to be on the action agenda on February 6, 2017. The projected Planning Board date is March 2, 2017.

The referral of City comments for the PPS was due to the M-NCPPC staff reviewer on January 9th, and January 23rd for the ETOD. City Staff has contacted the M-NCPPC staff reviewers to notify them of our discussion and action schedule and that they should expect comments immediately following the February 6th City Council meeting. Given that there is nearly a month between our comments and the Planning Board hearing, M-NCPPC has agreed to accept the City's comments at the later date.

RIVERFRONT AT WEST HYATTSVILLE

**Parcel 1, Barretts Addition to Kirkwood Village
5620 Ager Road
Hyattsville, MD 20782**

INFRASTRUCTURE ONLY

DETAILED SITE PLAN

DSP-16029

pursuant to

EXPEDITED TRANSIT-ORIENTED DEVELOPMENT

in a

Transit District Overlay Zone (TDOZ)

STATEMENT OF JUSTIFICATION

December 16, 2016

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I. INTRODUCTION

West Hyattsville Property Company, LLC, (the “Applicant”) presents this Detailed Site Plan application for infrastructure to establish the internal roads, lot layout, landscaping, stormwater management, grading and utilities at 5620 Ager Road in Hyattsville, Maryland (the “Property”). The Property is located on the southwest side of Ager Road, approximately 620 feet north of Hamilton Street and the entrance to the West Hyattsville Metro Station. Found on Tax Map 41, Grids D-4 and E-4, it is known as Parcel 1, Barrett’s Addition to Kirkwood Village, Plat WWW 29@71, recorded in 1957. It is 18.45± acres. Preliminary Plan 4-15020 has been filed for concurrent review.

This stretch of Ager Road is a mix of old and new, residential and commercial, dominated by the West Hyattsville Metro Station. To the northwest lay the Kirkwood Apartments, a series of three-story, brick multifamily buildings. Immediately abutting the Property on the Kirkwood Apartment site are a drive aisle and parking spaces that runs the length of the common property line. Across Ager Road, to the northeast, single-family residences abut commercial uses, including a training facility for health care providers and a Latino Market. These are in the R-T Zone within the Transit District Overlay (T-D-O). To the southeast, in the M-X-T and T-D-O Zones, is land associated with the Metro Station. Southwest is the M-NCPPC Northwest Branch Stream Valley Park.

For the most part, the Property is relatively flat, sloping slightly from Ager Road down toward the stream valley. A large abandoned warehouse sits in the rear, some 830± feet from Ager Road. An attendant parking lot and access roads, once of service to the warehouse, are also found on the Property.

The Detailed Site Plan proposes a mix of uses with 183 townhomes, 300 multifamily units (shown as “Future Development”), and 10,000 square feet of commercial uses. A modified grid pattern is applied in the townhouse areas, adapted to the shape of the Property. However, the current proposal is for Infrastructure Only. The Applicant seeks approval at this time so that grading work can begin. The warehouse on the Property needs to be razed and grading work in the floodplain is also planned to begin once approval is obtained. It is imperative that grading work begins so that both the Property and the adjoining Park property can be prepared for improvement. The Applicant is working closely with the Department of Parks and Recreation on a design for a major recreational facility in the Northwest Branch Stream Valley Park. A separate Detailed Site Plan outlining the architecture and specific street paving design will follow.

The Detailed Site Plan uses a hierarchy of streets following the system set by the West Hyattsville Transit District Development Plan. The hierarchy is as follows:

Main Street	Kirkwood Place
Park Drive	River Terrace Road

Residential Streets	Little Branch Run Nicholson Street
Local Access Streets	Emerald Branch Drive Crimson Fox Drive Hyattsville Drive Alpha Ridge Avenue
Alleys	Hush Alley Still Alley Whisper Alley Elkhorn Alley Summer Alley Winter Alley Spring Alley Quiet Alley

Each level in the hierarchy includes different development standards. These are discussed in Section IV of this statement of justification.

II. LIMITING THE REVIEW

This application does not include architecture of the buildings. Architecture will be addressed in a subsequent Detailed Site Plan application. **Section 27-286** provides for limited review for infrastructure only detailed site plans.

(a) In general, the required findings and site design guidelines and criteria are intended to apply to the review of all Detailed Site Plans, as they reasonably relate to the purposes of the zones and of this Division. However, a more limited review may be imposed by other parts of this Subtitle or by another authority requiring the review. In these cases, specific issues to be reviewed shall be stated. Only those submittal requirements (Section 27-282) and site design guidelines (Section 27-283) which apply to the issue shall be considered.

(b) An applicant may submit a Detailed Site Plan for Infrastructure in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities. Only those regulations, submittal requirements, and site design guidelines which are applicable shall be considered. The Planning Board may also consider the proposal in light of future requirements, such that the plan cannot propose any improvements

which would hinder the achievement of the purposes of the zones, the purposes of this Division, or any conditions of previous approvals in the future. The Planning Board shall also consider any recommendations by the Department of Permitting, Inspections, and Enforcement and the Prince George's Soil Conservation District.

RESPONSE: This Detailed Site Plan seeks approval of infrastructure, such as street, utilities, grading, and stormwater management facilities. Building form is not included at this time; however, lots and streets are included. Many of the Development Standards found in the *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* do not apply at this time, but will be fully examined in a subsequent Detailed Site Plan. Development Standards that do not apply at this time are included in this document, but with a note that they are not applicable.

III. PRIOR APPROVALS

Conceptual Site Plan CSP-05006 was approved on the Property in 2008. Preliminary Plan 4-05145 was approved in 2006. The prior Conceptual Site Plan and Preliminary Plan approved for this property also included the adjacent 26 acres of land owned by WMATA. The Applicant does not have any interest in this property and is unable to implement these prior approvals, including their conditions. This application constitutes a new application under the Expedited Transit Oriented Development (“ETOD”) regulations contained in Section 27-290.01 of the Zoning Ordinance. Pursuant to Section 27-290.01(a)(1), ETOD projects located in a Mixed Use Zone are exempt from the requirement to obtain approval of a Conceptual Site Plan. As such, the prior CSP conditions are not applicable to the proposed development and analysis of compliance with prior conditions of approval is not required. A new Preliminary Plan is also filed for concurrent review.

IV. RELATIONSHIP TO THE GENERAL PLAN

In 2014, the County Council approved *Plan Prince George’s 2035* (“Plan 2035”), the County’s new General Plan. The Growth Policy Map, (Map 1; p. 18) includes the following six policy areas:

- Regional Transit Districts
- Employment Areas
- Local Centers
- Established Communities
- Future Water and Sewer Service Areas
- Rural and Agricultural Areas

Plan 2035 also includes a growth boundary. The first five policy areas are found generally within the growth boundary, with most future development recommended for the Regional Transit Districts and Local Centers. Rural and Agricultural Areas are found mostly outside the growth boundary.

The Property is identified on the Growth Policy Map as the West Hyattsville Local Center. Local Centers are recommended **“as focal points for development and civic activity based on their access to transit or major highways.”** Plan 2035 includes **“recommendations for directing medium- to medium-high residential development, along with limited commercial use, to these locations, rather than scattering them throughout the established communities.”** The centers, it continues, **“are envisioned as supporting walkability, especially in their cores and where transit service is available.”** (p. 19)

Plan 2035 further describes Local Centers as areas ripe for development including:

- Mid-rise and low-rise multifamily and townhomes at a density of 15 to 30 dwellings per acre.
 - Limited new Commercial development at an FAR of 1.5 to 3.0
 - Metrorail or Light Rail with connections to bus services.
- (p. 108)

Plan 2035 presents a Vision of Prince George’s County of **“strong, green, and healthy communities”** in a **“competitive, innovative, and adaptive economy”** with **“vibrant and walkable mixed-use centers; quality open space; restored ecosystems; and iconic destinations”** (p. 11). The overriding Land Use Goal, and, indeed, the overarching theme of Plan 2035 is to:

“Direct future growth toward transit-oriented, mixed-use centers in order to expand our commercial tax base, capitalize on existing and planned infrastructure investments, and preserve agricultural and environmental resources” (p. 93).

In fact, citing a 2011 study by the George Mason University Center for Regional Analysis (GMU), Plan 2035 adopted its recommendation that **“a majority of new housing be located in compact developments with convenient access to jobs and transportation options to meet the workforce’s growing demand for mixed-use, walkable, transit-accessible communities”** (p. 104).

The proposed Infrastructure Detailed Site Plan advances this Vision and Land Use Goal by providing just the type of walkable, transit accessible community promoted throughout Plan 2035.

V. MASTER PLAN AND ZONING

The Property is in the Mixed Use-Transit Oriented (M-X-T) Zone. It is in the 2006 *Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone* (“TDDP”) which sets forth development regulations addressed later in this statement of justification. Three distinct neighborhoods are examined in the TDDP: North Park, Hamilton Square, and Queenstown. The Property straddles the North Park and Hamilton Square neighborhoods, with a majority of the Property—northwest of the Metro tracks—in the North Park neighborhood, and the smaller portion—southeast of the tracks—in Hamilton Square. Proposed townhome development in the North Park portion of the Property is the focus of this detailed site plan, with the portion of the Property in Hamilton Square is shown as future development. North Park includes the adjacent Kirkwood Apartment property. The Vision for North Park is:

Located just north of the Metro tracks, this will be a primarily residential neighborhood with a diverse mix of housing types. Its residents will enjoy a direct connection to the Metro station and convenient access to the Northwest Branch stream valley park. It will contain several LID streets designed to contain and minimize stormwater runoff into the adjacent Northwest Branch. North Park will also contain a number of neighborhood and smaller “pocket” parks—one acre or less in size—that will be designed for active use by younger children and their parents. Small, neighborhood focused retail will be at the intersection of the primary internal streets, within two blocks of the Metro station. Three taller residential buildings at the edge of North Park will offer outstanding views and surveillance of the stream valley park, increasing the safety of the park. (pp. 10-11)

VI. DEVELOPMENT DISTRICT STANDARDS

To realize this Vision, the TDDP includes design standards for Building Envelopes and Blocks, Streetscapes, Architecture, and Parking. While not all are applicable to an infrastructure only detailed site plan, relevant standards are discussed below. Development Standards are listed in *italics* in the column on the left below, with the Applicant’s response in the right column.

Building Envelope and Block Standards- General Design Principles and Intent (Page 67)	
<i>I. Intent</i>	
The TDDP identifies the building envelope standards for all building sites within the West Hyattsville Transit District. The intent of the building envelope standards is to create a vital public realm through well designed street space. Deviations from the building envelope standards can be reviewed through the appropriate process as outlined in the Transit District	

Development Plan (Applicability of Site Plan Requirements). The building envelope standards set the specifications for building sites along street, siting, elements and use.	
<i>1. Buildings shall be aligned and close to the street</i>	Building form is typically an architectural standard and will be fully reviewed in a subsequent detailed sit plan.
<i>2. Buildings shall be consistent forms on both sides of the street and shall provide public space between buildings fronting the street.</i>	The Property has limited frontage on Ager Road and only one mixed-use building fronts it. Internally, open areas are provided between groups of townhomes and mixed-use structures.
<i>3. Buildings shall front the street and square and provide ground level retail uses to provide an active, vital, and safe pedestrian public space.</i>	Ground level retail uses in mixed-use structures are proposed. A wide sidewalk is also proposed to provide a safe public space.
<i>4. Buildings shall define the property lines. Public and private space shall be clearly defined as public with open views and surveillance, or private and protected.</i>	Lots and Parcels are laid out to achieve this standard; buildings will be examined in more detail later. Private space is limited to rear yards of the townhomes. All other open space has open views and surveillance.
<i>5. Buildings shall be designed to orient views towards the street and public realm.</i>	This applies throughout, with lots designed to afford views onto streets. Many lots and streets in the development will have stunning views into the Northwest Branch Stream Valley Park.
<i>6. Buildings shall provide retail on all ground floor elevations to provide an active and interesting pedestrian street life. Community-serving financial (e.g., commercial bank or savings and loan branch) or professional (medical, tax preparation, insurance) service establishments may be allowed in ground-floor space provided that such uses have a primary entrance on the street.</i>	At this time multifamily buildings are shown only as future development. A separate Detailed Site Plan will be required to proceed with that portion of the development. However, retail is envisioned on the first floor of the building in the Hamilton Square neighborhood along Ager Road.
<i>7. Building vehicle storage and service areas for garbage and mechanical equipment shall be located away from the street.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase

8. <i>Building parking areas (off-street) shall be located away from the street and shared by multiple owners/uses.</i>	As this applies to the multifamily buildings, this level of detail will be explored in a future DSP.
9. <i>Commercial and mixed-use blocks shall contain a minimum on 80 percent commercial uses on the ground floor.</i>	As this applies to the multifamily buildings, this level of detail will be explored in a future DSP.
General Design Principles and Intent-Building Street Types (Page 68)	
Intent The TDDP identifies the building street type for all streets within the West Hyattsville Transit District. The building street types are provided to regulate building height requirements, parking structure height, ground story height, upper story height, and transitions in height for the specific street types of Boulevard (Ager, Chillum, and Queens Chapel Roads), Main Street (Hamilton Street), Park Drive, Residential Street, LID Street, Local Access Street, and Alley. Deviations from the building street type requirements shall be reviewed through the appropriate process as outlined in the transit district development Plan (Applicability of Site Plan Requirements).	
Boulevard (Ager, Chillum, and Queens Chapel)	
Height Specifications 1. Building Height: <i>Principal building height is measured in stories. All buildings shall be a minimum of three stories and a maximum of six stories in height, except where otherwise noted in the TDDP.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
2. Parking Structure Height and Block Coverage: <i>No parking structure within the block shall exceed the eave height within 40 feet of the parking structure. Any parking area fronting the build-to line shall provide a three-foot-high solid masonry wall to screen vehicles. No block shall have more than 25 percent of its street frontage occupied by screened parking. Unscreened parking shall be prohibited.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
3. Transition in Building Height: <i>Where a Boulevard Street Type is within 40 feet of a single-family home, the maximum height shall not exceed 32 feet to the eaves or parapet.</i>	N/A-No single family homes are proposed to front Ager Road.
Siting Specifications	

1. Build-To Line: <i>The facades of all buildings shall be constructed at the build-to line (or sidewalk edge) for at least 75 percent of the street frontage of each block with the following exception: Block corners are exempt from the build-to line requirement if a special pedestrian-oriented building corner treatment is provided. The street façade shall be a single plane, limited to façade jogs of less than 24 inches, interrupted only by porches, stoops, bay windows, shop fronts, and balconies.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
2. Maximum Block Length: Block lengths shall be a maximum of 400 feet in length; refer to the TDDP block registration plan (Map 13).	The Property has 500± feet of frontage on Ager Road. The entrance road to the development creates a block that is approximately 330 feet in length.
3. Lot Coverage: <i>Building shall only occupy the lot area delineated in the siting specifications and shall be in accordance with the West Hyattsville TDDP. All buildings are required to be located at the build-to line and shall be located zero feet from the sidewalk edge. The sidewalk location and width shall be in accordance with the applicable streetscape sections and roadway segments of the TDDP and shall be delineated on the detailed site plan. The minimum open contiguous area shall comprise a minimum 15 percent of the total buildable area and can be located anywhere within the buildable area of the site.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
4. Side Yard Line: <i>Building side lot lines have no required setback unless shared with an existing single-family house where an eight-foot setback shall be provided.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
5. Rear Yard Line: <i>On sites with no alley access, there shall be a 25-foot setback from the rear yard line.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
Park Drive	River Terrace Road is the Park Drive as shown on Map 10 and Table 1, (pp. 24 and 25).

Height Specifications 1. Building Height: <i>Principal building height is measured in stories. All buildings shall be a minimum of three stories and a maximum of four stories in height, except where otherwise noted in the TDDP. Residential point towers are permitted on the development blocks S, X and CC (see Map 13). These buildings shall be a minimum of 10 stories and a maximum of 12 stories in height. Mid-rise condominium buildings are permitted in development block EE (see Map 13). These buildings shall be a minimum of four stories and a maximum of six stories in height.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
2. Parking Structure Height and Block Coverage: <i>No parking structure within the block shall exceed the eave height within 40 feet of the parking structure. Any parking area fronting the build-to line shall provide a three-foot-high solid masonry wall to screen vehicles. No block shall have more than 25 percent of its street frontage occupied by screened parking. Unscreened parking shall be prohibited.</i>	No parking structure is proposed along the River Terrace Road.
3. Transition in Building Height: <i>Where a Park Drive street type is within 40 feet of a single-family home, the maximum height shall not exceed 32 feet to the eaves or parapet.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
Siting Specifications 1. Build-To Line: <i>The facades of all buildings shall be constructed at the build-to line (or sidewalk edge) for at least 75 percent of the street frontage of each block with the following exception: Block corners are exempt from the build-to line requirement if a special pedestrian-oriented building corner treatment is provided. The street façade shall be a single plane, limited to facade jogs of less than 24 inches, interrupted, only by porches, stoops, bay windows, shop fronts, and balconies.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase

2. Maximum Block Length: Block lengths shall be a maximum of 400 feet in length; refer to the TDDP block registration plan (Map 13).	River Terrace Road can be divided into 3 blocks. These blocks are approximately 150, 200 and 300 feet in length, None exceed 400 feet.
3. Lot Coverage: Building shall only occupy the lot area delineated in the siting specifications and shall be in accordance with the West Hyattsville TDDP. All single-family residential buildings are required to be located two feet back from the build-to line to provide additional room for a front porch as stated below in the element specifications. The sidewalk location and width shall be in accordance with the applicable streetscape sections and roadway segments of the TDDP and shall be delineated on the detailed site plan.	N/A – For Infrastructure only. Will be examined a subsequent phase
4. Side Yard Line: Building side lot lines have no required setback unless shared with an existing single-family house where an eight-foot setback shall be provided.	N/A – For Infrastructure only. Will be examined a subsequent phase
5. Rear Yard Line: On sites with no alley access, there shall be a 25-foot setback from the rear yard line.	N/A – For Infrastructure only. Will be examined a subsequent phase
Residential Street	There are two Residential Streets in the proposed development: Little Branch Run and Nicholson Street. Little Branch Run is the main entrance into the development, connecting Ager Road with the Park Drive. Nicholson Street is the street closest to and paralleling the Park Drive.
Height Specifications 1. Building Height: Principal building height is measured in stories. All buildings shall be a minimum of four stories and a maximum of six stories in height, except where otherwise noted in the TDDP. No accessory building shall be more than 18 feet to its eaves.	N/A – For Infrastructure only. Will be examined a subsequent phase
2. Parking Structure Height and Block Coverage: No parking structure within the block shall exceed the eave height within 40 feet of the parking structure. Any parking area	N/A – For Infrastructure only. Will be examined a subsequent phase

<i>fronting the build-to line shall provide a three-foot high solid masonry wall to screen vehicles. No block shall have more than 25 percent of its street frontage occupied by screened parking. Unscreened parking shall be prohibited.</i>	
Siting Specifications 1. Building Street Façade: <i>The facades of all buildings shall be constructed at the build-to line (or sidewalk edge) for at least 75 percent of the street frontage of each block with the following exception: Block corners are exempt from the build-to line requirement if a special pedestrian-oriented building corner treatment is provided. The street faced shall be a single plane, limited to façade jogs of less than 24 inches, interrupted only by porches, stoops, bay windows, shop fronts, and balconies.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
2. Maximum Block Length: <i>Block lengths shall be a maximum of 400 feet in length; refer to the TDDP block registration plan (Map 13).</i>	Map 13 shows Lot Registrations classified “AA,” “BB,” “CC,” “DD,” “L,” “Y,” and “Z.” Little Branch Run can be divided into 5 blocks. Three of these blocks are approximately 150 feet in length, with the other two approximately 250 feet long. None exceed 400 feet. This standard is met for Little Branch Run. Nicholson Street is one block that exceeds 400 feet in length. A modification is requested and discussed later in this statement of justification.
3. Buildable Area: <i>Building shall only occupy the lot area delineated in the siting specifications and shall be in accordance with the West Hyattsville TDDP. All single-family residential buildings are required to be located two feet back from the build-to line to provide additional room for a front porch as stated below in the element specifications. The sidewalk location and width shall be in accordance with the applicable streetscape sections and roadway segments of the TDDP</i>	N/A – For Infrastructure only. Will be examined a subsequent phase

<i>and shall be delineated on the detailed site plan.</i>	
4. Side Yard Line: <i>The minimum side setback is five feet.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
5. Rear Yard Line: <i>On sites with no alley access, there shall be a 12-foot setback from the rear yard line.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
Local Access Street and Alley (Page 78)	There are four local access streets: Emerald Branch Drive, Crimson Fox Drive, Hyattsville Drive, and Alpha Ridge Avenue. There are eight alleys: Hush Alley, Still Alley, Whisper Alley, Elkhorn Alley, Summer Alley, Winter Alley, Spring Alley, and Quiet Alley.
Height Specifications	N/A – For Infrastructure only. Will be examined a subsequent phase
1. Building Height: <i>Principal building height is measured in stories. All buildings shall be a minimum of six stories in height, except where otherwise noted in the TDDP. No accessory building shall be more than 18 feet to its eaves.</i>	
2. Parking Structure Height and Block Coverage: <i>No parking structure within the block shall exceed the eave height within 40 feet of the parking structure. Any parking area fronting the build-to line shall provide a three-foot high solid masonry wall to screen vehicles. No block shall have more than 25 percent of its street frontage occupied by screened parking. Unscreened parking shall be prohibited.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
Siting Specifications (Page 79)	
1. Building Street Façade: <i>The facades of all buildings shall be constructed at the build-to line (or sidewalk edge) for at least 75 percent of the street frontage of each block with the following exception: Block corners are exempt</i>	N/A – For Infrastructure only. Will be examined a subsequent phase

<i>from the build-to line requirement if a special pedestrian-oriented building corner treatment is provided. The street façade shall be a single plane, limited to façade jobs of less than 24 inches, interrupted only by porches, stoops, bay windows, shop fronts, and balconies.</i>	
2. Maximum Block Length: <i>Block lengths shall be a maximum of 400 feet in length; refer to the TDDP block registration plan (Map 13).</i>	No block on any local street exceeds 400 feet. All alleys also comply, with the exception of Elkhorn Alley, which exceeds 400 feet. A modification is requested and discussed later in this statement of justification.
3. Buildable Area: <i>Building shall only occupy the lot area delineated in the siting specifications and shall be in accordance with the West Hyattsville TDDP. All single-family residential buildings are required to be located two feet back from the build-to line to provide additional room for a front porch as stated below in the elements specifications. The sidewalk location and width shall be in accordance with the applicable streetscape sections and roadway segments of the TDDP and shall be delineated on the detailed site plan.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
4. Side Yard Line: <i>The minimum side setback is five feet.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
5. Rear Yard Line: <i>On sites with no alley access, there shall be a 12-foot setback from the rear yard line.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
STREETSCAPE STANDARDS (Page 81)	
GENERAL DESIGN PRINCIPLES AND INTENT	

Intent

The West Hyattsville Transit District Development Plan is designed as “blocks” with respect to land use. Blocks contain buildings, which are located along the street edge to form a street wall. The streetscape standards ensure the design conformance of development along those streets. The standards define the parameters for development. The standards aid the applicant, owner, and building manager in understanding the design relationship between the street and their building lot. These standards promote pedestrian activity at the street level by requiring buildings to have a front entrance orientation along the primary street(s). More specifically, the streetscape standards are intended:

- To create a consistent building street wall and inviting streetscape along commercial and mixed-use streets and a strong visual appearance along neighborhood residential streets.
- To enhance the greenway identity within neighborhoods and extend this identity to commercial and mixed-use areas.
- To provide safe pedestrian and bikeway access along all streets.
- To develop walkable neighborhoods with contiguous linkages that support residential sociability, commercial activity, and the use of alternative modes of transportation.

GENERAL STREETSCAPE STANDARDS (Page 83)

Streetscape

1. Streetscape Paving: *All primary walkways shall be constructed using decorative paving materials. Crosswalks may be constructed with tinted and stamped asphalt. Sidewalk and crosswalk paving materials may include concrete.*

Sheet 6 of the Detailed Site Plan includes detailed specifications for all sidewalks and ramps, curbs and gutters, and crosswalk painting.

2. Permitted Materials: *Brick, precast pavers, Belgium block, or granite pavers are permitted materials. Samples of proposed paving materials shall be submitted with the detailed site plan for review and approval by M-NCPPC staff and county/municipal public space maintenance agencies.*

The Applicant will seek approval of specific design elements, including paving material and color in the subsequent Detailed Site Plan and is not seeking these approvals at this time.

3. Streetscape Construction: *All streetscape improvements shall be completed prior to the issuance of use and occupancy permits for the first building. Construction of streetscape improvements shall not be phased.*

The Applicant will seek approval of specific design elements, including paving material and color in the subsequent Detailed Site Plan and is not seeking these approvals at this time.

<i>4. Streetscape Elements: Streetscape elements of street trees, street furniture, landscaping and planters, decorative paving, sculpture/artwork, and bus shelters shall be provided on the streetscape plan. All streetscape elements shall include information of location, spacing, quantity, construction details, and method of illumination and shall be required for all streets in accordance with the West Hyattsville TDDP conceptual site plan streetscape sections and public realm elements. Advertisements and signage shall be prohibited on all streetscape elements with the exceptions of bus shelter advertisements approved by the appropriate public transit authority (WMATA or TheBUS) and appropriate transit service-related notices at other locations within the West Hyattsville TDOZ public realm subject to the approval of DPW&T and the appropriate municipality.</i> <i>Streetscape elements shall include:</i> • Street trees (located in tree grates along urban streets and planting beds along residential streets) • Street furniture (benches, trash receptacles, lighting, and bus shelters) • Landscaping and planters • Decorative paving • Sculpture/artwork • Bus shelters <i>No street furniture or public works of art, other than publicly maintained streetlights and street trees, shall be installed within public rights-of-way without the permission of DPW&T and/or the City of Hyattsville expressed through an executed memorandum of understanding (MOU) with the developer/applicant. All street furniture on private rights-of-way within the TDOZ shall</i>	The Applicant will seek approval of specific design elements, including paving material and color in the subsequent Detailed Site Plan and is not seeking these approvals at this time.
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be maintained by the property owner/developer.	
5. Street Trees (Urban Streets): <i>Street trees shall be planted along all urban streets in the TDDP according to the streetscape sections. Street trees shall be a minimum four-inch caliper in size, located 30 feet on center, planted in tree grates (minimum four feet by six feet), limbed up to six feet above finished grade, provide a minimum five cubic feet of continuous tree bed underneath the sidewalk paving system, provide a positive drainage system, and provide an automated irrigation system to promote the health and vigor of the root system. Street trees species shall be large, broad spreading, open-canopy trees at maturity and shall be planted as follows:</i> • <i>Boulevards – Green Vase Zelkova (zelkova serrata “Green Vase”) or Northern red Oak (quercus rubra)</i> • <i>Main Street – Shademaster Honey Locust (gleditsia triancanthos ‘Shademaster’)</i> • <i>Park Drive – Red Maple ‘October Glory’ (acer rubrum ‘October Glory’) or Willow Oak (quercus phellos)</i>	The Landscape Plan shows one Honey Locust along Kirkwood Place (the Main Street), and Willow Oaks along River Terrace Drive (the Park Drive). However, not all trees are spaced at 30 feet on center. A modification is requested and discussed later in this Statement of Justification.
6. Street Trees (Residential Streets): <i>Street trees shall be planted along all residential streets in the TDDP according to the streetscape sections. Street trees shall be a minimum four-inch caliper in size, located 30 feet on center, planted in a connected six foot-wide minimum landscape strip or five square feet dimension per isolated tree, limbed up to six feet above finished grade, provide a minimum 500 cubic feet of soil, and provide an automated irrigation system to promote the health and vigor of the root system. Street trees species shall be large, broad spreading, open-canopy trees at maturity and shall be planted as follows:</i>	The Landscape Plan shows these trees to be planted in the locations and manner described in this section along Little Branch Run and Nicholson Street (the residential streets). (See Sheet 2, 3 of the Landscape Plan.) Emerald Branch Drive and Crimson Fox Drive are shown with Willow Oaks, and Hyattsville Drive, and Alpha Ridge Avenue (the Local Access Streets) are shown with River Birch. A modification is requested and discussed later in this statement of justification.

• <i>Residential Streets – Marshall’s Seedless Ash (pennsylvanica fraxinus ‘Marshall’s Seedless’)</i> • <i>LID Streets – Black Tupelo (nyssa sylvatica), Willow Oak (quercus phellos), Red Maple ‘October Glory’ (acer rubrum ‘October Glory’), London Plane Tree (platanus acerifolia ‘Bloodgood’)</i> • <i>Local Access Streets – Sweetbay Magnolia (magnolia virginiana), Chinese Scholar Tree (sophora japonica), Golden Rain Tree (koelreuteria paniculata)</i>	However, not all trees are spaced at 30 feet on center. Nor is Marshall’s Seedless Ash used. This tree has been replaced with Willow Oaks. Modifications are requested and discussed later in this Statement of Justification. The Detail Sheet shows the planting specifications in accordance with this requirement.
7. TDDP Street Tree Placement: <i>Wherever the TDDP does not show street tree placement, street trees shall be planted along the street tree alignment within the streetscape and spaced at 30 feet on center.</i>	Where street trees are shown on the Detailed Site Plan they are not 30 feet on center. A modification is requested and discussed later in this Statement of Justification.
8. Curb Extension for DSP Submittal: <i>Each applicant or the applicant’s heirs, successors, and/or assignees shall be responsible for providing curb extensions along streets according to the TDDP and streetscape sections. Curb extensions shall be included on the streetscape plan and shall be submitted as part of any application for detailed site plan and building/grading permits. No building or grading permits shall be issued without a detailed site plan that conforms to all curb extension standards in the TDDP.</i>	Curb extensions are shown on the streetscape plan.
9. Curb Extension Locations: <i>Curb extensions shall be located at all intersections and shall be in accordance with all curb extension standards and dimensions of the TDDP. Curb extensions shall narrow the roadway corridor as specified in the TDDP to calm vehicular traffic and provide pedestrian safety.</i>	Curb Extensions are shown on Figure 7 of the Notes and Details Sheet (Sheet 6) of the Detailed Site Plan.
10. Curb Radii: <i>Curb return radii on all intersections shall be 15 feet.</i>	Curb radii are proposed to be 15 feet along all streets, except Little Branch Run which has curb radii of 20 feet. A modification is

	requested and discussed later in this statement of justification.
11. Crosswalks for DSP Submittal: <i>Each applicant or the applicant's heirs, successors, and/or assignees shall be responsible for crosswalk improvements along the entire length of the property frontage where street intersections occur. Crosswalks shall be included on the streetscape plan and shall be submitted as part of any application for detailed site plan and building/grading permits and shall be in accordance with all crosswalk standards and dimensions of the TDDP. No building or grading permits shall be issued without a detailed site plan that conforms to crosswalk standards in the TDDP.</i>	Crosswalks are shown on the Notes and Details Sheet (Sheet 6) of the Detailed Site Plan.
12. Crosswalk Locations/Dimensions: <i>Crosswalks shall be provided at all street intersections and shall be located within two feet of the intersecting streets to promote pedestrian visibility. The crosswalk dimensions shall be a minimum width of 14 feet with red brick crosswalk with a two-foot width concrete banding constructed along each outer edge of the crosswalk to promote high visibility, pedestrian safety, and contrast from the roadway pavement. In addition, a two-foot-wide vehicle stop bar shall be provided a minimum distance of ten feet from the crosswalk area and shall be painted with a white reflective paint for high visibility to prevent vehicles from entering the crosswalk area upon stopping at traffic lights.</i>	Crosswalks are shown in these locations on the Detailed Site Plan, with detailed specifications shown on the Notes and Detail Sheet (Sheet 6).
13. Crosswalk with Median Refuge for DSP Submittal: <i>Each applicant or the applicant's heirs, successors, and/or assignees shall be responsible for pedestrian crosswalks with median refuge improvements along applicable streets bordering all property frontages as specified in the TDDP. Crosswalks shall be dimensioned as specified in this section for crosswalk locations/dimensions. Crosswalks with median refuge areas shall be included on</i>	The Property does not include crosswalks with median refuge. Medians are not appropriate on internal residential streets. Ager Road has a median.

<i>the streetscape plan and shall be submitted as part of any application for detailed site plan and building/grading permits.</i>	
14. Medians. <i>A continuous wide median shall be provided along streets as specified on the streetscape sections of the TDDP to offer pedestrian refuge and protection from vehicle turning movements. All medians shall be landscaped with trees, shrubs, and groundcover. Large expanses of concrete, lawn area, and mulch are prohibited.</i>	No medians are proposed or shown in the TDDP for this Property.
Public Street Lighting (Page 89) Intent To provide the optimum level of lighting for public safety while minimizing adverse environmental impacts such as glare and light pollution and to ensure a safe and attractive nighttime pedestrian environment. Lighting shall be incorporated into the design of a project so that it reinforces the pedestrian environment, provides continuity to an area, and enhances architectural features.	
Configurations and Techniques 1. <i>At the time of the first detailed site plan submission within the TDDP, the M-NCPPC Urban Design staff shall select and specify the lighting fixture(s) to be used for all subsequent development phases within the transit district. A coordinated lighting plan shall be submitted with each detailed site plan. Lighting fixtures are encouraged to be equal or similar to the lighting details shown in the TDDP.</i>	This proposal includes full cutoff, decorative street lighting as shown on the Landscaping and Lighting Detail Sheet (Sheet 6) of the Detailed Site Plan.

<i>2. Lighting levels shall be:</i> <i>a. Minimum public/private space light levels shall be:</i> <i>(1) 1.25 foot-candles for building facades.</i> <i>(2) 5.0 foot-candles for building entries.</i> <i>(3) 2.0 foot candles for walkways.</i> <i>(4) 0.5 foot –candles for trails.</i> <i>(5) 1.25 foot candles for all other outdoor areas.</i> <i>b. Maximum public/private space lighting levels shall not exceed:</i> <i>(1) 2.0 foot-candles for building facades.</i> <i>(2) 5.0 foot-candles for building entries.</i> <i>(3) 2.0 foot-candles for walkways.</i> <i>(4) 1.25 foot-candles for trails.</i> <i>(5) 1.5 foot-candles for all other outdoor areas.</i>	The Photometric Plan (See Landscape and Lighting Plan) conforms with these levels.
3. Pedestrian Streetlights: <i>Pedestrian streetlights shall be as specified in the TDDP lighting details. All streetlights shall be a minimum height of 14 feet and a maximum of 16 feet along all arterials, collectors, and local streets. Maximum spacing for streetlights shall be 60 feet on center and located along the street according to the street section diagrams in Building Envelope and Block Standards for tree placement. Street lighting shall be provided along sidewalks and in medians. Metal halide lamps shall be specified for all lighting. Sodium-based lamp elements shall be prohibited. A note referencing compliance with this standard shall be placed in the general notes of the detailed site plan and building permit.</i>	Streetlight poles, as shown on the Notes and Details Sheet (Sheet 6) of the Detailed Site 12 feet, topped by a fixture approximately 44 inches tall. Notes on Sheet 6 show a mounting height of 12 feet, bringing the total height of the light fixtures to 15 feet, 8 inches in accordance with this requirement. We are proposing Led lamps, which have been used on the most recent street lighting approvals.
4. Building Façade Lighting: <i>Exterior lighting of the front building façade shall be mounted between 6 and 14 feet above adjacent grade.</i>	No building façade lighting is proposed at this time.
5. Alley Lighting: <i>All lots with alleys shall have lighting fixtures within five feet of the alley right-of-way. This fixture shall illuminate</i>	No lights are proposed in alleys other than rear lights on homes. A modification is

<i>the alley, shall be between 9 and 14 feet in height, and shall not cause glare in adjacent lots.</i>	requested and discussed later in this statement of justification.
6. Lighting Fixtures: <i>Lighting fixtures shall be incandescent, metal halide, or halogen only. No high pressure sodium, mercury vapor, fluorescent lights, or floodlighting (i.e., no up-lighting) may be used on the exterior of buildings.</i>	LED lighting is proposed and shown on Sheet 6 of the Detailed Site Plan. No up-lighting is proposed.
7. Light Glare and Sky Glow: <i>Full cut-off light fixtures shall be used to shield the disbursement of light to prevent light glare and sky glow. A note referencing compliance with full cut-off light fixtures shall be provided in the general notes of the detailed site plan and building permit.</i>	All fixtures are full cutoff. Compliance is noted in Sheet 6 of the Landscape and Lighting Plan.
8. Lighting for Walkways: <i>Pedestrian walkway lighting shall include step lights; well lights and lighted bollards shall be provided along all courtyard lanes, alleys and off-street bike and pedestrian pathways.</i>	None of these are proposed.
9. Security CPTED Lighting: <i>Security lighting shall be provided to illuminate landscaping, parks, and special features and shall be in accordance with Crime Prevention Through Environmental Design (CPTED) standards.</i>	Parks and special features are not proposed. The Applicant has worked closely with the M-NCPPC Department of Parks and Recreation on a plan for facilities in the Northwest Branch Stream Valley Park. These facilities are off-site.
10. Parking Structure Lighting: <i>Lighting for parking structures shall satisfy Crime Prevention Through Environmental Design (CPTED) Standards.</i>	There are no parking structures proposed.
11. Residential Building Lighting: <i>Porch and/or entry lights shall be required on all residential buildings to create a safe pedestrian environment at night. Porch and/or entry lights for single-family attached residential units shall not exceed 100 watts per fixture.</i>	This will be shown on the Detailed Site Plan for architecture.
Blocks and Alleys (Page 91)	
Intent To create a consistent building street wall and inviting streetscape along commercial and mixed-use streets and a strong visual appearance along neighborhood residential streets. Enhance the greenway identity within neighborhoods and extend this identity to commercial	

and mixed-use areas. Provide safe pedestrian and bikeway access along all streets. Developer walkable neighborhoods with contiguous linkages that support residential sociability, commercial activity, and the use of alternative modes of transportation.	
1. Building Siting: <i>Each applicant or the applicant's heirs, successors, and/or assignees shall be responsible for siting buildings according to the West Hyattsville TDDP and shall be included as part of any application for detailed site plan and building/grading permits. No building or grading permits shall be issued without a detailed site plan that conforms to all building standards in the TDDP.</i>	This will be shown on the Detailed Site Plan for architecture.
2. Lot Frontages: All lots shall share a frontage line with a street.	The TDDP defines Alleys as streets (Table 1; p. 25). All lots share a frontage line with a street, classified as alleys, local access streets, or residential street.
3. Block Size: <i>Block perimeters and lengths shall be in accordance with the West Hyattsville TDDP block registration plan. No block face shall exceed 400 feet in length without a street, common access easement, alley, or pedestrian pathway that provides through access to another street, alley, or pedestrian pathway.</i>	Blocks do not exceed 400 feet in length.
4. Alleys: <i>Alleys shall provide access to the rear of all building lots and off-street parking facilities. Alley construction shall be required as part of any redevelopment project within the rear setback unless an alley already exists.</i>	Alleys are used throughout the proposed development.
5. Dedicated Right-Of-Way For Alleys: <i>Where an alley does not exist and is not constructed at the time of redevelopment of any property, the developer shall dedicate the alley right-of-way within the rear set-back to the county. Pending construction of the alley, the developer or owner shall maintain the dedicated right-of-way by, at a minimum: a: Sodding and providing routine landscape maintenance to the area. b: Keeping the area clear of debris, litter, stored materials, and vehicles.</i>	Alleys are private. This is a redevelopment of a developed property.

6. Shade Trees: <i>At least one canopy shade tree per 200 square feet of the required open (unpaved) area shall be planted in the rear lot area and no closer than five feet to any common lot line. Trees shall be a minimum of four-inch caliper and ten feet in height. Tree species shall be as specified in the TDDP street tree list.</i>	Rear lot areas will consist of driveways. There will not be 200 square feet of unpaved area in the rear of any lot.
7. Existing Trees: <i>Buildings shall be sited to preserve existing healthy trees, minimum two-inch caliper, when such siting does not conflict with the approved West Hyattsville TDDP for urban street grid, building footprint, streetscape requirements, or parking. All trees to be preserved shall be delineated on the detailed site plan and building permit(s).</i>	No such trees exist on the Property.
8. Curb Cuts: <i>Curb cuts shall be prohibited on Boulevard and Main Street development sites.</i>	Ager Road, a boulevard (Map 10 and Table 1; pp. 24-25) provides the sole access to the Property. No individual curb cuts are proposed on Kirkwood Place—the “Main Street” in the development. All lots are served by alleys.
Sidewalks (Page 92)	
1. TDDP Designated Sidewalks: <i>All sidewalks designated in the TDDP shall be constructed according to the streetscape requirements listed in this section and shall be specified to meet the sidewalk width delineated in the streetscape sections in the TDDP. Streetscape sections shall specify the width and placement of the required sidewalk for all TDDP building street types: Boulevards, Main Street, Park Drive, Residential Street, LID Street, and Local Access Streets.</i>	Sidewalks along the Main Street, Kirkwood Place are six feet wide. The TDDP requires a 10-foot wide pedestrian zone along Main Street. A modification is requested and discussed later in this statement of justification. Sidewalks along the Park Drive, River Terrace Drive, are eight feet wide. In addition, the proposal includes a trail on the Park property. This conforms to the TDDP. Sidewalks along residential streets are as follows: Nicholson Drive, six feet wide; Little Branch Run, six and eight feet wide> These conform to the TDDP. Sidewalks on Local Access Streets are six feet wide. This conform to the TDDP.

2. TDDP Nondesignated Sidewalks: <i>Sidewalks not designated in the TDDP shall be specified as a minimum of five feet wide and shall meet county specifications.</i>	Six-foot wide minimum sidewalks are proposed.
3. Paving Materials for Primary Sidewalks: <i>All primary sidewalks shall be constructed using special decorative paving materials. Concrete and asphalt paving shall be prohibited.</i>	The two primary sidewalks are on each side of the Main Street, Kirkwood Place. Decorative paving is not proposed along Kirkwood Place. A modification is requested and is discussed later in this statement of justification.
4. Americans with Disabilities Act (ADA): <i>All sidewalks shall be constructed to meet ADA federal standards to comply with accessible design.</i>	All sidewalks are designed to meet ADA standards.
Sod, Groundcover and Mulch (Page 93)	
1. Sod: <i>All turf grass areas shall provide solid sod areas at installation. Seeding, springs, or sod plugs shall be prohibited. All disturbed areas not proposed for construction shall be sodded. Sod specifications shall be provided on the landscape plan.</i>	Solid sod areas will be used at installation. Specifications are provided on the Landscape Plan.
2. Groundcover: <i>Groundcover may be used in place of turf grass. Groundcover specifications of name, species, quantity, and spacing shall be planted at a minimum spacing of four inches on center.</i>	Separate ground cover to replace turf grass is not envisioned at this time.
3. Mulch: <i>Mulch shall be shredded hardwood mulch that is brown in color and shall be specified as a minimum four-inch depth on landscape plans. Red cedar mulch or rubber mulch shall be prohibited.</i>	Mulch used shall meet these specifications.
Irrigation: <i>All sod and groundcover area shall provide an automated irrigation system to maintain the health and vigor of the sod and groundcover.</i>	An automated irrigation system shall be installed where required.
Landscape (Page 93)	
Intent To ensure the overall visual and physical character of the area will be maintained and enhanced. Landscaping should serve as an amenity, screen, or buffer to enhance the appearance of structures or uses such as parking lots or large blank walls, or to increase the attractiveness of common open spaces.	

1. Plant List: <i>A plant list shall be included on the landscape plan and shall specify the plant species (botanical and common name), size/caliper, spacing, quantity, construction details (for trees, shrubs, evergreens, and street trees) and method of irrigation and illumination in accordance with the West Hyattsville TDDP streetscape, street tree master plan/plant list, and with the Crime Prevention Through Environmental Design (CPTED) standards promulgated by the National Crime Prevention Council, U.S. Department of Justice. Unplanted mulch beds shall not exceed ten square feet in area; large mulch beds shall be prohibited.</i>	The plant list and planting specifications are included on the Landscape Plan.
2. Pedestrian Safety with Crime Prevention Through Environmental Design: <i>Landscape plants provided as buffers and screening shall not impose a safety problem for pedestrians and shall be in accordance with CPTED standards for public safety.</i>	Landscaping is not intended as a buffer or screening.
3. Landscape Screening for Parking Lots: <i>All off-street surface parking lots shall be screened from view of roadways by the use of a three-foot high solid masonry wall and a maximum three-foot high evergreen hedge (at plant maturity). The wall and hedge shall be located adjacent to all streetscapes/roadways. Metal, split-face block, chain link, cinder block, and concrete construction shall be prohibited.</i>	There are no parking lots.
4. Landscape Screening for Loading and Service Areas: <i>All loading and service areas shall be screened with landscape plantings and a six-foot high opaque wood or masonry fence and shall not be visible from streets and shall be located a minimum of 50 feet away from public sidewalks. Chain-link fencing is prohibited.</i>	There are no loading or service areas.
5. Parking Lot Trees: <i>Trees shall be planted along all parking lot perimeters and shall be spaced at 30 feet on center in a five-foot minimum width planting area or a tree grate</i>	There are no parking lots.

<i>unless shared parking is provided behind buildings accessible from alleys.</i>	
6. Parking Lot Interior Landscaping: <i>All surface parking lots shall provide interior landscaping. All interior parking lot landscaping shall comply with the requirements of the Prince George's County Landscape Manual. Shrub and ground cover beds shall be a minimum of three feet wide and three feet deep. Trees and shrubs shall be fully protected from potential damage by vehicles by the use of curb stops, a raised planter box, a low wall, or bollards.</i>	There are no parking lots.
Parks (Page 95)	
Intent To regulate the form and appearance of public parks to help ensure a safe and attractive public realm.	
1. Park and Plaza Elements: <i>At the time of preliminary plan of subdivision and detailed site plan, the Department of Parks and Recreation shall review the detailed site plan for compliance with park and plaza size, location, active and passive recreation amenities, park furniture (benches, trash receptacles, picnic tables, bollards), amenities (e.g., artwork, lighting, and irrigation. The detailed site plan shall include all locations, quantities, and details for benches, trash receptacles, lighting fixtures, bollards, picnic tables, recreation/children's play equipment, and artwork.</i>	There is one "Park Plaza" adjacent to the Property shown in the TDDP. The applicant is working closely at this time with the Department of Parks and Recreation for providing amenities in the Northwest Park Stream Valley Park.
2. Park and Plaza for Crime Prevention Through Environmental Design: <i>Parks and plazas shall be designed in accordance with the CPTED standards for landscaping and lighting to provide pedestrian safety and security. A note indicating compliance with this standard shall be placed in the general notes section of the detailed site plan.</i>	The Park Plaza will be designed to conform to the CPTED standards for Natural Surveillance, Natural Access Control, Territorial Reinforcement, and Maintenance. The large wooded area that currently obscures the trail on the park property will be removed, improving visibility into the park. However, final design of the Park will be determined by the Department of Parks and Recreation.

3. Plazas in Commercial Areas: <i>Plazas in commercial areas shall front adjacent retail uses. A minimum 75 percent of the ground-floor building frontage facing a commercial-area plaza shall consist of retail uses.</i>	The Plaza is not in a commercial area.
4. Plaza Size: <i>A minimum plaza distance to building height ration of 2:1 shall be provided to eliminate claustrophobic and unsafe pedestrian spaces.</i>	The Park Plaza is well removed from residential structures.
5. Park and Plaza Lighting: <i>Parks and plazas shall be illuminated to a minimum of 1.25 foot-candles and a maximum of 2.0 foot-candles in accordance with the Americans with Disabilities Act requirements for parks and recreation spaces.</i>	Lighting in the Plaza will conform to this standard. However, final design of the Park will be determined by the Department of Parks and Recreation.
6. Park and Plaza Safety: <i>Parks and plazas shall be free of automobile traffic and shall provide breakaway or retractable bollards along all adjoining roadways to protect pedestrians and provide emergency vehicle access. Bollard type(s) and locations shall be delineated on the detailed site plan and shall be in accordance with the TDDP details. A note indicating compliance with this standard shall be placed in the general notes of the detailed site plan.</i>	No automobile traffic or adjoining roadways affect the Park Plaza.
7. Park and Plaza Service Areas: <i>Loading and service areas shall not be visible from parks and plazas and shall provide landscape screening.</i>	No loading and service areas are located near the plaza.
8. Park and Plaza Accessibility: <i>All parks and plazas shall be barrier-free and accessible to persons with disabilities, the elderly, and people with strollers, vendors with pushcarts, and shall be in accordance with ADA requirements for parks and recreation spaces.</i>	The Park Plaza is designed to be accessible and will meet ADA requirements.
9. Park and Plaza Seating: <i>Parks and plazas shall provide 60 linear feet of seating per acre with a minimum of 30 linear feet regardless of park or plaza size. A variety of seating options should be provided including benches, seating steps, planters, seat walls, table seating, picnic tables, and grassy seating areas. Outdoor seating associated with cafes shall not count</i>	Currently, the plan proposes a scenic overlook with ample seating providing stunning views into the stream valley park. The ultimate design of the park will provide seating in conformance with this requirement.

<i>toward this seating requirement. For the benefit of persons with disabilities, a minimum of five percent of the required seating shall have backs.</i>	
10. Park and Plaza Landscape: <i>Landscape beds for parks and plazas shall have a minimum soil depth of two feet for groundcovers and three feet for shrubs, and a not indicating compliance with this standard shall be included in the general notes on the detailed site plan.</i>	Landscaping will be provided in accordance with this standard.
11. Park and Plaza Shade Trees: <i>Parks and plazas shall have one shade tree per 1,000 square feet of plaza or park area.</i>	Shade trees will be provided accordingly.
12. Park and Plaza Furniture: <i>Parks and plaza areas shall provide one trash receptacle per every bench seating area. Trash receptacle detail, quantity, and locations and shall be delineated on the detailed site plan.</i>	Receptacles will be provided accordingly.
13. Irrigation: <i>All park landscaping shall have an automated irrigation system and a note stating compliance with this standard shall be included in the general notes section on the detailed site plan.</i>	An irrigation system will be provided where appropriate and required.
Plazas (Page 97)	
Intent To create a sense of place and visually interesting plazas by incorporating a variety of level changes, planning types, paving materials, seating areas, and outdoor furnishings as appropriate in relationship to the size and setting of the plaza.	
1. Plaza Height: <i>The height/level of the plaza shall not be more than three feet above or three feet below the curb level of the nearest adjoining street in order to promote pedestrian visibility and security.</i>	A plaza is shown in the TDDP at Main Street where the Property abuts the Kirkwood Apartments. One is shown on the Detailed Site Plan in accordance with this recommendation. The design is not final and will be submitted with a subsequent detailed site plan that includes the multifamily buildings.
2. Plaza Amenities: <i>Plazas shall provide a variety of activities for pedestrian use and shall provide a variety of functions, such as:</i> <i>a. Entertainment</i> <i>b. Bus waiting area</i> <i>c. Pedestrian links between buildings</i>	The design is not final and will be submitted with a subsequent detailed site plan that includes the multifamily buildings.

d. Café seating e. Seating walls f. Fountains g. Passive recreation areas	
3. Plaza Design: <i>The plaza shall be designed to provide a relationship between the building architecture and the plaza, such as repetition of building fenestration pattern in plaza pavement banding and compatibility of façade materials and paving materials.</i>	The design is not final and will be submitted with a subsequent detailed site plan that includes the multifamily buildings.
4. Plazas Near Parking Structures: <i>Parking structures that abut plaza areas shall not be allowed unless the parking structure contains ground floor retail or has landscape screening facing, and integrated with, the design of the plaza.</i>	No parking structures will abut the plaza.
5. Plaza Shade Trees: <i>Plaza shade trees shall be a minimum size of 3.5-inch caliper at the time of installation. Trees shall be planted in at least 700 cubic feet of soil per tree with a depth of soil three to four feet and be planted either with gratings flush to grade, or in a planting bed with a continuous area of at least 75 square feet exclusive of bounding wall.</i>	The design is not final and will be submitted with a subsequent detailed site plan that includes the multifamily buildings.
6. Plaza Entertainment Outlets: <i>The plaza shall be equipped with 115- and 220-volt outlets as appropriate for entertainment use.</i>	The design is not final and will be submitted with a subsequent detailed site plan that includes the multifamily buildings.
7. Plaza Performance Stage: <i>Plaza areas over 10,000 square feet shall provide a minimum 400-square-foot permanent performance stage or space that shall also function as a seating area when not used as a stage. The performance stage/space shall be located on the detailed site plan.</i>	The design is not final and will be submitted with a subsequent detailed site plan that includes the multifamily buildings.
8. Irrigation: <i>All plaza landscaping shall have an automated irrigation system and a note stating compliance with this standard shall be included in the general notes section on the detailed site plan.</i>	The design is not final and will be submitted with a subsequent detailed site plan that includes the multifamily buildings.
ARCHITECTURE STANDARDS (Page 103) GENERAL DESIGN PRINCIPLES AND INTENT	

Intent M-NCPPC staff shall review building architecture. Staff will coordinate with the developer and/or applicant to review the standards of the form-based code. Architecture shall be of high quality, enduring, and promoting a sense of character for the building street wall. Building walls should reflect high-quality architecture and complement the surrounding development. They should be structural walls that provide long-lasting building materials. Building walls should not be too ornate or too simple. All building materials shall be appropriate to their specific properties for load bearing capacity. Refer to the TDDP architecture standards below for the specific prescriptions of this section. Specifically, the architecture standards are intended: • To enhance the visual appeal of new commercial/mixed-use and residential development • To enhance the visual environment of activity centers • To promote pedestrian accessibility and safety • To minimize visual clutter and blight	
1. <i>Architecture shall blend aesthetically into the built environment of the block for which the development lot is located.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
2. <i>Architecture shall specify required details as indicated in the TDDP.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
3. <i>Architecture shall provide a coherent form for the building.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
4. <i>Architecture materials shall provide appropriate material properties (strength) for the design purpose of the building; strong materials shall support lighter materials.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
5. <i>Architecture materials shall be as indicated in the TDDP; equivalent or better material is also encouraged but shall be approved at the discretion of the Planning Board.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
6. <i>Architecture characteristics shall be coordinated with respect to building articulation, building scale and proportions, architectural style, roof forms, building details and fenestration patterns, and materials.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
Configurations and Techniques (Page 105)	
1. Exterior Walls (Architecture):	N/A – For Infrastructure only. Will be examined a subsequent phase

• <i>Exterior walls greater than 40 feet in length shall break any flat, monolithic façade with discernible architectural elements, such as bay windows, recessed entrances and windows, display windows, arcades, balconies, cornices, bases, pilasters, columns or other architectural details or articulation combined with changes in materials to provide visual interest and pedestrian scale. Building designs, rooflines, or façade treatments that are monotonous shall be prohibited.</i> • <i>Exterior wall materials shall be consistent horizontally (i.e., joints between different materials shall be horizontal and continue around corners) except for chimneys and piers.</i> • <i>Exterior wall material/architectural changes shall be provided with a constructional logic. Building additions shall specify a building material that is compatible in architecture and material with the original building.</i> • <i>All exposed and visible exterior walls of a building shall provide quality architectural material along the facades according to the permitted building façade materials stated in the architectural standards.</i>	
2. Brick and Stone: • <i>Brick shall specify the pattern, color, type, and model number of brick to be used.</i> • <i>Stone shall specify the pattern, color, type, and finish of stone to be used.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
3. Building Facades along Corner Lots: <i>Building facades along corner lots shall be architecturally treated as having street frontage on both the front and side streets. Both facades shall provide architectural</i>	N/A – For Infrastructure only. Will be examined a subsequent phase

<i>material that meets the materials list specified in the architectural standards.</i>	
4. Parapet Roofs: (<i>Cornice, Entablature, and Coping Standards</i>) <i>Parapet roofs shall only be permitted to conceal roof top mechanical equipment and shall not extend beyond the height of the rooftop mechanical equipment. Building architectural roof sections shall be submitted as part of the detailed site plan to provide compliance with this standard.</i> <i>Parapet roofs shall not be permitted if the purpose is to extend the height building. Parapet roofs shall not create a false building height extension and shall not qualify as overall building height.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
WINDOWS AND DOORS/ENTRANCES	
Configurations and Techniques (Page 106)	
The following configurations and techniques are permitted. 1. All Windows: <i>Windows shall not span vertically more than one story.</i> <i>Windows shall correspond to interior space and shall not span across building structural elements such as walls and mechanical spaces between floors.</i> <i>Windows by ganged horizontally (maximum five per group) if each grouping is separated by a mullion, column, pier or wall section that is a minimum of seven inches wide.</i> <i>Windows shall be no closer than 30 inches to building corners (excluding bay windows and where the building corner is also a block corner).</i>	N/A – For Infrastructure only. Will be examined a subsequent phase

• <i>Exterior shutters, if applied, shall be sized and mounted appropriately for the window (one-half the width), even if inoperable.</i>	
2. Ground Floor Windows: • <i>Single panes of glass shall not be larger than six feet high by four feet wide.</i> • <i>Windows shall not be made opaque by window treatments and shall allow a minimum 60 percent of surface view into the building for a depth of at least 20 feet.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
3. Upper-Story Windows: • <i>Windows shall be double-hung, single-hung, awning, or casement windows.</i> • <i>Fixed windows are permitted only as a component of a system including operable windows within a single wall opening.</i> • <i>Residential buildings/floors: panes of glass no larger than 36 inches vertical by 30 inches horizontal.</i> • <i>The maximum pane size for office uses is 40 inches vertical by 40 inches horizontal.</i> • <i>Egress windows may be installed according to the appropriate building code.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
4. Doors/Entrances: • <i>Primary entrances shall be delineated on the detailed site plan as major architectural features so that they are clearly identified as entry points, front the primary public street, and are pedestrian accessible. A portico, arcade, or similar architectural feature shall be provided to shelter the primary entrance.</i> • <i>Building facades over 200 feet in length facing a street shall provide two or more public building entrances off the street.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase

• <i>Primary building entrances shall connect to the sidewalk with a pedestrian walkway.</i> • <i>Shop front entrances are permitted to extend up to 24 inches beyond the build-to line.</i> • <i>Double height entryways (those that span more than one story) shall be prohibited.</i> • <i>Doors shall not be recessed more than three feet behind the shop front windows and shall have a clear view and path to a 45-degree angle past the perpendicular from each side of the door.</i> • <i>Roll-down security gates, door, and windows shall be prohibited.</i>	
SIGNAGE (Page 107)	
CONFIGURATIONS AND TECHNIQUES (Page 108)	
1. Sign Lighting: <i>Building signs shall be illuminated with external lighting only. Lighting shall provide full cut-off fixtures to reduce sky glow and glare. Flashing, traveling, animated, or intermittent lighting shall be prohibited on the exterior of any building or building sign whether such lighting is of temporary or long-term duration.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase
2. Sign Specifications: <i>Building signage shall be permitted as board signs, cornice signs, blade signs, door signs, awning signs, and window signs only. All other signage, including freestanding signs, shall be prohibited. Sign specifications, typology, and location standards are as follows:</i> • <i>Board signs shall be permitted within the area between the second story floor line and the first floor ceiling. The horizontal board sign shall not exceed two feet in height. Company logos or</i>	N/A – For Infrastructure only. Will be examined a subsequent phase

<i>names shall be permitted when placed within the board sign or placed or painted within ground floor or second story office windows.</i> • <i>Cornice/parapet signs shall be placed in the building's cornice/parapet wall or under the eaves and above the upper story windows.</i> • <i>Blade signs shall be permitted when located perpendicular to the building façade, and shall provide a minimum clearance of seven feet measured from the sidewalk elevation to the bottom of the sign for pedestrian safety. Shop signs may be hung from an overhang or awning.</i> • <i>Door signs shall be permitted to identify street address and shall be located as illustrated in the reference drawing.</i> • <i>Awning/overhang signs shall be permitted within the front face of the awning as illustrated in the reference drawing. Lettering shall be a maximum of five inches high. Awnings/overhangs shall have a minimum ten feet clear height above the sidewalk, a minimum of six feet depth out from the building façade, and the maximum extension shall not protrude over any tree or landscape planting area. Canvas cloth or equivalent (no shiny or reflective materials), metal or glass materials shall be permitted. All other materials shall be prohibited. Internal illumination through the awning/overhang shall be prohibited.</i> • <i>Window signs shall be permitted as painted window signs or illuminated neon signs, animated signs are prohibited.</i>	
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• <i>Lettering for all signage shall not exceed 18 inches in height or width and 3 inches in relief.</i>	
PARKING STANDARDS (Page 109)	
GENERAL DESIGN PRINCIPLES AND INTENT (Page 109)	
Intent To provide on-street parking and off-street surface/structured parking facilities that enhance pedestrian/motorist safety; reduce glare and sky glow on the surrounding neighborhoods; provide adequate lighting; shield lamp brightness; and improve motorist/pedestrian visibility within the built environment.	
1. Ratios for Uses: <i>Off-street parking shall be provided for all new development within the West Hyattsville TDOZ in accordance with the standards provided in Parking Ratios for Land Uses Within the West Hyattsville Transit District Overlay Zone.</i>	The TDOZ allows a maximum of 2.0 spaces per Townhouse (p. 118). There are 56 end units, each with 2 spaces. The End units include 2 off street parking spaces. The 127 interior units each have one space. Off street parking is in keeping with the requirements of the TDOZ.
2. Accessibility: <i>All on-street parking and off-street surface/structured parking facilities shall comply with ADA standards and shall be accessible and barrier free. Off-street parking areas shall not exceed two percent cross slopes in any direction for accessible parking spaces in accordance with ADA standards. All other surface parking areas shall not exceed three percent maximum cross slope. Parking areas shall not be accessed via steps from adjoining walkways.</i>	All parking spaces meet these requirements.
3. Pedestrian Access to Off-Street Parking: a. Surface Parking – • <i>Pedestrian walkways through parking areas shall be prohibited.</i> • <i>Perimeter walkways along the edge or parking areas shall not exceed 2 percent cross slope and shall be illuminated at exactly 2.0 foot-candles for ADA accessibility compliance.</i> b. Parking Structures –	There are no off-street surface parking or parking structures.

<i>Parking structures shall provide pedestrian access to surrounding main buildings and shall provide safe (exactly 2.0 foot-candle illumination), direct (maximum than 100 foot), accessible (maximum 2 percent slopes), barrier-free (no steps) pathways.</i>	
4. Construction: <i>Construction of on-street parking and off-street surface/structured parking facilities shall be completed for any approved development prior to the issuance of use and occupancy permits for the first building.</i>	This is the Applicant's intent.

5. <i>Parking Landscaping:</i> <i>Landscaping shall be provided adjacent to on-street parking areas per the West Hyattsville TDDP conceptual site plan.</i> a. <i>On-Street Parking</i> – • <i>Landscaping shall be provided adjacent to on-street parking areas per the West Hyattsville TDDP conceptual site plan.</i> • <i>Tree pit areas shall be a minimum of five feet wide and five feet deep. Tree grates shall be a minimum of four feet wide and four feet deep. Tree pits and tree grates shall place the center of the tree a minimum of 2.5 feet from the face of curb for protection from open car doors.</i> b. <i>Off-Street Surface Parking</i> – • <i>Parking perimeters shall screen views of cars from the public realm with both a three-foot high solid masonry wall and evergreen shrub landscaping.</i> • <i>Evergreen shrubs shall be planted at the rate of three shrubs per every ten linear feet of perimeter parking area.</i> • <i>Landscaped parking islands shall be provided as a break in parking areas for every 20 cars, dimensioned at a minimum of 10 inches wide and minimum 20 feet in length, planted with a 2.5 caliber shade tree, and shall provide ground cover or shrubs within the island.</i> • <i>Landscaped parking islands located adjacent to ADA accessible parking spaces shall provide a 2.5-inch caliber tree and a mulch surface ground for accessible access.</i> • <i>Tree pit beds shall be provided at a minimum of five feet in depth, with the center of the tree planted a</i>	Landscaping is provided adjacent to all on street parking spaces as noted on the Landscape Plan Sheets and on the Detail Sheets. There are no off street surface parking or parking structures.
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<i>minimum of 2.5 feet from the face of curb for protection from open car doors.</i> c. Off-Street Parking Structures – • <i>Landscaping shall be provided along parking structure foundation facades that front the public realm.</i> • <i>Landscaping shall be provided at the rate of one tree (2.5-inch caliper) and three shrubs (24-inch height) per ten linear feet of parking façade.</i> • <i>Planting beds shall be a minimum of 5 feet in width and a minimum of 5 feet in depth.</i>	
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6. Parking Lighting: <i>Lighting shall be provided for surface parking and parking structures as follows:</i> a. On-Street Parking and Off-Street Parking – • <i>Full cut-off lighting</i> • <i>Pedestrian light fixtures similar or equal to those shown in the West Hyattsville TDDP conceptual site plan.</i> • <i>Street lights shall be a minimum 14 feet and a maximum 16 feet in height for on-street parking areas, and shall be a maximum of 20 feet in height for surface parking areas.</i> • <i>Illumination shall be a minimum of 1.25 foot-candles and a maximum of 2.0 foot-candles.</i> b. Off-Street Parking Structure – • <i>Full cut-off lighting for exteriors facades.</i> • <i>Pedestrian light fixtures similar or equal to the Elliptipar parking structure lighting standards shown in the West Hyattsville TDDP conceptual site plan.</i> • <i>Illumination shall be a minimum of 2.0 foot-candles at entrances/exits and a maximum of 5.0 foot-candles.</i>	Regular street lights provide illumination for on-street parking spaces. Lights are full cutoff and approximately 15 feet, 8 inches in height. There is no off street parking structure. The Lighting Plan shows foot candles within the limits established in this standard.
ON-STREET PARKING (Page 111)	
Intent To regulate the design and location of on-street parking to provide convenient access to adjoining uses without compromising pedestrian/motorist safety and the quality of the streetscape environment.	
1. Materials: <i>On-street parking areas shall be coordinated with the Department of Public Works and Transportation (DPW&T) and/or State Highway Administration (SHA) as appropriate.</i>	The Applicant is working with the City of Hyattsville to coordinate materials for on-street parking. A continuation of the street surface is proposed.

2. Configurations and Techniques a. Permitted Development Blocks for On-Street Parking: <i>On-street parking areas shall be permitted in all development blocks except NN and OO.</i> b. Siting: <i>On-street parking shall be located in accordance with the West Hyattsville TDDP streetscape sections. Restricted (non-rush hour) on-street parking may be permitted on primary streets within the TDOZ, subject to an executed memorandum of understanding (MOU) between the City of Hyattsville, DPW&T, and the State Highway Administration (SHA) as appropriate.</i>	The Property is not in Development Blocks “NN” or “OO.” On street parking is expected to be available 24 hours a day; there are no primary streets within the proposed development.
OFF-STREET PARKING (Page 112)	
Intent To regulate the location, siting, and design of off-street parking to provide convenient access to adjoining uses without compromising pedestrian/motorist safety and the quality of the built environment within the West Hyattsville TDOZ.	
Configurations and Techniques:	
1. Siting: <i>Off-street parking facilities (surface lots and parking structures) shall be located in accordance with the West Hyattsville TDDP/TDOZ parking plan. Surface parking areas shall be provided to the rear of the site away from the public realm view. Parking areas and pedestrian access to these areas shall not exceed 25 percent of the build-to line frontage on any block. Street frontage vehicular access to off-street parking facilities shall be prohibited (see discussion of off-street parking entrances below).</i>	N/A – For Infrastructure only. Will be examined a subsequent phase if surface lots or structured parking is provided.
2. Uses Within Parking Structures Along Street Frontages: <i>Retail uses shall be provided on the groundfloor of any parking structure with street frontage within commercial mixed-use blocks as identified in the West Hyattsville TDDP. Retail spaces on the ground floor shall have display windows, canopies/awnings, and recessed entrance doors to enhance the parking structure.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase if structured parking is provided.

<i>Parking structures on corner lots shall provide ground-floor retail uses within the parking structure along both the front and side streets.</i>	
3. Façade Treatments for Parking Structures: <i>Parking structure facades that are visible to the public realm shall consist of high-quality material such as brick, brick with concrete banding, brick with glass block banding, or other material as specified in the permitted materials list above. All parking structure exteriors shall be architecturally designed to integrate and be compatible with adjacent building materials. Parking structures on corner lots shall provide street-frontage quality architectural facades along both the front and side streets.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase if structured parking is provided.
4. Parking Structure Fenestration: <i>Parking structure openings shall provide a minimum of 75 percent transparency to provide visibility for pedestrian safety. Ground floor building, façade fenestration shall be 75 percent of each building façade along its street frontage. Blank wall facades shall not exceed 25 percent of any street frontage in accordance with the approved West Hyattsville TDDP conceptual site plan.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase if structured parking is provided.
5. Parking Structure Height: <i>Structured parking shall be from a minimum of two stories to a maximum of five stories. Parking garages shall not exceed the height of the surrounding buildings and shall not visually dominate the block where visible from the street or other public space.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase if structured parking is provided.
6. Siting of Parking Structures With Street Frontage: <i>All parking structures with street frontage shall be located at the build-to lines that shall be sited zero feet from the sidewalk edge to create a continuous street wall. Each applicant or the applicant's heirs, successors, and/or assignees, shall be responsible for parking structure improvements as delineated in the West Hyattsville TDDP. Parking garages shall be located within the interior of a block, surrounded by buildings that front the</i>	N/A – For Infrastructure only. Will be examined a subsequent phase if structured parking is provided.

<i>street except where otherwise delineated in the West Hyattsville TDDP. Parking structures on corner lots shall meet the build-to lines along both the front and side streets.</i>	
7. Parking Structure Entrances and Exits (Single-Family Residential): <i>Parking structure entrances and exits within single-family areas shall not be more than 80 square feet in area, and there shall not be more than one garage door for each 16 feet of building frontage. All townhouse and live/work unit garages shall be tuck-under. Access to parking garages from the street frontage shall be prohibited. Parking access shall consist of a single location point for entry/exit purposes to minimize curb cuts.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase.
8. Parking Structure Entrances and Exits (Multi-family/Nonresidential): <i>Parking structure entrances and exits within multifamily residential or nonresidential areas shall not exceed 16 feet clear height and 24 feet clear width and shall not be sited within 100 feet of the block corner or another garage entry on the same block. Garage entry portals may be set back up to 24 inches behind the surrounding façade. Parking access shall consist of a single location point for entry/exit purposes to minimize curb cuts. Vehicle access from the street frontage shall be permitted.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase if structured parking is provided.
9. Parking Structure Stairwells: <i>Parking structure stairwells shall provide up-lighting with a minimum of 2.0 foot-candles and a maximum of 5.0 foot-candles. Glass facades shall be provided for high visibility and openness to enhance pedestrian safety. Steps shall provide open riser construction to increase visibility for pedestrian security.</i>	N/A – For Infrastructure only. Will be examined a subsequent phase if structured parking is provided.
10. Parking Structure Elevators: <i>Parking structure elevators shall be lighted to a minimum of five foot-candles at the entrance to the elevator car door in accordance with the ADA standards. Elevators shall be constructed of glass walls to provide an open view to</i>	N/A – For Infrastructure only. Will be examined a subsequent phase if structured parking is provided.

<i>provide pedestrian safety and enhanced visibility.</i>	
11. Parking Structure Lighting: Lighting for all multifamily and nonresidential parking structures shall provide up-light fixtures and shall meet foot-candle requirements as specified below: a. One-way pendant uplight fixture, 30- to 72-inch stems, recessed “J” box-style hung from parking structure ceiling b. Two-way pendant uplight fixture, 30- to 72-inch stems, recessed “J” box-style hung from parking structure ceiling c. Perimeter or core uplight wall fixture d. 250W metal halide e. 10-foot6-inch parking structure ceiling f. Reflectance: 80 percent ceiling (shall use matte white paint), 40 percent deck (concrete construction), and 0 percent walls.	N/A – For Infrastructure only. Will be examined a subsequent phase if structured parking is provided.
BIKEWAYS AND BICYCLE PARKING (Page 116)	
Intent To regulate the design and location of bicycle parking facilities to provide convenient access to adjoining uses without compromising pedestrian/bicyclist safety and the quality of the streetscape environment.	
Configurations and Techniques	
1. Bikeway Classification: Bikeway access along streets shall be located in accordance with the TDDP circulation plan. Bikeway access shall incorporate all of the following design criteria; a. On-Street Bikeway Access (Class III) • Vertical clearance for bike access shall be six feet minimum. • Bike lane shall be six feet wide minimum. • Identification consisting of mounted signage, striped lane, and bike symbol painted along the on-street pathway.	A Class I Bike Lane is provided parallel to the main Park Drive access road. It has no clearance issues; it is 8 feet wide; and is clearly identified per the requirements of this section. (See Detail Sheet 6) It is to be constructed of concrete.

b. Off-Street Bikeway Access (Class I) • Vertical clearance for bike path shall be ten feet minimum. • Horizontal clearance for bike path shall be six feet minimum. • Surface shall be asphalt, concrete, gravel, or wood chip material as approved by M-NCPPC, with a compacted subgrade. • Nonskid boardwalks shall be provided if wetland construction is necessary for bike path with a minimum of 100 square feet of trailhead area at intersections with sidewalks (a trial map sign shall be provided at each such location).	
2. Bicycle Space Required Number: Minimum number of required bicycle parking spaces shall be the following: • 1 space/20 off-street vehicular parking spaces per dwelling unit (multifamily residential uses) • 2 spaces/10 required vehicular spaces or 10 minimum (transit station) • 2 spaces/10 required vehicular spaces or 10 minimum (community center) • 1 space/5,000 square feet park space (neighborhood/pocket park) • 1 space/20 off-street vehicular parking spaces (office, nonvehicle retail services) • 1 space/20 off-street vehicular parking spaces (entertainment) • 1 space/20 off-street vehicular parking spaces (quick vehicle service) Single-family townhomes and live/work units shall be exempt from all bicycle parking requirements.	Townhome development is exempt from the bicycle parking requirements per this section. None are proposed.
3. Bicycle Space Dimensions: Bicycle spaces shall be a minimum of six feet long and 2.5 feet wide, and shall be provided between each row of bicycle parking.	None are proposed.

4. Bicycle Parking Locations: <i>Bicycle parking shall be located proportionally at each public entrance within a development.</i> a. Parking Structures: <i>Required bicycle parking within a structure shall be located in or near main entrances or elevators to provide for pedestrian safety, visibility, and security of property.</i> b. On Site: <i>Bicycle parking (not located within a parking structure) shall be located on site within 50 feet of main building entrances. Bicycle parking shall not obstruct walkways.</i> c. Right-of-Way: <i>Bicycle parking may be located in the public right-of-way with the approval of the Maryland State Highway Administration, Prince George's County Department of Public Works and Transportation, and the City of Hyattsville.</i> d. Building: <i>Bicycle parking may be located within a building, but the location shall be easily accessible for bicyclists.</i>	None are proposed.
5. Bike Parking Security: a. Bicycle Racks: <i>Secure stationary racks shall be provided that are anchored/bolted to the ground for security of bicycle property.'</i> b. Bicycle Locker: <i>Lockable enclosures shall be provided for the storage of bicycles for security of bicycle property.</i>	None are proposed.
6. Bike Parking Access: <i>Bicycle parking shall have direct access to the public right-of-way.</i>	None are proposed.

In addition to the development standards listed above, the TDOZ includes maximum parking ratios for land uses (p. 118). The maximum parking allowed for Townhouses on properties within one-quarter mile of the West Hyattsville Metro Station is 2.00 parking spaces per dwelling unit. The Property is within one-quarter mile of the Metro Station. With 183 dwellings a maximum of 366 spaces is permitted. The proposal includes 429 parking spaces, allotted as follows:

Off Street Parking	
53 Twenty-foot wide Townhouses (2 car garage)	106 spaces
130 Sixteen-foot wide Townhouses (1 car garage)	130 spaces
On Street Parking	193 spaces

A modification is requested and discussed later in this statement of justification.

VII. RELATIONSHIP TO THE PROVISIONS OF THE ZONING ORDINANCE

Requirements for Detailed Site Plans

Sections 27-281(b) and (c) outline the following general and specific purposes of the Detailed Site Plans.

(b) General purposes.

(1) The general purposes of Detailed Site Plans are:

(A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;

(B) To help fulfill the purposes of the zone in which the land is located;

(C) To provide for development in accordance with the site design guidelines established in this Division; and

(D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

RESPONSE: This Detailed Site Plan presents an infrastructure plan to deliver the type of development envisioned in the TDDP. The site plan is for the ultimate development of a mix of townhouses, multifamily units, and commercial uses in substantial conformance with the TDDP Development Standards and the Preferred Land Use Plan (Map 14; p. 36.). A detailed discussion of this conformance is found in this statement of justification. The purposes of the M-X-T Zone are varied and the proposal's relationship to them is discussed in this statement of justification.

(c) Specific purposes.

(1) The specific purposes of Detailed Site Plans are:

(A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;

RESPONSE: These are shown on the site plan.

(B) To show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site;

RESPONSE: The site plan shows, in some detail, all of these features.

(C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and

RESPONSE: The architectural form of buildings and street furniture are not included in this Infrastructure only Detailed Site Plan. They will be included for review in a subsequent Detailed Site Plan.

(D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.

RESPONSE: The use of the park may include a Recreational Facilities Agreement. Homeowner's Association covenants will also be required.

Section 27-274 sets forth the design guidelines for Conceptual Site Plans which apply to Detailed Site Plans.

Section 27-548 sets forth specific requirements for density and townhouses in the M-X-T Zone.

The Applicant asserts that the Development Standards of the TDDP and TDOZ replace both Section 27-274 and 27-548. All of the requirements of Section 27-274 are covered by the TDDP. Requirements of Section 27-548 regarding Floor Area Ratios, townhouse density and massing, building height and massing, and so forth, are at odds with the purposes of the TDDP which aim to create a dense, walkable community adjacent to the Metro Station.

In outlining the legal context for the TDDP and TDOZ, the plan states “[t]he TDOZ is **superimposed over the zoning map for the subject area and thereby modifies specific requirements of those underlying zones,**” and:

“[t]he West Hyattsville TDDP standards and guidelines shall apply to all proposed new development submitted for approval on or after the TDDP’s effective date of enactment by the District Council. For development standards not covered by the West Hyattsville TDDP, the other applicable sections of the Prince George’s County Zoning Ordinance shall serve as the requirement.” (p. 4)

Requirements of Section 27-548 are modified by the TDDP; they are covered by the building massing and other standards of the TDOZ. Further, Section 27-290.01(b)(5) states that the Development Standards of the TDOZ govern when they differ from Zoning Ordinance requirements:

(b) As a condition of site plan approval, an Expedited Transit-Oriented Development Site Plan shall:

(5) be compatible with any site design practices or standards delineated in any Master Plan, Sector Plan or Overlay Zone applicable to the area of development. To the extent there is a conflict between the site design practices or standards of subsection (b)(1), above, and those of a Master Plan, Sector Plan or Overlay Zone applicable to the area that is proposed for development under this Section, the site design practices and standards of the Master Plan, Sector Plan or Overlay Zone shall apply.

Therefore, the requirements of Section 27-548 do not apply; they are replaced with the TDOZ requirements.

Sec. 27-290.01. - Requirements for Expedited Transit-Oriented Development Projects.

(a) Expedited Transit-Oriented Development Projects shall be eligible for expedited review as set forth in this Section, except that applications eligible under Section 27-107.01(a)(242.2)(D) shall be subject to Section 27-290.02 and shall not be subject to Section 27-290.01(a)(1) through (7) or (b), but may serve as development guidelines.

RESPONSE: The proposal is pursuant to the definition found in Section 27-107.01(a)(242.2)(A): “the subject property is located entirely within a Transit District Overlay Zone (‘TDOZ’).” Section 27-107.01(a)(242.2)(D) applies to public uses or buildings. This Property is entirely within the West Hyattsville TDOZ; therefore, the application is subject to Section 27-290.01.

(1) Expedited Transit-Oriented Development Projects located in a Euclidean Zone or a Mixed Use Zone, where a site plan approval is required, shall be exempt from applicable site plan requirements other than a Detailed Site Plan. Detailed Site Plan applications filed pursuant to this Section shall be eligible for expedited review.

RESPONSE: The Applicant is SEEKING EXPEDITED REVIEW pursuant to this section and is subject to the requirements of the West Hyattsville Transit District Development Plan and Overlay Zone.

(A) An application filed pursuant to this Section shall incorporate elements of a Conceptual Site Plan, as needed, to comply with specific conditions applicable to the subject property.

RESPONSE: Elements of the Conceptual Site Plan review are fully covered for this application by the requirements of the TDOZ.

(B) An application filed pursuant to this Section may amend an existing Conceptual Site Plan applicable to the subject property.

RESPONSE: The application is for a detailed site plan and does not amend an existing Conceptual Site Plan.

(C) An application filed pursuant to this Section may amend an existing Detailed Site Plan for the subject property.

RESPONSE: This application does not amend an existing Detailed Site Plan.

(2) Expedited Transit-Oriented Development Projects on property located within a Comprehensive Design Zone shall be eligible for expedited review in the consideration of:

(A) A combined Comprehensive Design and Specific Design Plan application pursuant to Section 27-531; or

(B) A Specific Design Plan application, where there is an existing Comprehensive Design Plan applicable to the subject property.

(i) An application filed pursuant to this subparagraph may amend an existing Comprehensive Design Plan for the subject property.

(ii) An application filed pursuant to this subparagraph may amend an existing Specific Design Plan for the subject property.

RESPONSE: The Property is not in a Comprehensive Design Zone.

(3) All other applicable requirements and procedures in this Subtitle for Detailed Site Plans, combined Comprehensive Design and Specific Design Plans, or Specific Design Plans, including amendments to existing plans, not inconsistent with this Section, shall apply to Detailed Site Plans, combined Comprehensive Design and Specific Design Plans, or Specific Design Plan applications, including amendments to existing plans, for which an applicant seeks expedited review under this Section. Special Permits, as defined by Section 27-239.02, are not site plans for the purposes of this Section.

RESPONSE: The application, as outlined in this statement of justification, complies with all detailed site plan requirements, except as modified by the TDDP and TDOZ

(4) An application for a Detailed Site Plan, combined Comprehensive Design and Specific Design Plan, or Specific Design Plan, including an amendment to an existing plan, filed pursuant to this Section, shall be defined in this Section and prominently designated as an "Expedited Transit-Oriented Development Site Plan Application."

RESPONSE: The words "**Expedited Transit-Oriented Development Site Plan Application**" are on all application forms and the Detailed Site Plan Sheets.

(5) Expedited Transit-Oriented Development Projects for which a preliminary plan of subdivision is required may file a preliminary plan application concurrently with an Expedited Transit-Oriented Development Site Plan Application in accordance with Part 3, Division 9 of this Subtitle.

RESPONSE: Preliminary Plan 4-15020 is filed concurrently.

(6) Review of Expedited Transit-Oriented Development Projects by the Department of Permitting, Inspections, and Enforcement, as prescribed by Subtitle 32 of this Code, shall be expedited. Notwithstanding any other requirement in this Code, an Expedited Transit-Oriented Development Site Plan Application may be filed with the Planning Board thirty (30) days after the stormwater management concept plan for the project is filed with the Department of Permitting, Inspections, and Enforcement. The Planning Board may not approve an Expedited Transit-Oriented Development Site Plan Application without an approved stormwater management concept plan for the project in accordance with Subtitle 32 of this Code.

RESPONSE: This applies to the County. However, a stormwater concept plan has been approved. A revision to Concept # 11905-2016 was filed on September 12, 2016.

(7) All County agencies with responsibility for permit review for an Expedited Transit-Oriented Development Project shall make such review the highest priority in their staffs' permitting work responsibilities and shall comport with the expedited development review and permitting provisions of this Section. Permits may be staged to enable specific phases of Expedited Transit-Oriented Development Projects to proceed while concurrent review for future phases is ongoing.

RESPONSE: This applies to the County.

(8) All proposed Expedited Transit-Oriented Development Site Plan Applications shall comply with the informational mailing prescriptions set forth in Division 1, Part 3 of this Code and shall be expressly designated in the mailing as an Expedited Transit-Oriented Development Project. In addition, at the time an Expedited Transit-Oriented Development Site Plan Application is filed, the applicant shall provide written substantiation of outreach efforts to garner public input, to include any civic association registered with the Planning Board for the area where the project is located and any municipality within a one mile radius of the Expedited Transit-Oriented Development Project.

RESPONSE: This was expressly described in the Informational Mailing and will be in all future Applicant mailings.

(b) As a condition of site plan approval, an Expedited Transit-Oriented Development Site Plan shall:

(1) use the best urban design practices and standards, including:

(A) Encouraging a mix of moderate and high density development within walking distance of a transit station to increase transit ridership, with generally the most intense density and highest building heights in closest proximity to the transit station and gradual transition to the adjacent areas;

RESPONSE: The entire property is within one-quarter mile of the West Hyattsville Metro Station. The proposal is a mix of moderate to high density development. At buildout, the development will have 183 townhouses and 300 multi-family dwellings on 18.45 acres—a density of 26.2 dwellings per acre.

(B) Reducing auto dependency and roadway congestion by:

(i) locating multiple destinations and trip purposes within walking distance of one another;

RESPONSE: The proposal includes townhouses, multifamily dwellings and commercial retail space, all within walking easy distance (one-quarter mile or less) of the West Hyattsville Metro.

(ii) creating a high quality, active streetscape to encourage walking and transit use;

RESPONSE: All streets will include sidewalks (some of which are 6-feet wide), street trees, and attractive lighting. These will be attractive streets leading to adjacent transit.

(iii) minimizing on-site and surface parking; and

RESPONSE: No surface parking lots are proposed. Most of the townhouses will have one garage; end units have two. Minimal on-street parking is proposed for visitor parking and possible use by Stream Valley Park users.

(iv) providing facilities to encourage alternative transportation options to single-occupancy vehicles, like walking, bicycling, or public transportation use;

RESPONSE: The entrance road – Little Branch Run – includes a bicycle lane and all streets include sidewalks, making for easy access to the access to the adjacent public transportation system.

(C) Minimizing building setbacks from the street;

RESPONSE: This is an Infrastructure Only site plan, building form, massing and location will be determined in a subsequent Detailed Site Plan. However, buildings are envisioned to be close to the streets.

(D) Utilizing pedestrian scale blocks and street grids;

RESPONSE: The TDDP and TDOZ required all blocks to be no more than 400 feet in length. All blocks are less than 400 feet, with the longest being approximately 300.

(E) Creating pedestrian-friendly public spaces; and

RESPONSE: The Property adjoins a stream valley park and the proposal includes pedestrian and bicycle access to the park.

(F) Considering the design standards of Section 27A-209.

RESPONSE: The section of Subtitle 27A, Urban Centers and Corridor Nodes Development and Zoning Code, includes design standards which are discussed below.

(2) provide a mix of uses, unless a mix of uses exists or is approved for development in the adjacent areas,

RESPONSE: Though not required because the adjacent area is already a mix of uses already, the development is ultimately contemplated to be a mix of residential and commercial uses.

(3) not include the following uses, as defined in Section 27A-106 or, if not defined in Section 27A-106, as otherwise defined in this Subtitle (or otherwise, the normal dictionary meaning):

- (A) Adult entertainment;**
- (B) Check cashing business;**
- (C) Liquor store;**
- (D) Pawnshop or Pawn Dealer;**
- (E) Cemetery;**
- (F) Vehicle and vehicular equipment sales and services (also includes gas station, car wash, towing services, RV mobile home sales, and boat sales);**
- (G) Wholesale trade, warehouse and distribution, or storage (including self-service storage, mini-storage, and any storage or salvage yards);**
- (H) Industrial;**
- (I) Amusement park;**
- (J) Strip commercial development (in this Section, "Strip commercial development" means commercial development characterized by a low density, linear development pattern usually one lot in depth, organized around a common surface parking lot between the building entrance and the street and lacking a defined pedestrian system);**
- (K) Sale, rental, or repair of industrial or heavy equipment;**
- (L) Any automobile drive-through or drive-up service;**
- (M) Secondhand business (in this Section, a "Secondhand business" is an establishment whose regular business includes the sale or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased);**
- (N) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary use;**
- (O) Beauty supply and accessories store (in this Section, a "Beauty supply and accessories store" is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail.), except as an ancillary use; or**
- (P) Banquet halls, unless accessory to a restaurant, tavern, hotel, or convention center.**

RESPONSE: The Proposal does not include these prohibited uses.

(4) comply with the use restrictions of Section 27A-802(c), and

RESPONSE: The section of Subtitle 27A, states:

Public utility uses or structures including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages (Building Envelope Standards), subject to the design regulations of this Subtitle. These uses or structures shall be designed to be harmonious to the overall design and character of the Urban Center District. Other public utility uses or structures including major transmission

and overhead distribution lines and structures are prohibited within the Urban Centers and Corridor Nodes Districts.

RESPONSE: Public utilities will be underground on this Property. Junction boxes are to be located in necessary areas and are shown on the detailed site plan. They are typical of urban areas and are harmonious with the character of the Urban Center. Landscaping ensures they are attractive.

(5) be compatible with any site design practices or standards delineated in any Master Plan, Sector Plan or Overlay Zone applicable to the area of development. To the extent there is a conflict between the site design practices or standards of subsection (b)(1), above, and those of a Master Plan, Sector Plan or Overlay Zone applicable to the area that is proposed for development under this Section, the site design practices and standards of the Master Plan, Sector Plan or Overlay Zone shall apply.

RESPONSE: The applicant has been careful to design the project to meet the Development Standards of the West Hyattsville TDDP and TDOZ. These Development Standards have been discussed fully earlier in this statement of justification.

(6) Nothing in this Section shall be interpreted to preclude projects that include the uses described in subsection (b)(3), above, from proceeding without the use of expedited review prescribed in this Section.

RESPONSE: Again, the proposal does not include these uses.

Sec. 27A-209. - General Design Principles of Urban Centers and Corridor Nodes.

(a) Building Façades should be aligned and close to the Street. Buildings form the space of the Street.

RESPONSE: Building façades, architecture and location will be reviewed in a subsequent detailed site plan. The layout allows for this design.

(b) The Street is a coherent space, with consistent building forms on both sides. Buildings facing across the Street-Space contribute to a clear public space and Street-Space identity.

RESPONSE: Lots are designed so that buildings can face each other across streets. Specifics about building form will be reviewed in a subsequent detailed site plan.

(c) Multimodal, complete Streets incorporating well-designed pedestrian, bicycle, transit, and auto facilities are essential elements of the Urban Centers and Corridor Nodes.

RESPONSE: The proposal includes a hierarchy of streets, including a streetscape along Ager Road, a main Park Drive connecting Ager Road with the stream valley park, local access streets serving residents and alleys for vehicle storage and garage access. All streets, not alleys, include sidewalks on both sides and the main Park Drive includes a wide bike lane. Pedestrian and bicycle facilities provide easy and safe access to the West Hyattsville Metro.

(d) Consideration of the natural environment is paramount in the Urban Centers and Corridor Nodes. All new development should be designed in accordance with best practices of environmentally-sensitive site design and sustainability. Development within the Urban Centers and Corridor Nodes shall demonstrate consideration of the natural environment through several means, including the environmental infrastructure Functional Overlay, Regulating Plan, and Permit Site Plan application.

RESPONSE: There are no tree stands on the Property. The natural environment includes floodplain associated with the Northwest Branch. Much work will be done to protect the stream and enhance the stream valley, including the provision of compensatory storage for flood waters and improvements in the stream valley for both active and passive recreation. The result will be a well-protected stream system, with striking views and recreational opportunities in the natural environment for County residents.

(e) Regulated Environmental Features shall be preserved, protected, and restored to a natural state to the fullest extent possible.

RESPONSE: The sole regulated environmental feature on the site is the floodplain associated with the Northwest Branch. It encumbers most of the Property. Impacts to fill the floodplain and provide compensatory storage on adjacent park property are appropriate. In fact, the TDDP recognized that development of the Property and others in the plan area could not occur in accordance with the TDDP without such impact:

“The environmental planning concept for the West Hyattsville TDDP ensures that new development in the TDOZ will be in accordance with this and all other stormwater management requirements so that floodplain areas will remain usable and aesthetically pleasing open space. Since the TDDP requires modifications to the existing floodplain, hydraulic modeling was performed to study potential adverse impacts during flood stages and an earthwork estimate was calculated to ensure that floodplain storage is unchanged. The proposed areas of cut and fill for the TDDP concept are

shown in Map 6. Grading for the West Hyattsville TOD is proposed to be conducted in two phases, as shown in Map 7. This will allow floodplain storage to be increased before the start of any fill, and at no point in time will the amount of fill in the floodplain exceed the amount of cut.” (p. 16)

Map 6 shows the majority of the subject Property to be recommended for fill to allow development. A separate statement of justification has been filed with the Preliminary Plan of Subdivision to allow this impact.

(f) Buildings oversee the Street-Space with active fronts. This overview of the Street-Space contributes to safe and vital public spaces.

RESPONSE: This is more appropriately reviewed when the mixed-use (multi-family and retail on the first floor) are proposed. These will be submitted in a subsequent detailed site plan. As to the subject application, townhomes do oversee the Street Space. Alleys provide vehicle storage and a place for trash, recycling and utilities. Fronts are designed to allow for active use, consistent with an urban form.

(g) In an urban environment, property lines are generally physically defined by buildings, walls or fences. Land should be clearly public or private—in public view and under surveillance or private and protected from view.

RESPONSE: All public space is easily visible from homes and clearly defined. Private space, individual yards, can be fenced as the Homeowners' Association deems appropriate.

(h) Buildings are designed for neighborhoods, towns, and cities. Rather than being simply pushed closer together, buildings should be designed for the urban situation within towns and cities. Views are directed to the Street-Space and interior gardens or court-yards to highlight these key amenities for the community and reinforce visual surveillance and sense of communal ownership of these spaces.

RESPONSE: Lots are laid out to accommodate this design criterion, with views directed to the street from buildings that are close to the street. Architecture is not part of this detailed site plan. Further details specific to building architecture will be provided in a subsequent detailed site plan.

(i) Vehicle storage and parking (excluding on-Street parking), garbage and recycling storage, and mechanical equipment are kept away from the Street-Space.

RESPONSE: These activities and equipment are to be located in alleys.

VIII. OTHER REQUIREMENTS

Stormwater Management

Stormwater Management Concept #11905-2016 has been approved. The Proposal is in conformance with this approval. Technical approval is being sought at this time.

Woodland Conservation and Tree Canopy Coverage

The proposal is in conformance with Type I Tree Conservation Plan TCP 19-06-01. A Type II Tree Conservation Plan will be required prior to building permits.

IX. REQUIRED FINDINGS

Section 27-548.08(c) sets forth the following required findings for developments in a Transit District Overlay Zone.

(1) In addition to the findings required by Section 27-276(b) for approval of a Conceptual Site Plan in the T-D-O Zone, the Planning Board shall find that the Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan.

RESPONSE: This statement of justification has outlined in detail the proposal's conformance and consistency with the guidelines and criteria for development in the West Hyattsville TDDP.

(2) The findings required by Section 27-285(b) shall not apply to the T-D-O Zone. Instead, the following findings shall be made by the Planning Board when approving a Detailed Site Plan in the T-D-O Zone:

(A) The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;

RESPONSE: All mandatory requirements are met, except those for which modifications are requested. These are discussed below.

(B) The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;

RESPONSE: Again, this statement of justification fully details the site plan's conformance with the TDDP.

(C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones, unless an amendment to the applicable requirement or regulation has been approved;

RESPONSE: The TDOZ modified the requirements of the underlying zone with regard to infrastructure requirements. The site plan conforms to all requirements.

(D) The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;

RESPONSE: The purposes of the TDOZ are found in Section 27-548.03(a) of the Zoning Ordinance and are:

- (1) To enhance the development opportunities in the vicinity of transit stations;**
- (2) To promote the use of transit facilities;**
- (3) To increase the return on investment in a transit system and improve local tax revenues;**
- (4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;**
- (5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;**
- (6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;**
- (7) To provide mechanisms to assist in financing public and private costs associated with development;**
- (8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;**
- (9) To attract an appropriate mix of land uses;**
- (10) To encourage uses which complement and enhance the character of the area;**
- (11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro Station, and adjoining areas; and**
- (12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.**

The design of buildings, signs and other structures will be examined in a subsequent Detailed Site Plan. Landscaping, pedestrian systems and vehicle circulation are all in

conformance with the TDDP. The proposal provides a mix of uses in a dense development adjacent to a Metro Station. Easy access to this station for pedestrians, bicyclists and motorists is provided and promotes the use of the transit system. The grid system, modified to follow the shape of the Property, present a desirable urban design that will set the stage for future development in the TDOZ. The proposal satisfies each of these purposes.

(E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development; and

RESPONSE: Surrounding land uses include the Kirkwood Apartments to the north and the Metro Station to the south; west is the Northwest Branch Stream Valley Park; east are commercial and residential uses across Ager Road. The proposed residential and retail uses are compatible with this mix of uses in the area. Physical compatibility of the structures, in terms of architecture and massing, will be examined in a subsequent Detailed Site Plan.

(F) Requests for reductions from the total minimum required parking spaces for Transit District Overlay Zones pursuant to Section 27-548.09.02 meet the stated location criteria and are accompanied by a signed Memorandum of Understanding between a car sharing corporation or company and the applicant.

RESPONSE: Car sharing pursuant to Section 27-548.09.02 is not proposed and this section does not apply.

(3) The applicant may ask the Planning Board to apply development standards which differ from mandatory requirements in the Transit District Development Plan, unless the plan provides otherwise. The Board may amend any mandatory requirements except building height restrictions and parking standards, requirements which may be amended by the District Council under procedures in Part 10A, Division 1. The Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.

In approving the Transit District Site Plan, the Planning Board shall find that the mandatory requirements, as amended, will benefit the proposed development and the Transit District and will not substantially impair implementation of the Transit District Development Plan, and the Board shall then find that the site plan meets all mandatory requirements which apply.

RESPONSE: The applicant seeks modifications that all benefit the proposed development and Transit District and will not substantially impair the implementation of the TDDP. Modifications are discussed below.

X. MODIFICATIONS TO THE DEVELOPMENT STANDARDS

MODIFICATION 1: General Design Principles and Intent-Building Street Types

Maximum Block Length for Local Streets and Alleys

Required: 400 feet
Proposed 400 feet, except for Nicholson Street and Elkhorn Alley, which run parallel to each other and exceed 400 feet.

Discussion: Dense development is recommended for the Property in both the West Hyattsville TDDP and the County's General Plan, Plan 2035. The proposal is a grid pattern, modified as required by the shape of the Property. As the Property widens, the two access streets, Nicholson Street and Elkhorn Alley necessarily lengthen and curve with the Property's shape. Additional curb cuts for access points on these two streets are unnecessary; the natural curve of the roads serves to break up the length of the street section. The result is a street that appears shorter, given the curve. This modification benefits the development and does not impair the implementation of the TDDP.

MODIFICATION 2: General Streetscape Standards

Curb radii

Required: 15 feet
Provided: 20 feet along Little Branch Run

Discussion: Little Branch Run is the main access road into the development. In keeping with standards for fire vehicle access, as well as allowing for larger truck access, curb radii along this road are proposed to be 20 feet. This minor modification is requested for safety reasons and therefore benefits the development and does not impair the implementation of the TDDP.

MODIFICATION 3: General Design Principles and Intent-Building Street Types

Alley Lighting

Required: Lighting on all lots five feet from Alley
Proposed: None.

Discussion: All lots have alley access with garages located facing the alleys. These yards are fully paved with driveways. Street lighting on the lots within 5 feet of the Alley is not possible as it would impede the driveways. However, all homes will have lights on the building which will provide Alley lighting. Excessive Alley lighting will have a

negative impact on the use and enjoyment of these homes. This modification benefits the development and does not impair the implementation of the TDDP.

MODIFICATION 4: Building Street Types

Sidewalks on Main Street (Kirkwood Place)

Required: 10-foot wide pedestrian zone
Provided: 6-foot wide sidewalks

Discussion: Originally designed as a through street connecting to Hamilton Street, the Main Street would need to cross the Metro tracks. The street sections for Kirkwood Place, the Main Street, are shown in the TDDP with tall buildings, with a wide pedestrian zone, presumably with commercial uses fronting the street. This is not part of this proposal. Instead, townhouses are proposed. A 6-foot wide sidewalk is more than sufficient for pedestrian traffic. A trail along the Park Drive (River Terrace Drive) and the main access road (Little Branch Run) provide bike access to the nearby Metro. An extra wide pedestrian zone would be out of place, and unnecessary, along Kirkwood Avenue, which will simply be a residential street. This modification benefits the development and does not impair the implementation of the TDDP.

MODIFICATION 5: Building Street Types

Sidewalks on Main Street (Kirkwood Place)

Required: Decorative Paving
Provided: Concrete

Discussion: This modification is requested for the same reason as Modification 4: Kirkwood Place through the Property is a residential street fronted with townhouses. The sidewalks proposed on both sides of Kirkwood will serve as local sidewalks, not through pedestrian paths. Typical sidewalk construction—concrete—is more appropriate in this setting than wide, decorative paths.

MODIFICATION 6: Parking Standards

Maximum Number of Spaces

Required: 366 Maximum
Provided: 429

Discussion: All townhouses will have garages. End units will have two garage spaces; interior units will have one. Additional on street parking is provided for visitors and probable use by Stream Valley Park users. The Applicant is constructing major park

facilities which will be used by Property residents and those visiting the park. It is important that additional parking be provided to prevent inconvenience to the residents. This additional parking is spread out over the community and neither creates large expanses of paving nor creates an environment where transit use is discouraged. It simply provides for resident convenience. Easy pedestrian and bicycle access to the adjacent West Hyattsville Metro is provided.

MODIFICATION 7: General Streetscape Standards

Street Tree Spacing

Required: 30 feet on center
Provided: Varied

Discussion: Street trees are required to be 30 feet on center. While they are planted in this configuration in many places, along several of the internal streets trees are planted at intervals exceeding 30 feet and not within the street right-of-way. The proposed development includes a number of on-street, parallel parking spaces designed to accommodate both residential visitors and an expected number of Northwest Branch Stream Valley Park users. Though space for street trees is limited, every available location for these trees is used. The urban nature of the proposed development limits the space for trees. Street sections show drive lanes, parallel parking, and abutting sidewalks, restricting any room for street trees. One of the major goals of the TDDP is: **“Establishing land use/transit linkages that make it easier to use transit (rail and bus)”** (p. 1). This proposal delivers this linkage by providing wide sidewalks and bike lanes to accommodate as much pedestrian and bicycle traffic as possible. This limits the area necessary for street trees. Trees will be a major part of the landscape, but not to the extent required by the TDOZ.

MODIFICATION 8: General Streetscape Standards

Street Tree Type – Urban Streets

Required: Marshall’s Seedless Ash
Provided: Willow Oak

Discussion: The TDDP requires Marshall’s Seedless Ash along Urban Streets – Kirkwood Drive and River Park Drive. On August 3, 2015, the United States Department of Agriculture issued a federal Emerald Ash Borer quarantine covering several states, including Maryland. The Emerald Ash Borer infests Marshall’s Seedless Ash. The TDDP was approved in 2006, some nine years prior to the institution of this quarantine; the switch to Willow Oak is in recognition of this USDA regulation. The TDDP standard requires the street trees to be **“large, broad spreading, open-canopy**

trees at maturity...” (p. 85). Willow Oaks were chosen to replace the Seedless Ash because they exhibit these characteristics.

MODIFICATION 9: General Streetscape Standards

Street Tree Type – Local Access Streets

Required: Sweetbay Magnolia, Chinese Scholar Tree, or Golden Rain Tree
Provided: Willow Oak and River Birch

Discussion: Along Local Access Street – Emerald Branch Drive, Crimson Fox Drive, Hyattsville Drive, and Alpha Ridge Avenue – Sweetbay Magnolia, Chinese Scholar Tree, or Golden Rain Tree are required. The proposed plan shows Willow Oak and River Birch in these locations. Willow Oak is chosen along Emerald Branch Drive and Crimson Fox Drive to be consistent with planting throughout the development. River Birch is chosen along Hyattsville Drive and Alpha Ridge Drive, roads that lead down to the Northwest Branch. River Birch helps denote the unique nature of this Property overlooking the stream valley.

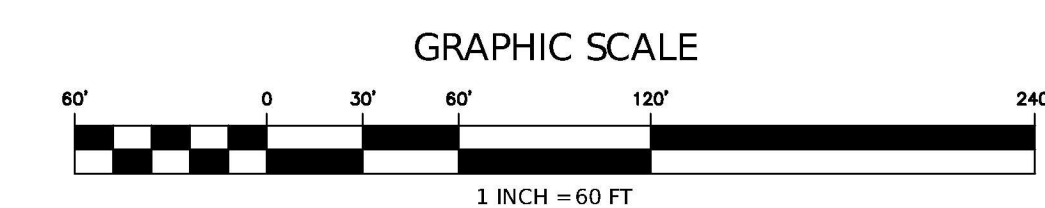
XI. CONCLUSION

The proposal for an infrastructure plan satisfies each of the applicable development standards found in the TDDP and TDOZ. Other than the floodplain, there are no regulated environmental features on the Property. Addressing the floodplain issues is paramount to public health, safety and welfare, and is equally paramount to allowing TDDP-envisioned development to begin in the area. The TDDP acknowledges the importance of filling the floodplain and providing compensatory storage on the adjoining park property. This Infrastructure Only Detailed Site Plan should therefore be approved.

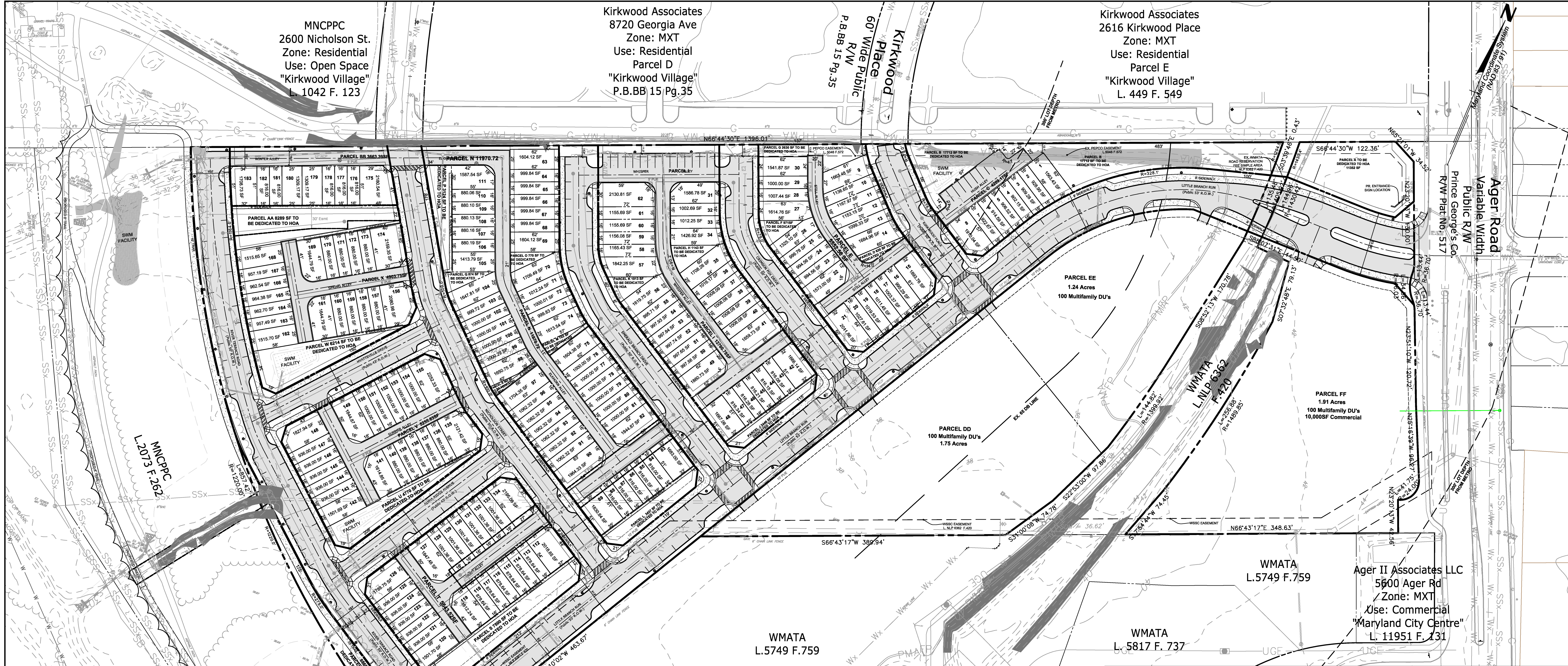


**RIVERFRONT AT WEST
HYATTSVILLE METRO**
Hyattsville, Maryland 20782

**RIVERFRONT PARK AND OVERLOOK
COMPOSITE CONCEPT PLAN**



**RODGERS
CONSULTING**
19847 Century Boulevard, Suite 200, Germantown, Maryland 20874
Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com



NOTE: FINAL LOT SIZES AND DIMENSIONS TO BE DETERMINED AT SITE PLAN.

NOTE: ARCHITECTURAL FOOTPRINTS ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FINAL ARCHITECTURES AND BUILDING HEIGHT SHALL BE DETERMINED AT BUILDING PERMIT.

NOTE: UTILITIES SHOWN ARE FOR INFORMATIONAL PURPOSES AND ARE SUBJECT TO CHANGE AT FINAL ENGINEERING.

DEVELOPMENT STANDARDS FOR M-X-T IN ACCORDANCE TO ETOD APPLICATION

UNIT TYPE:	SFA
MIN. LOT SIZE:	800SF
MIN. LOT WIDTH:	16 FEET
MAX. LOT COVERAGE:	800SF
MIN. FRONT SETBACK FROM PUBLIC R.O.W:	5 FEET
MIN. FRONT SETBACK FROM PRIVATE R.O.W:	5 FEET
MIN. SIDE SETBACK:	NONE
MIN. REAR SETBACK:	NONE
MIN. CORNER SETBACK TO THE SIDE R.O.W:	NONE
MAX. RESIDENTIAL BUILDING HEIGHT	50 FEET

LEGEND:

EX. BOUNDARY LINE	PR. R.O.W.
EX. LOT LINE	PR. LOT LINE
EX. BLDG	PR. BLDG
EX. SIDEWALK	PR. SIDEWALK
EX. PARKING STRIPING	PR. PARKING STRIPING
EX. 10' CONTOUR LINE	PR. FACE OF CURB
EX. 2' CONTOUR LINE	PR. BACK OF CURB
EX. TREES	PR. ROAD PAVEMENT
EX. GAS LINE	STEEP SLOPES (15-25%)
EX. FIRE LINE	STEEP SLOPES (OVER 25%)
EX. FENCE	PR. SEWER
EX. WETLAND	PR. WATER
EX. SANITARY SEWER	PR. STORM DRAIN
EX. STREAM BUFFER	PR. TREES
EX. STREAM	PR. PUE
EX. FLOODPLAIN	PR. STORM DRAIN EASEMENT
EX. PRIMARY MGMT AREA	PR. WATER & SEWER EASEMENT
EX. 65 DB LINE	300' LOT DEPTH FROM METRO

GRAPHIC SCALE

1" = 50 FT

THIS BLOCK IS FOR OFFICIAL USE ONLY

QR label certifies that this plan meets conditions of final approval by the Planning Board, its designee or the District Council.

M-NCPPC

APPROVAL

PROJECT NAME:

PROJECT NUMBER:

For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet. Revision numbers must be included in the Project Number.

New Approval Block

PROFESSIONAL CERTIFICATION

"I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32113, Expiration Date: 9/15/17."

STATE OF MARYLAND
PROFESSIONAL ENGINEER

REVISION	DATE	REVISION	DATE	REVISION	DATE	Owner/Developer:	RIVERFRONT AT WEST HYATTSVILLE METRO	RODGERS CONSULTING	BY	DATE	PRELIMINARY PLAN OF SUBDIVISION # 4-15020	SCALE: 1" = 50'			
						WEST HYATTSVILLE PROPERTY COMPANY, LLC	PARCEL 1, WWW 29@71	604 Century Boulevard, Suite 200, Germantown, Maryland 20874	DESIGNED				JOB No. 1208A		
						8245 BOONE BLVD, SUITE 690	L.37453 F.103	Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com	DRAWN					DATE: OCT. 2016	
						VIENNA, VA 22182	ELECTION DISTRICT No. 17		REVIEWED						SHEET No. 2 of 2
						PHONE: 703-312-7275	CITY OF HYATTSVILLE, PRINCE GEORGE'S COUNTY, MARYLAND		RODGERS CONTACT:						
						CONTACT: C/O GILBANE DEVELOPMENT			RELEASE FOR						

CITY OF HYATTSVILLE
PLANNING COMMITTEE MINUTES
OCTOBER 18, 2016

1. Introduction of Committee & Guests Members (7:30 PM)

- Maureen Foster, Co-Chair
- David Marshall, Member
- Chad Copeland, Member
- Jonathan Mueller, Member
- Andrew Bishop, Member
- Edouard Haba, Council Liaison
- Jim Chandler, Staff Liaison
- Katie Gerbes, Staff Liaison
- Mike Sponseller, West Hyattsville Development Company
- Bobby Gilbane, Gilbane Development
- Thomas Haller, Attorney for the Applicant, Gibbs & Haller
- Alex Villegas, Rodgers Consulting
- Stuart Eisenberg, Hyattsville CDC
- Scott Wilson, Resident

2. West Hyattsville Metro Redevelopment (7:40 PM)

- Bobby Gilbane presenting the development team presented a project
 - i. 183-townhouse units
 - ii. 300-multi-family units
 - iii. 10,000 sq.ft. Retail at access road entrance
 - iv. National Townhouse developers interested in varying townhouse widths
 - v. 4.5-acre greenspace for compensatory storage and recreational amenity requirements
- Tom Haller
 - i. Provided background on original 2008 WMATA development solicitation approved for CSP
 - ii. Multi-family development will be submitted as a future phase
 - iii. PPSD and Infrastructure DSP
- Alex Villegas:
 - i. Provided an overview of the infrastructure package and SWM plan
- Committee Clarifying Questions
 - i. Andrew Bishop: Additional details on the proposed compensatory storage in the floodplain area
 - 1. Alex Villegas: FEMA 100-year floodplain and County SWM requirements are now synched. Will need to secure conditional approval from the County with grading/fill to bring it out of the floodplain and compensatory storage on within the western adjacent greenspace.

- ii. Andrew Bishop: How far along
 - 1. Alex Villegas: Revising Step 1
 - iii. David Marshall: Any internal recreational space within the development
 - 1. Alex Villegas: For the townhouse development, all of the recreational amenities will be concentrated at the western greenspace. Sitting area within the greenspace and amphitheater at the southernmost area of the greenspace
 - iv. David Marshall: Sanitation will be collected by the City or private
 - v. David Marshall: What faces the park?
 - 1. Bobby Gilbane: The townhomes will face the frontage of the park
 - vi. David Marshall: Will the neighborhood be open to the public
 - 1. Tom Haller: Yes, it is being encouraged by M-NCPPC
 - vii. David Marshall: Who will own the streets?
 - 1. Public streets deeded to the public
 - 2. Alleys will be maintained by the Home Owners Association
 - viii. Jonathan Mueller: Will there be public access to the amphitheater?
 - 1. Bobby Gilbane: Provided a detail of the amphitheater
 - ix. Jonathan Mueller: Function of the proposed pad retail site
 - 1. Bobby Gilbane: neighborhood retail
 - x. Nkosi Yearwood: Where does the pedestrian access Metro
 - 1. Alex Villegas: Improve existing access both from the subject site and existing Kirkwood site.
 - xi. Chad Copeland: How does a pedestrian access the retail location?
 - 1. Bobby Gilbane: Would require either walking adjacent to the access road or pedestrian tunnel.
 - xii. Scott Wilson: Clarifying question regarding the quantity of stormwater storage/containment
 - 1. Alex V: The storage area will require 50% of 100-year storm.
- Questions
 - i. Walk through the proposed public street cross-section
 - ii. Proposed public streets – take into account State & City requirements for parking restrictions within set distances from stop signs (30') and fire hydrants (15' in both directions)
 - iii. What is the number of proposed on-street parking spaces? How will they be managed?
 - iv. Singular vehicular access to the site? Opportunity for additional vehicular access to Ager Road.
 - v. What is the intent of the 10,000 retail pad? Will this be a speculative build or build-to-suit? Will the retail site be sold or leased by Gilbane/Hogan?
 - vi. Public access easement as a condition for approval
 - vii. Public or private Public Utility Easement
- Comments
 - i. Andrew Bishop: Plan is superior to the original concept presented last year.
 - ii. David Marshall: The streets should be City owned, all of them, in order to the City to manage the street network. There are long-term issues that

are created when the developer does not account for the management of the street network. There needs to be a plan on how trash is collected.

- iii. Jonathan Mueller: Likes the plan's proposed bicycle path connectivity to the 'spine road' and addresses the existing public safety issues with the existing trail. Very much likes the amphitheater proposal and incorporation of neighborhood retail.
- iv. Nkosi Yearwood: What is the phasing plan?
 1. Demolish the existing building and infrastructure
 2. Will sell the townhouse site to a builder and retain ownership of the multi-family site
- v. Nkosi Yearwood: Supports David Marshall's position that the streets should be owned and maintained by the City. Some flexibility needed by the City in accepting roadways.
- vi. Scott Wilson
- vii. Nkosi Yearwood – How similar or different is your proposed development to the West Hyattsville TDDP. Departures from the development standard.
 1. Tom Haller: Very similar, the subject parcel was identified in the Plan as predominantly residential townhouse. Working on Statement of Justification to outline any departures from development standards.

3. Committee Business (7:35 PM)

- Adoption of Minutes from July 2016

4. Community Sustainability Plan (8:40 PM)

- Summary of September Meeting
- Engagement and Outreach Efforts for November Meeting
- Volunteering for November Meeting Dates – November 1 and 5th

5. Development Updates (8:50 PM)

- Blue Development: Approved with minor conditions
 - i. Public access easement
 - ii. Language related to street lighting standards
 - iii. Signage improvements to the Hiker-Bike Trail
- Kiplinger Development: September 2018
- Art Works – 4800 Rhode Island Avenue: Construction is on-going, timetable for building is Spring 2017 with opening in Summer 2017.

6. Expiration of Terms (9:15 PM)

7. Adjourn (9:30 PM)

CITY OF HYATTSVILLE
PLANNING COMMITTEE AGENDA
NOVEMBER 15, 2016

1. Introduction of Committee & Guests Members (7:30 PM)
 - Maureen Foster
 - Nkosi Yearwood
 - David Marshall
 - Gia Maxwell
 - Andrew Bishop
 - Chad Copeland
 - Jim Chandler
 - Katie Gerbes
2. Committee Business (7:35 PM)
 - Adoption of Minutes from October 2016: Approved with revisions
3. Chair's Acceptance of Resignation of William Doerner (7:40 PM)
 - Accepted and moved by the Committee
4. Committee Reappointment (7:45 PM)
 - Affirmed
5. Riverfront at West Hyattsville Metro: Comments and Recommendation (7:55 PM)
 - Ingress/Egress
 - i. Concern about only one way in and one way out
 - a. Maybe add right out to Ager Road from the front multifamily complex
 - b. Would it be possible to build a bridge over the train tracks?
 - c. May be exorbitantly expensive
 - d. Would it be possible to do with air rights? Would WMATA even do it?
 - ii. Connection to Kirkwood would be nice
 - a. City understanding is that Kirkwood isn't interested, developer would love that to happen
 - b. Who owns those roads? If they are County or City, should be opened up to improve access
 - c. Title search hasn't been successful- can't tell if private or public
 - d. Like that they're designing the street to go along with Kirkwood
 - iii. That intersection may need to be signalized- talk to DPW&T about getting that done since Ager is a county road
 - Stormwater Management

- i. Working through who is responsible for maintaining the green space- HOA or M-NCPPC
 - a. MF: need to work through this because it is confusing
 - b. DM: Isn't it strange for an HOA to manage that? It seems like too much?
 - c. NY: it would be very strange
 - d. DM: could we get Pepco or the County to take responsibility for the maintaining the storm water aspect?
 - e. Jim: If we did, we would just contract it out
 - f. MF: some sort of creative funding mechanism where HOA could buy in and City could actually do the work for it
 - ii. AB: do we know what sort of environmental site design measures they plan on using?
 - a. Jim: not sure yet, still conceptual. They're in stage 1.
 - b. AB: concerned about being able to house that much water in this area. If FEMA agrees, it is out of our hands, but it seems challenging to handle that much. What happens to the areas downstream if the floodplain is altered via this development?
- Parking
 - i. Katie: talked about how the parking management would be here. It is close to Metro, so there are temptations for people to park here for the train, but there is also public parkland here we want accessible. Talked about different options for residential parking zones, meters, combinations, etc. Nothing decided on yet, but began the conversation.
- Other
 - i. Provided them with our standards for distance from stop signs, distance from fire hydrants, etc. As a result, the on-street parking count provided originally is likely to decrease.
 - ii. Talked to them about building widths. City likes 20 foot widths, as you can park more than one vehicle. Mix is still up in the air as they don't have a builder yet, but will likely be a mix between 16"-22" units
 - a. For town home size, bigger is better. Concerned about the impact that smaller townhouse sizes would have both on the amount of parking provided in each unit, as well as the number of people smaller units would bring in (traffic, services, parking demand, etc.). Larger units tend to retain their value longer and higher.
 - b. NY: I'm okay with unit mix, it is flexible, but as long as the street works well, it is okay. Difference is minimal to the folks living in the units.
 - c. DM: concerned with impact of smaller unit on pedestrian and vehicular traffic
 - iii. MF: Devil is in the details for the storm water element- how is it going to be set up and how is it going to be managed. What is it physically look like- how much can it hold; who is in charge of paying and taking care of it
 - iv. CC: what was the discussion on roads? Is it good or bad that they are planning on having roads dedicated to city? Doesn't matter either way, but

curious what committee thinks of that since he missed the start of the meeting

- a. MF and Jim provided a summary of road discussions
- b. Jim: fair trade off of losing parking spaces for our standards for it to be a public road. In the long run, it seems to be better for everyone that the roadways are public and it is on the city to maintain and eventually replace. May end up seeing a reduction of units due to the proximity to Metro
- c. CC: in the past with EYA, there is always concern about parking and the lack thereof, so concerned that the city is willing to trade off parking spaces in order for the roads to meet public standards and be accepted. We seem to be sending mixed messages- we are willing to give up parking to make it public when committee seems to be consistently concerned about lack of parking elsewhere in the City.
- d. DM: this is prudent that they be required to be City roads and conformed to standards, if nothing else for the public safety/emergency vehicle access
- e. CC: Why?
- f. DM: Don't want someone to die or get hurt because emergency vehicles can't get in there
- g. CC: Don't private roads need to fit emergency vehicles.
- h. NY: need to show turning radius, but the build of the road doesn't have to be conducive
- i. CC: If that is truly what we want, that is okay, but we need to make sure we are being consistent here. A lot of people make comments about situation in EYA without being the ones that are living there and using those stories to justify this, but it seems contradictory. In EYA, want it to be public so City can ticket because there is not enough parking, but here in order to be a public street, we will be reducing parking counts. Need to note that we put a premium on parking but due to situation at WH, other factors outweigh parking concern.
- j. DM: This is a similar standard as we used with the Kiplinger project. Developer and city needed to come and meet in the middle and take into account the parking concerns that may stem.
- k. MF: it is more than just parking, it is the cost and maintenance, parking does play a role in here too.
- l. Jim: get the concern, but with this development they are already providing parking about what is required. Our concern is that with smaller units, cars start getting pushed on the street. Proximity to Metro is also a factor. Wouldn't buy a house here if you didn't use Metro regularly, unlike EYA which is a different mix of Metro and car dependent.

- m. CC: Understands and is okay with it, but just want to make sure we justify ourselves if we stray away from the standards and reasoning we've typically used in the past.
- v. Jim: we had a question with applicant about the retail and making sure that what they're proposing has a market and isn't just a spec building, as well as how to manage that. Because it is an infrastructure plan not a detailed site plan, they're going to market to see if something will go there. It is a placeholder for now, and likely to change in some way. May be ground floor, service based retail, may be multi-level commercial.

6. Ager Road Green Streets Update (8:40 PM)

- Should go to bid in early 2017, goal is to start in June
- Budget is \$10 million
- See printed sheet for additional notes on topic
- Nicholson and Ager Road will get a fully signalized intersection
- Would be getting rid of access roads feeding onto the street
- NY: smart the County is moving forward, even without Metro putting out their solicitation forward, as we know WMATA can take a long time
- Goes from intersection of Riggs Road all the way down to Queens' Chapel Road. Only about 30% of the project is within the City. Queens Chapel Road work will be completed by the time the Ager Road project starts.

7. Concordia Lutheran Site: 3705 Longfellow Street, Hyattsville (8:48 PM)

- Special Permit required for reuse as institutional use
- No modifications to building footprint
- Planning Board hearing in January 2017
- DM: suspect that they really won't create any additional traffic, likely will expand their congregation eventually. Don't particularly like or dislike. What is their signage? Is it electric?
 - i. Katie: I can look that up
- DM: Do we need to give feedback?
 - i. Jim: we may not. It is sort of a grey area that we don't necessarily want to set that standard.

8. Development Updates (8:53 PM)

- NY: What is the status of 4310 Gallatin?
 - i. Jim: we are assessing the costs and functionality of renovating this building, as well as assessing three sites to move to. Will come back to the Council with solid programming and cost estimates for each of the scenarios. We would either lease a space for 50 years or build a new building.
 - ii. DM: Hope that the estimates for this building would be done better than the estimates for 3505 Hamilton Street.

- a. Jim: yes, definitely would be because we would have a much more defined scope and idea. For 3505 Hamilton, we didn't have direction or know what we were going to do
- iii. A decision will need to be made by February
- iv. NY: urge the city to be more transparent in its actions on what is going on with this building.
- v. CC: City needs to communicate these issues better. Katie was able to describe it quickly, but that needs to be public knowledge. Give more description that it is just a "failing building"
 - a. Jim: agree, and we should. Idea is to come back with numbers for all of the options. Make the issues with the building make sense to the layperson.
 - b. CC: Don't hold the tongue, or people will continue to fester and build up on one another with inaccurate information.
 - c. Jim: we will be scheduling a work session in January explicitly for the purpose of going through all of the options
 - d. NK: the storm is there, but get ahead of it.
- NK: where are we on parking garage on Route 1?
 - i. MF: topic came up at Speak Up Hyattsville
 - ii. Jim: full schematic design is being completed. Currently waiting on other parties to come to the table. New owners of shopping center is still working through the product and determining the feel and making sure they're making a wise investment.

9. Adjourn (9:15 PM)



Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017

Submitted by: Jim Chandler

Submitting Department: Community & Economic Development

Item Type: Planning & Development

Agenda Section: Discussion Items

SUBJECT

Gateway Arts District Sector Plan: Minor Amendment to the Table of Uses

Motion

Discussion, Scheduled for Action on 2/6/17

Recommendation:

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

[MNCP&PC DDO Zone 2004 Arts Gateway Minor Amendments.pdf](#)

[Gateway Arts District - Character Area Map.pdf](#)

[Memo GAD_Minor_Amendments--Tattoo_MRS.docx](#)

Summary Background:

The Prince George's County Planning Board and District Council will hold a public hearing on a proposed minor amendment to the 2004 Gateway Arts District Development District Overlay (DDO) Zone on Tuesday, February 7, 2017 at 7:00 PM. The minor amendments include the addition of a "Tattoo Parlor" and "Music Recording Studio" to the Table of Permitted Uses in certain character areas of the Gateway Arts Development District.

Next Steps:

Staff recommends that the Hyattsville City Council consider supporting this proposal and accept or amend the staff's recommendations no later than February 6, 2017 in order to allow the staff to testify at the public hearing scheduled for February 7, 2017 in Upper Marlboro.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support with staff recommendations

Community Engagement:

The Prince George's County Planning Board and District Council will hold a public hearing on the proposed minor amendment to the 2004 Gateway Arts District Development District Overlay (DDO) Zone on Tuesday, February 7, 2017 at 7:00 PM.

Strategic Goals:

Goal 1: Ensure Transparent and Accessible Governance

Action 1.1 – Provide opportunities for resident participation in civic engagement

Legal Review Required?

N/A



Prince George's County Planning Department
Community Planning Division

301-952-3972

December 22, 2016

Dear Property Owner:

This is a notice of a joint public hearing of the Prince George's County Planning Board and District Council on a proposed minor amendment to the 2004 Gateway Arts District D-D-O Zone.

PUBLIC HEARING DATE/TIME: Tuesday, February 7, 2017 at 7:00 p.m.
Doors will open at 6:00 p.m.
Planning Staff will be available to answer questions.

PUBLIC HEARING LOCATION: Council Hearing Room
First Floor, County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PURPOSE OF PUBLIC HEARING: To give interested persons the opportunity to express their views concerning the proposed minor amendment to the 2004 Gateway Arts District D-D-O Zone (CR-089-2016), which recommends the addition of "Tattoo Parlor" and "Music Recording Studio" to the Table of Permitted uses in certain character areas of the Gateway Arts Development District.

Please visit <https://princegeorgescountymd.legistar.com/Legislation.aspx> to view Council Resolution CR-089-2016 online.

If you wish to speak at the public hearing, you are encouraged to register in advance by calling the Prince George's County M-NCPPC Public Affairs Office at 301-952-4584 or TTY 301-952-4366. You may sign-up online at www.pgplanning.org/Planning_Board/Testify_at_Hearings or call (301) 952-4584 up until 1:00 p.m. on the day of the hearing or you may fill out a registration form available that evening at the hearing site. Written testimony and/or exhibits will be accepted in lieu of, or in addition to, oral testimony. To be accepted into the record, written testimony or comments must be original, signed documents. E-mails or faxes will not be considered unless followed by an original. Mail all written testimony to the Clerk of the Council, County Administration Building, Room 2198, 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland

20772. Written comments must be submitted by the close of business on **Friday, February 10, 2017**, when the public hearing record will close.

If you have any questions regarding the 2004 Gateway Arts District for Prince George's County – D-D-O Zone – Minor Amendment, please contact me at 301.952.4609 or by e-mail at Valecia.Wilson@ppd.mnccpc.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Valecia M H Wilson". The signature is fluid and cursive, with the first name "Valecia" being the most prominent.

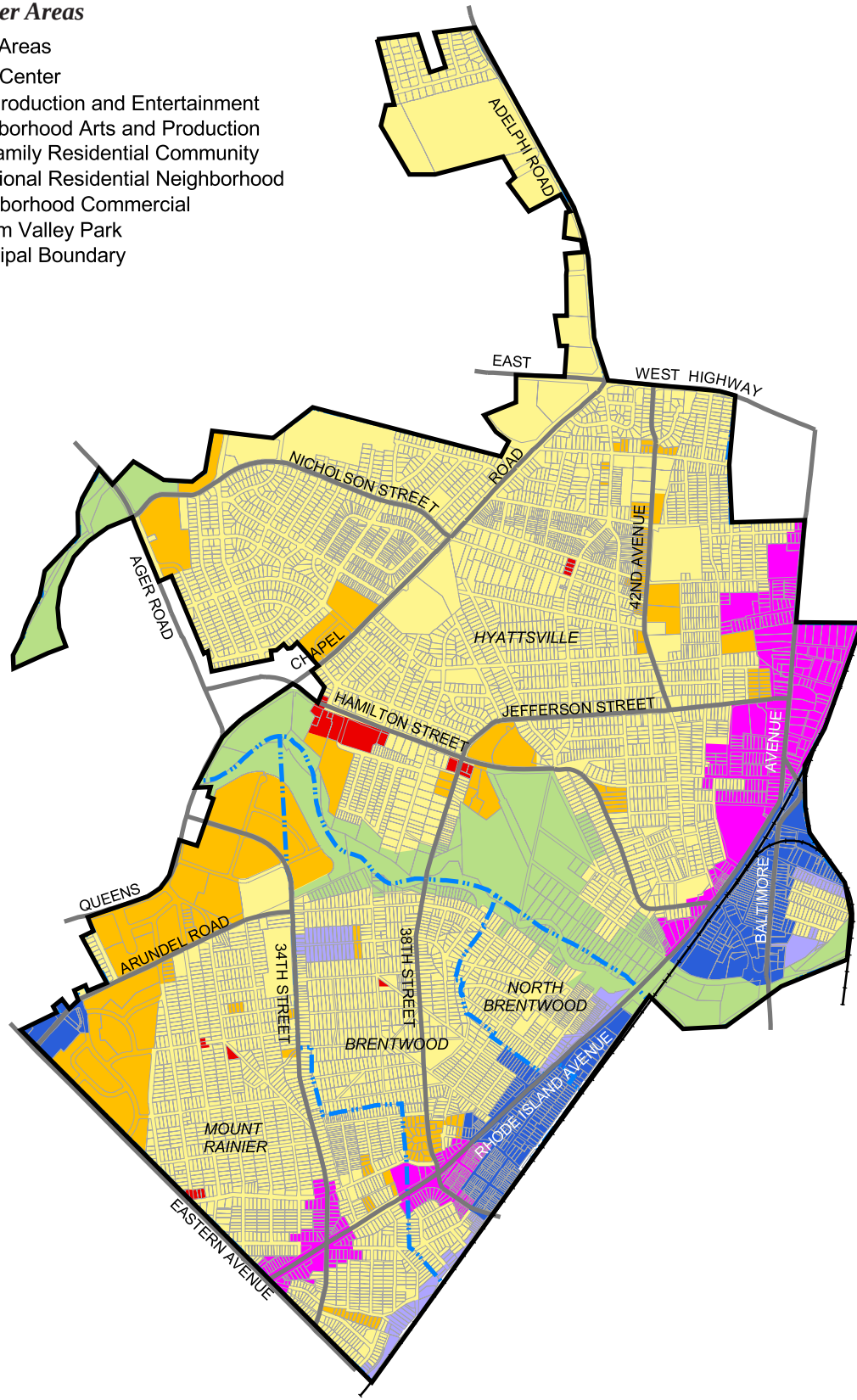
Valecia Wilson, Senior Planner
Project Manager

cc: Redis C. Floyd, Clerk of the Council

Map 2: Character Areas

Character Areas

- Town Center
- Arts Production and Entertainment
- Neighborhood Arts and Production
- Multifamily Residential Community
- Traditional Residential Neighborhood
- Neighborhood Commercial
- Stream Valley Park
- Municipal Boundary



1000 0 1000 Feet





Memo

To: Mayor and City Council
CC: Tracey Nicholson, City Administrator
From: Jim Chandler, Assistant City Administrator; Director, Community and Economic Development
Katie Gerbes, Community Planner
Date: January 18, 2017
Re: Gateway Arts District Sector Plan: Minor Amendment to the Table of Uses
Attachments: Joint Public Hearing Notice – Minor Amendment to the 2004 Gateway Arts District
Sector Plan D-D-O Zone

The purpose of this memorandum is to provide the Mayor and members of the City Council with a summary and recommendation regarding the proposed additional uses to the Gateway Arts District D-D-O Zone.

Summary

The Prince George's County Planning Board and District Council will hold a public hearing on a proposed minor amendment to the 2004 Gateway Arts District Development District Overlay (DDO) Zone on Tuesday, February 7, 2017 at 7:00 PM. The minor amendments include the addition of "Tattoo Parlor" and "Music Recording Studio" to the Table of Permitted Uses in certain character areas of the Gateway Arts Development District.

Gateway Arts District Background

The 2004 Prince George's County Gateway Arts District Plan and DDO Zone are land-use tools which regulate and permit uses, which are intended to be consistent with the arts, culture and economic development goals of the Plan. The Gateway Arts District Sector Plan is a unique land-use document within Prince George's County, in that the Plan emphasizes the compatibility of uses and characteristics, while the County has transitioned to a form-based land-use code. The Gateway Arts District Plan includes character areas which define the preferred and/or predominant uses within a specific character area, with correlated uses permitted by-right, through Special Permit, or not permitted. The relevant character areas include: Traditional Residential Neighborhood, Town Center, Neighborhood Arts and Production, Arts Production and Entertainment.

In addition to the Gateway Arts District Plan, the majority of Baltimore Avenue/US Route One is included within a State of Maryland Designated Arts & Entertainment District. Administered through the Maryland Department of Commerce and the Maryland State Arts Council, the twenty-four (24) Maryland Arts & Entertainment (A&E) Districts help develop and promote community involvement, tourism and revitalization through tax-related incentives that attract artists, arts organizations and other creative enterprises.

Staff Review and Recommendations

In an effort to assess the compatibility of the proposed additional uses in the context of land-use regulations and the economic, art and cultural goals of A&E District's, the Staff contacted several, similarly sized Maryland A&E Districts to determine whether either of the proposed additional uses are permitted and operating within their respective A&E Districts.

City/Town A&E District	Tattoo Parlor	Music Studio	Recording
Frederick A&E District	Permitted – Yes	Permitted – N/A	
Denton A&E District	Permitted – Yes	N/A	
Salisbury A&E District	Permitted – Yes	N/A	
Station North (Baltimore) A&E District	Permitted	N/A	
Bromo Seltzer Tower (Baltimore) A&E District	N/A	N/A	

Of the five A&E Districts that replied to our information requests, all but one permits 'Tattoo Parlor' as a permitted use. Bromo Seltzer Tower is a visual arts building, that does not explicitly prohibit the use, but it is inconsistent with the programmed use of the facility. Only the Frederick A&E District explicitly permits 'Music Recording Studio' as a use, though none currently operate within the District.

Staff also evaluated similar type uses currently defined within the GAD Plan Table of Uses and specific Character Areas that permit by right, or through Special Permit, which are identified in the table below. Permitted use means a use permitted in the character area. 'Special Permit' indicates a use permitted with a special permit, not by-right, and will require a detailed site plan process. 'Prohibited' is not permitted, either by-right or through Special Permit approval.

Use	Town Center	Arts Production and Entertainment	Neighborhood and Production	Arts
Sound stage for TV/film recording studio	Prohibited	Permitted	Special Permit	
Musical recording or musical instruments store	Permitted	Permitted	Special Permit	
Art Gallery	Permitted	Permitted	Special Permit	
Private or public arts institutions for the promotion, practice, and dissemination of information related to the fine arts and handcrafts	Permitted	Permitted	Special Permit	
Concert hall or other performing arts space	Permitted	Permitted	Special Permit	

Photography studio or darkroom:	Permitted	Permitted	Special Permit
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Based on both the uses permitted within current Maryland Arts & Entertainment Districts and similar compatible uses within the Gateway Arts District Plan, Staff recommends conditional support for the two additional proposed uses as follows:

Use	Town Center	Arts Production and Entertainment	Neighborhood Arts and Production
Tattoo Parlor	Permitted	Permitted	Special Permit
Music Recording Studio	Special Permit	Special Permit	Special Permit

Staff recommends that both proposed uses be 'Prohibited' in all other Neighborhood Character Areas. In addition, Staff recommends that any approved 'Special Permit' strictly prohibit activities or accessory uses outside of its approved Special Permit use. The intent of this language is to prohibit the use of these spaces as an assembly hall or other defined assembly use as defined within land-use and zoning regulations. Staff is proposing that should the proposed Use be approved, due to the uncertainty as it relates to City services, including, but not limited to, business licensing inspections, re-inspections and other related public safety related services, both uses be included in the City's Category 4 Business License category, which would require an annual business license fee of \$300.00.

Based on our experience with administering the City's business licensing for these new uses and provided there are minimal disturbance issues and/or Nuisance Violations, Staff would assess and advise whether to administratively shift the uses into a lower tier business license category.

Staff recommends that the Hyattsville City Council either accept or amend the recommendation no later than February 6, 2017, allowing for Staff to testify at the public hearing scheduled for February 7, 2017 in Upper Marlboro.



Hyattsville City Council Agenda Item Report

Meeting Date: January 23, 2017
Submitted by: Robert Croslin, W2
Submitting Department: Legislative
Item Type: Legislative
Agenda Section: Discussion Items

SUBJECT

Change to Wall and Fence Ordinance

Motion #

Discussion, Scheduled for Action on 2/6/17

Recommendation:

I move that the Council direct the City Attorney to revise portions of Chapter 68 Article II subsections (7), (8), and (17) to allow maintenance, repair and replacement of non-conforming fences and add subsection (18) to address safety standards.

68-7, C (7) Retain only the first sentence: "All fences or retaining walls legally existing on June 30, 2003 which do not comply with the general restrictions 1-6 above shall be deemed legal non-conforming uses." Delete the remaining paragraph.

68-7, C (8). Remove "except for natural aging" from the section. "A fence or retaining wall deemed to be a legal non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner "except for natural aging" may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed provided it is repaired or replaced with a fence or wall using a different material or style for such fence or wall or varying the height or length of such fence or wall, the owner or his agent must apply for an exception. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence or wall as long as the fence or wall is not changed in character and repairs are made substantially the same as the materials requiring maintenance or repair.

68-7, C (17). Revise the first paragraph to state that "No fences or retaining wall may be erected or put in place without first obtaining a permit from the City, unless it is to maintain or repair an illegal non-conforming fence."

68-7, C (18). New: "All maintenance, repairs and replacement of non-conforming fences must comply with the safety standards outlined in this Chapter."

Sponsor(s):

Croslin

ATTACHMENTS

[Robert Croslin Motion.docx](#)

[Chapter 68 Housing Standards.pdf](#)

[County Code_Fences.pdf](#)

Summary Background:

The City Charter as currently written makes it a violation for residents with grandfathered/non-conforming fences to conduct routine maintenance and repair to more than 50% of their fence a year. In addition, the County's Ordinance, Section 27-420 requires that the "replacement of an existing fence must comply with the four (4 foot) limitation". This results in the County disapproving any resident's request for repair or replacement of a grandfathered/non-conforming fence.

Subsection (7) of our City Charter states that replacement constitutes (50%) or more of the fence or wall being replaced within one calendar year, and subsection (8) only allows for the fence to be repaired if it is damaged, removed, or destroyed and does not include natural aging. Natural aging is the most likely scenario for non-conforming (older) fences. Both of these standards are unnecessarily restrictive and prohibit residents who need to conduct routine maintenance and repair, or replacement of all or portions of their fence, to do so without violating City and County Ordinances. Repair, maintenance and/or replacement is needed on older fences to ensure the safety and aesthetics of their property. It can also impact surrounding property values.

These proposed modifications to the City's Charter will give residents greater flexibility to replace, maintain and repair non-conforming fences. Approval of these modifications may require a revision to the County Ordinance that is currently silent on maintenance and repair, but prohibits the replacement of fences over 4 feet.

Attached is a summary sheet with the changes highlighted in yellow.

Next Steps:

Legal review

Fiscal Impact:

n/a

City Administrator Comments:

1) Staff can support, but will defer to the City Attorney to ensure no violation of the County Ordinance exists.

2) Residents who desire to replace a fence require a County Ordinance. The County prohibits replacement of a fence of more than 4 feet and does not make provisions for non-conforming fences. However, it is not clear whether the definition of replacement expands to maintenance and repair. If we assume that it does not, then if approved, the City would issue permits for repair and maintenance of non-conforming fences to ensure safety conditions are met.

3) Section 68-7, C (17) may need to be restated to ensure clarity of permit requirements.

Community Engagement:

None

Strategic Goals:

To maintain the aesthetics of the community by allowing residents to maintain their grandfathered walls and fences

Legal Review Required?

The City Attorney will be directed to develop an ordinance for adoption.

Councilmember Robert Croslin

FY17 Motion: Change to Wall and Fence Ordinance

I move that the Council authorize the City Attorney to revise portions of Chapter 68 Article II subsections (7), (8), and (17) to allow maintenance, repair and replacement of non-conforming fences and add subsection (18) to address safety standards. The highlighted portions reflect the recommended changes.

68-7, C (7) Retain only the first sentence.

"All fences or retaining walls legally existing on June 30, 2003 which do not comply with the general restrictions 1-6 above shall be deemed legal non-conforming uses." Delete the remaining paragraph.

68-7, C (8). Remove the highlighted portion.

A fence or retaining wall deemed to be a legal non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner *(except for natural aging)* may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed provided it is repaired or replaced with a fence or wall using a different material or style for such fence or wall or varying the height or length of such fence or wall, the owner or his agent must apply for an exception. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence or wall as long as the fence or wall is not changed in character and repairs are made substantially the same as the materials requiring maintenance or repair.

68-7, C (17). Revise the first paragraph.

"No fences or retaining wall may be erected or put in place without first obtaining a permit from the City, *unless it is to maintain or repair an illegal non-conforming fence.*"

68-7, C (18). **New:**

"All maintenance, repairs and replacement of non-conforming fences must comply with the safety standards outlined in this Chapter."

Chapter 68

HOUSING STANDARDS

- § 68-1. Adoption of standards by reference.
- § 68-2. Unsafe structures and equipment.
- § 68-3. Emergency measures.
- § 68-4. Demolition.
- § 68-5. Appeals.
- § 68-6. Notices and orders.

ARTICLE II

Fences and Walls

- § 68-7. Fences and walls.

ARTICLE III

Paved Surfaces

- § 68-8. Impervious surfaces on residential properties.
- § 68-9. Paving and driveway permit.

ARTICLE IV

Enforcement

- § 68-10. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 68-1, 68-2A and B(1) and 68-3A and F amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Building construction - See Ch. 46.
Electrical standards - See Ch 55.
Fire prevention - See Ch. 59.
Health and sanitation - See Ch. 65.
Plumbing - See Ch. 93.
Licensing of rental units - See Ch. 96.
Zoning - See Ch. 120.

ARTICLE I

General

§ 68-1. Adoption of standards by reference. [Amended 5-3-05 by HR 05-06]

A. Subtitle 13, Housing and property standards, of the Prince George's County Code, as it may from time to time be amended, is hereby adopted by the City, and all of the powers, rights and requirements of compliance therein not in conflict with City Charter, this Code, or City regulations, may be exercised by the City.⁸ However, all references in Chapter 13 of the County Code (or the

⁸ *Editor's Note: A copy of the complete text of the standards adopted herein is on file and open to public inspection in the office of Code Enforcement.*

HYATTSVILLE CHARTER AND CODE

International Property Maintenance Code which the County Code currently incorporates) to the appointment, discipline, employment and termination of any property or code enforcement personnel or to a board of appeals shall not be effective in the City.

B. The Code Official shall be the City Administrator, his/her designee or any code enforcement officer of the City.

§ 68-2. Unsafe structures and equipment. [Amended 5-3-05 by HR 05-06]

A. General. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. For purposes of this Chapter, condemnation means a declaration of illegality, danger or unfitness and does not include taking of property for compensation by a governmental unit.

(1) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(3) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

B. Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

C. Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with §68-6(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in §68-6(b).

HYATTSVILLE CHARTER AND CODE

D. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word “condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(1) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

E. Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

§ 68-3. Emergency measures. [Amended 5-3-05 by HR 05-06]

A. Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: “this structure is unsafe and its occupancy has been prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

B. Temporary safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

C. Closing streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

D. Emergency repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the City. The legal counsel of the City shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

F. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the City, be afforded a hearing as described in this chapter.

§ 68-4. Demolition. [Amended 5-3-05 by HR 05-06]

HYATTSVILLE CHARTER AND CODE

A. General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, to demolish and remove such structure.

B. Notices and orders. All notices and orders shall comply with §68-6.

C. Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause an action to be filed in the court for demolition and recovery of all costs and fees (including attorney and expert fees) incurred in the enforcement of this subsection. The cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

D. Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§ 68-5. Appeals. [Amended 5-3-05 by HR 05-06]

A. Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the head of code enforcement or his/her designee, or the head of the public works department when appropriate, who shall in either case be the hearing officer. Provided, however that such person requesting the hearing (the "appellant") must file in the office of the City Administrator a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefore, within ten (10) days after service of a notice or order.

B. Upon receipt of such notice of appeal, the hearing officer shall promptly set a time and place for such hearing and shall give the person appealing and other enforcement personnel notice thereof. Notice of the hearing shall be posted at the property in a conspicuous place no later than forty-eight (48) hours before the hearing indicating the nature of the proceeding, the time and place of the hearing and the name and telephone number of the person to contact for additional information.

C. The hearing officer shall determine such appeals in writing as promptly as practicable. After such hearing, the hearing officer may affirm, amend, modify or withdraw the notice or order appealed from. The decision of the hearing officer shall constitute an order, and any person who shall fail, refuse or neglect to comply with any such order shall be guilty of violating the provisions of this chapter.

D. The decision of the hearing officer shall in all cases be final, except that any appellant or party directly aggrieved by a decision of the hearing officer may appeal to a court of record of competent jurisdiction for a further review, on the record made in front of the hearing officer provided that appellant does so within thirty (30) days after the rendering of such decision. The decision of the

hearing officer in any case on appeal may be stayed by the hearing officer pending a decision by the court.

E. Whenever a Code Official finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately, but, upon petition to the person hearing such appeal, shall be afforded a hearing as soon as possible. After such hearing, depending upon the finding as to whether the provisions of this Code and of the rules and regulations adopted pursuant thereto have been complied with, the hearing officer shall continue such order in effect or modify it or revoke it.

§ 68-6. Notices and orders. [Amended 5-3-05 by HR 05-06]

A. Notice to person responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in §§b and c, immediately below, to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with §68-2(c).

B. Such notice prescribed in § A shall be in accordance with all of the following:

- (1) be in writing.
- (2) include a description of the real estate sufficient for identification.
- (3) include a statement of the violation or violations, why the notice is being issued and the day and time the violation was discovered.
- (4) include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
- (5) inform the property owner of the right to appeal.
- (6) include a statement of the right of the City to file a tax lien.

C. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) delivered personally to the tenant if any, and to the owner of record; or
- (2) sent by certified mail addressed to the last known address of the owner and the tenant, if any, so long as a copy thereof shall be posted in a conspicuous place or about the structure affected by such notice.

D. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in section 68-10(e)(4).

E. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility

without condition for making the corrections or repairs required by such compliance order or notice of violation.

ARTICLE II

Fences and Walls

§ 68-7. Fences & Walls. [Added 11-3-03 by HO-2003-07, Amended 5-3-05 by HR 05-06, Amended 2-8-14 by HO 2014-01]

A. Definitions. In this chapter the following words shall have the following meaning:

(1) “Fence.” Any structure, barrier, partition or hedge having the effect of or erected or placed for the purpose of enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous estates, or stopping and/or creating an obstacle to pedestrian crossings; and consisting of a section or sections of any type of plants, fencing material, chain, railing, arbor, trellis, blocks, bricks, stones, wood, iron wire, plastics, concrete or any other building or construction material; provided, however, that a structure or hedge which is solely for decorative purposes shall not constitute a fence, as long as such structure or hedge does not exceed three (3) feet in height, and provided that such structure or hedge on any lot does not, in total, consist of more than four (4) eight (8) foot long sections, with no more than two (2) such sections being connected or located within twelve (12) feet of each other. The length of the materials shall be measured at their longest point. Such decorative structures shall be landscaped along their total length with bushes, shrubs, plants or flowers.

(2) “Front yard.” All that area between a paved street and a line running (parallel to the street) the full length of the lot along either the front of the building or the building restriction line (whichever area is greater). In the event the building is in front of the building restriction line, the line shall be drawn at the front of the house or the main building on the lot in question. Any unimproved adjacent lot owned by the same owner as the improved lot shall use the same lines as the improved lot to define the front yard. A lot can have only one front yard.

(3) “Rear yard.” All that area between the back property line and a line drawn across the rear of the house or main building of the lot in question and running the width of the lot. A lot can have only one rear yard.

(4) “Side yard.” All the area which is not considered front yard or rear yard, ordinarily between the front and rear yard.

(5) “Building restriction line.” The building setback requirement established by the Prince George’s County Zoning Ordinance which establishes the closest point to a street that a building may be constructed in the zone in question.

(6) “Height.” The distance between the finished grade of ground on the lower side and the top of the fence or hedge.

(7) “Retaining wall” or “Wall.” A barrier built to retain or support the lateral pressure of earth or water or other superimposed loads.

B. Purpose. It is the intent and purpose of this section to protect the public health, safety, and general welfare of the City of Hyattsville and its residents by generally regulating the placement of fences on property. Such regulation shall, among other things: permit the rapid, free and unobstructed access to buildings by emergency vehicles, personnel and equipment; allow for the

unobstructed establishment, maintenance and creation of public rights-of-way along the streets and sidewalks in the City; prevent the obstruction or reduction, by man-made structures, of visibility at corners, driveways and intersections for drivers and pedestrians; add to the attractiveness and comfort of the residential district; create a better home environment in the City; preserve an area which is generally regarded by the public as pleasing to the eye; and preserve, improve and protect the general character of lands within the City and the improvements thereon.

C. General regulations.

The following regulations apply on all lots in the City:

(1) Front yards.

(a) Except as hereinafter provided, fences over four (4) feet in height are prohibited in the front yard.

(b) Retaining walls constructed in the front yard extending along the street for more than four (4) feet shall not be more than one (1) foot above the higher side grade of any lot.

(c) A front yard fence (except a hedge or fence made primarily from growing plant) shall be thirty-five percent (35%) open (visible through), when viewed perpendicular to the fence except when the fence is within fifteen feet (15') of a paved street or alley or driveway in which case it must be fifty percent (50%) visible through when viewed perpendicular to the fence.

(d) Any hedge or shrubbery must be trimmed so that it does not impede the progress or the visibility of motor vehicles and passersby.

(2) Side yard fences. Except as otherwise provided herein, a fence may be located in any part of the side yard of a lot.

(3) Rear yard fences. Except as otherwise provided herein, fences are allowed in the rear yard. Fences in rear yards where the rear lot line is a continuation of the front yard line of the adjacent lot shall be set back 15 feet from the property line.

(4) No fence shall exceed six (6) feet in height.

(5) Regardless of the above regulations, at the intersection of all streets, alleys and driveways, no fence over three (3) feet shall be within fifteen (15) feet of the paved street or alley.

(6) On all commercial or multifamily residential property, the finished face of retaining walls and fences shall be limited to the following materials: brick, stone, stucco, iron and aluminum. All other materials shall require an exception.

(7) All fences or retaining walls legally existing on June 30, 2003 which do not comply with the general restrictions 1-6 above shall be deemed legal non-conforming uses. However, a hedge that qualifies as a fence shall not be a legal non-conforming use unless the life of the entire hedge is threatened by conforming to this code. A replacement fence or wall except as provided below in #8 shall conform to the requirements of this Chapter. A replacement means fifty percent (50%) or more of the fence or wall being replaced within one (1) calendar year.

(8) A fence or retaining wall deemed to be a legal non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner, (except for natural aging) may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed provided it is repaired or

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replaced within 180 days from the date of the removal or damage. If any portion of a fence or wall is replaced with a fence or wall using a different material or style for such fence or wall or varying the height or length of such fence or wall, the owner or his agent must apply for an exception. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence or wall as long as the fence or wall is not changed in character and repairs are made with materials substantially the same as the materials requiring maintenance or repair.

(9) All fences and retaining walls placed or completed after June 30, 2003 shall conform to the requirements of this chapter.

(10) No fence made in whole or in part of barbed wire or chicken wire shall be erected or constructed along or adjacent to any street, avenue, road, alley, public walk, nor immediately adjacent to an adjoining lot or property line.

(11) No fence or retaining wall, the design or construction of which would be detrimental to the public welfare, health, safety or comfort of the citizens of the City will be permitted to be erected.

(12) Any protective railings, fences, retaining walls or barriers, which do not conform to the provisions of this code due to either the location, dimensions, materials or open percentage, will be required to receive an exception.

(13) No gate shall swing outward on any public road, sidewalk, or public passageway within the City.

(14) No person shall allow or cause to be built or placed any retaining wall or fence, or combination thereof, which does not meet all design and construction specifications of the Prince George's County Building Code.

(15) Retaining walls shall be designed to resist the pressure of the retained material, including both dead and live load surcharges, to which they may be subjected, and to ensure stability against overturning, sliding, excessive foundation pressure and water uplift.

(16) All fences and retaining walls must be maintained in a structurally safe and sound manner and in good repair.

(17) No fences or retaining wall may be erected or put in place or repaired for more than 25% of its surface without first obtaining a permit from the City. A late fee of twenty-five dollars (\$25.00) shall be assessed for failing to apply for a permit before beginning work on the fence or retaining wall. The City will issue a permit unless the proposed action does not conform to this code and no exception therefor has been granted. The application for a permit shall contain all information relevant and necessary to determine whether the particular permit may be issued, including but not limited to:

- (a) The applicant's full name, current address, telephone number and proof of identity;
- (b) A brief description and/or picture of the nature, material and height of the fence or wall;
- (c) The specific location proposed of the fence or wall including whether it is a front yard fence.

D. Exceptions.

The Council may grant an exception to the above general regulations in Article II as provided herein.

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(1) Procedures.

(a) Application. All requests for an exception shall be made by application filed with the City. The City shall make available an application form which shall require an accurate description of the subject property, the exception being requested, the basis of the request, and the addresses of adjacent property owners.

(b) In addition to the application, the applicant shall submit the following:

(i) One (1) copy of a site plan, survey or other graphic illustration satisfactory to the City which accurately depicts the location of all relevant features of the property, including but not limited to structures, property lines, setback lines and all other features that, when viewed together, result in the need for the requested exception. The site plan, survey or other graphic illustration must also depict the measurements of and between these features and the location, size and scope of the requested exception; and

(ii) One (1) copy of a written explanation by the applicant describing how the proposed use meets the relevant standards prescribed in Subsection D(5) below. The applicant must also verify that he/she has given written notice of the application and a summary of the exception requested to the immediately adjacent property owners (including those properties across a street, alley or stream).

(2) Public hearing. Before making its decision on any application for exception, the Council may hold a public hearing on the matter. Any hearing shall be open to the public and records and minutes shall be maintained at all such hearings. The Council shall issue a written decision either granting, granting with modifications or conditions, or denying the exception application within thirty (30) days from the closing of the hearing or as soon thereafter as may be reasonably possible. The Council shall provide a copy of its written decision to the persons of record.

(3) Notice of hearing. Notice of the hearing shall be sent via mail, postmarked not less than seven (7) days prior to the date of the hearing to the applicant. Additionally, notice of the hearing shall be sent via mail to the owners of abutting property (including those properties directly across a street, alley, or stream). The notice shall contain:

(a) The date, time and place of the hearing; and

(b) A brief statement describing the specific nature of the exception requested.

(4) No refiling. If the Council denies an application for exception, no further application concerning the same specific subject on the same property may be filed for a period of two years from the date of the decision.

(5) Standard of review. An exception may only be granted by the Council when:

(a) The granting of the exception will not substantially impair the intent, purposes or integrity of the policies of the City, will not conflict with county law, and will not adversely affect the health, safety, welfare or peace of the general public or nearby land owners; and either

(b) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions; or

(c) The strict application of the general regulations herein will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.

(6) Other laws. Nothing in this section shall be construed to relieve the applicant of any other duties, obligations, restrictions or requirements, including but not limited to permit requirements, of other sections of the City code, the Prince George's County Code, or any other relevant laws, rules, ordinances or regulations.

(7) The City Administrator may allow temporary fences for up to one full year not in strict conformity with this Chapter at construction or excavation work sites in order to protect the safety of the public and of the workers at the site. No barbed or razor wire shall be allowed.

ARTICLE III

Paved Surfaces

§68-8. Impervious surfaces on residential properties. [Amended 3-15-04 by HO-2004-04, Amended 5-3-05 by HO-2005-06]

A. Notwithstanding the Prince George's County Code provisions relating to impervious surface coverage, the impervious surface area of the front yard of any residential property in the City of Hyattsville shall not exceed twenty-five percent (25%) of the total area of the front yard.

B. Definitions.

(1) "front yard" shall mean in addition to the definition in this Chapter, that for buildings on corner lots where the building faces an intersection rather than either of the streets, the front yard shall be the triangular area between the paved streets and a line drawn across that side of the building nearest the street and facing the intersection.

(2) "impervious surface" shall include, but not be limited to, concrete, asphalt, pavers, brick, and gravel, and all paved and prepared drivable surfaces pursuant to §114-72.1 of this Code. Non-drivable surfaces, including a sidewalk no wider than 42", shall not be counted as impervious surface for purposes of this subsection.

C. Any properly permitted impervious surface coverage existing on April 1, 2004 that does not comply with the restrictions contained in this section shall be deemed a legal nonconforming use until April 1, 2009 and may be repaired. Any replacement of the impervious surface shall conform to the requirements of this section. Replacement means any work on at least fifty percent (50%) of the impervious surface for any reason. However, after April 1, 2009 all such legal non-conformance uses must cease and be in compliance with this chapter.

§68-9. Paving and driveway permit. [Amended 3-15-04 by HO-2004-04, Amended 5-3-05 by HO-2005-06]

A. No person may install, widen, extend, or enlarge, or allow to remain in place any impervious surface, including gravel, in the front yard of residential property in the City of Hyattsville without first obtaining a paving and driveway permit from the Code Compliance. Further it shall be unlawful to allow to remain in place any impervious surface not in conformity with this Code.

B. The application for a permit shall contain all information relevant and necessary to determine whether the permit may be issued, including, but not limited to:

(1) the applicant's full name, current address, telephone number and proof of identity and the name, address and telephone number of the property owner, if not the same as that of the applicant;

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(2) a full description of the proposed installation, including the material to be installed, the amount of the material that will be installed, the square footage of the area to be covered, and the specific location on the property of the proposed installation; and

(3) a site plan or other plan or plat acceptable to the Director of the Department of Public Works drawn to scale reflecting the location of all structures on the property, any and all existing impervious surfaces, the total square footage of all impervious surfaces currently located on the property, the total area of the lot or property in question and the zoning of the property.

C. At the time of filing a paving permit application, the applicant shall pay a permit fee of fifty dollars (\$50.00). The permit fee shall accompany the application. A late fee of twenty-five dollars (\$25.00) shall be assessed for failing to apply for the permit prior to beginning work.

D. Code Compliance shall be responsible for issuing permits or exceptions under this Article. The application for a permit may be denied, granted or granted with reasonably necessary conditions. The applicant may appeal the denial of a permit or a special exception to the City Administrator or his/her designee pursuant to §69-7 of this code.

E. The Head of Code Enforcement or his/her designee may grant an exception to the restriction contained in section 68-8(A) above, when an applicant can prove to the Director's satisfaction:

(1) that the applicant must exceed the impervious surface coverage limitation in order to install such surface for medical reasons (*i.e.*, To construct a ramp to access a house or provide parking for a handicapped person who resides at the property); or

(2) that the applicant cannot otherwise provide for any off-street parking on their property.

F. Code Compliance may only grant an exception for the minimum amount necessary and may impose reasonably necessary conditions. In no event shall an exception allow the impervious surface area in the front yard of a residential property to exceed a total of fifty percent (50%) of the total area of the front yard or violate any county, state or federal law as to impervious surfaces.

ARTICLE IV

Enforcement

§ 68-10. Violations and penalties. [Amended 7-16-01 by HB 01-03, Amended 5-3-05 by HO-2005-06]

A. Unless otherwise provided, violations of this Chapter shall be punishable as a municipal infraction and the fine for any single initial violation shall be one hundred dollars (\$100.00), with the fine for each repeat of that offense shall be two hundred dollars (\$200.00).

B. The fine for any single initial violation of Article II shall be two hundred fifty (\$250.00) and the fine for each repeat of that offense shall be five hundred dollars (\$500.00).

C. In addition to the penalties prescribed above, the City shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this chapter. The provisions of the Real Property Article of the Maryland Code §14-120, as amended, shall be followed when they apply to the proceeding.

D. Where a municipal infraction citation has been issued for a violation of this Chapter, each thirty (30) day period following the issuance of said citation during which the violation(s) continues

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unabated or recurs shall constitute a separate violation for which additional citations may be issued, and additional fines incurred.

E. Stop Orders.

(1) Whenever any work is being done without a permit, when such is required by this Code, or in violation of the provisions of this Chapter or in exception with the term of any permit issued for such work, the City Administrator or his or her duly authorized representative, or the Code Officer, may order all or part of the work on the job stopped until such violation or exception is eliminated and the work or installation made in violation of this subtitle is corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four (24) hours (excluding Saturday, Sunday or holidays).

(2) It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property or to correct the violation.

(3) The stop order shall contain, or be accompanied by, a written notice indicating that there is a right to a hearing within a reasonable time before the City Administrator or his or her designee. Such request for a hearing must be filed in writing at the City office no later than seventy-two (72) hours. The owner or permittee affected by such stop order shall be entitled to such hearing as quickly as feasible, but at least within forty-eight (48) hours of receipt of such request for hearing by the City Administrator. The City Administrator, or a designated impartial member of his or her staff who has or is delegated authority to act, shall afford the owner or permittee a fair hearing with an opportunity to present evidence or testimony that is relevant to the stop order. The owner or permittee shall be afforded reasonable notice of the time and place of the hearing at the time of the request in person, or by telephone or other appropriate means if the request is forwarded in writing.

(4) The penalty for violating any stop order shall be a misdemeanor with a maximum penalty of one thousand dollars (\$1,000.00) and/or thirty (30) days imprisonment.

F. Abatement. The City may order the abatement of any violation of this Chapter pursuant to the notice and orders requirements of this Chapter at §68-6. Hearings on such notices and orders shall be governed by §68-5 appeals.

COUNTY

● **Sec. 27-420. - Fences and walls.**

- (a) Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings. (See Figure 42.) On lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high unless a variance is approved by the Board of Appeals. In the case of a corner lot consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high unless a variance is approved by the Board of Appeals. Fences constructed pursuant to a validly issued building permit prior to October 1, 2008, shall not be deemed nonconforming; however, replacement of an existing fence must comply with the four (4) foot limitation.
 - (b) In the R-T Zone (or any other zone developed in accordance with the R-T Zone), walls or fences up to eight (8) feet high may be constructed anywhere in the rear yard without meeting setback requirements.
 - (c) For zero lot line development approved for a lot created under the optional residential design approach provisions of Subtitle 24, walls or fences up to eight (8) feet high may be located in any yard without meeting the setback requirements.
 - (d) Walls and fences more than four (4) feet high (above the finished grade, measured from the top of the fence to grade on the side of the fence where the grade is the lowest) shall be considered structures requiring building permits.
 - (e) Stranded barbed and/or razor wire are prohibited on all fences and walls, except for land that is assessed for agricultural use, and land used for installation and operation of high-voltage equipment at substations for electrical generation, transmission, and distribution in connection with providing public utility service in the County by a regulated public utility.
 - (f) Electrically charged/energized fences are prohibited, except for land that is assessed for agricultural use.
 - (g) Except for fences less than four (4) feet in height, fences not requiring a permit, and fences on land assessed as agricultural uses, all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot. (See Figure 42.1).
- (CB-72-2008; CB-22-2009; CB-3-2015; CB-4-2016)

● **Sec. 27-421. - Corner lot obstructions.**

On a corner lot, no visual obstruction more than three (3) feet high (above the curb level) shall be located within the triangle formed by the intersection of the street lines and points on the street lines twenty-five (25) feet from the intersection. (See Figure 43.)

(CB-37-1988)

● **Sec. 27-421.01. - Frontage.**

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code. Additional provisions are contained in Sections [27-431](#)(d) and (e) and [27-433](#)(e) and (f).

(CB-46-1985)

Weekly Program Offerings

Ageless Grace Senior Exercise Classes

Wednesdays, Thursdays and Fridays, 10:00 AM @ the City Administrative Building

Creative Minds

Tuesdays and Thursdays, 10:00 AM @ Magruder Park Recreation Center

City Calendar: January 24 – Feb 1, 2017

Ethics Commission Meeting

January 24, 2017 7:00 PM

Spring Sports Field Permitting Meeting

January 25, 2017, 7:00 PM - 8:00 PM @ City Municipal Building

Sports organizations wishing to use fields at Magruder Park, Melrose Park and 38th Avenue for the Spring 2017 playing season are encouraged to attend the Spring Sports Field Permitting Meeting. Field availability, maintenance schedules, permitting procedures, and weather related closures will be discussed.

Hyattsville Environment Committee Meeting

January 25, 2017, 7:00 PM

Education Advisory Committee Meeting

January 26, 2017, 6:30 PM - 8:00 PM

Health, Wellness & Recreation Advisory Committee

January 26, 2017, 7:00 PM - 8:30 PM @ City Municipal Building

Police Administrative Hearing Board: I.A. 16-001

January 30, 2017, 9:00 AM - 5:00 PM @ 3rd Floor, Council Chambers

This hearing is open to the public.

Teen Advisory Committee Meeting

January 30, 2017, 4:00 PM – 6:00 PM

Hyattsville Police & Public Safety Advisory Committee

February 1, 2017, 7:30 PM

City Council Budget Work Session

February 1, 8:00 PM – 10:00 PM @ 3rd Floor Council Chambers