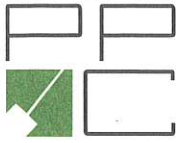


MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



Office of the Chairman
Prince George's County Planning Board

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November 7, 2019

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

Re: CB-17-2019 (DR-3)

Dear Chairman Turner:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the November 7, 2019 Planning Board meeting, the following position was adopted in accordance with the planning staff's recommendation on the proposed legislation. **A Planning Board Analysis of the bill is attached for your consideration and a brief excerpt from the report is provided below:**

***CB-17-2019 (DR-3)** amends Section 27-441(b) (Uses Permitted in Residential Zones.) by adding a new footnote under "Dwelling, One-family Detached (in general)" and "Townhouse, all others" in the Residential Agricultural (R-A) Zone. Footnote 134 permits One-Family Detached, and Townhouse uses provided certain locational and acreage requirements are met.*

Planning Board Recommendation: Oppose with Amendments
(See Attachment for full analysis)

The purposes of the R-A Zone are to provide large lot One-Family Detached dwellings, while encouraging the retention of agriculture as a primary land use; and to encourage the preservation of trees and open spaces. Permitting townhouses in this zone is not appropriate. The Planning Board believes this bill was drafted for a specific property. The Planning Board has been unable to identify all properties meeting the criteria of footnote 134 because the Planning Department does not have records which list land "formerly used as an airport" and we cannot determine what is meant by "assemblages of properties". This language could apply to an infinite number of properties. The Planning Board believes there are four (4) operating airports in the County currently. One operating airport, Freeway Airport contains land zoned R-A and would meet the criteria of CB-17-2019 (DR-3) if the airport ceased to operate.

The development standards which are townhouse development regulations appear to apply to both One-Family Detached dwellings and Townhouses. The bill should be amended to require separate footnotes explaining the development regulations for each use. As drafted one footnote outlines the development regulations for both uses which causes confusion.

In addition, the first sentence of footnote 134 should be amended to clarify that One-family Detached dwellings are permitted in the R-A Zone. As drafted the One-Family Detached dwelling units are only permitted subject to footnotes otherwise the use would be prohibited. One-Family Detached dwellings are generally permitted in the R-A Zone.

It is recommended that the property go through the Sectional Map or Zoning Map Amendment process to rezone the property to an appropriate zone that would permit townhouses.

This bill is contrary to the intent of the Council's adopted Zoning Ordinance. Townhouses are prohibited in the Agricultural Residential (AR) Zone, which will replace the R-A Zone. Permitting townhouses in the AR Zone would contradict the purpose statements for the zone. The regulations of proposed footnote 134, if carried forward to the new Zoning Ordinance, would add complexity to the adopted Zoning Ordinance through the incorporation of locational criteria.

The Planning Board recommends the following amendments:

Change the proposed footnote 134 to footnote 135. Footnote 134 is already in use.

On page 2 under the residential tables of uses delete the proposed footnote 134 and replace with a newly created proposed footnote 136 for One-Family Detached dwellings. Next, under "townhouse all others" delete proposed footnote 134 and replace with footnote 135.

Under the proposed footnote 134 delete the words "and One-Family Detached dwellings" behind the word "Townhouses". The removal of this language requires the footnote to only apply to "townhouses". Next, under (b) delete the word "contain" and replace with the word "include" in front of the words "vinyl siding". The revised language would read "Townhouses shall not include vinyl siding".

Add the newly proposed footnote 136 and add the regulations for the One-Family Detached dwelling units. The language would read: When proposed under a development scheme with townhouses, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. All regulations and requirements of the R-T Zone shall apply to One-Family Detached dwelling units for such Detailed Site Plans in the R-A Zone.

A revised version of the bill which includes the above language is attached.

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betty".

Elizabeth M. Hewlett
Chairman

Attachments

CB-17-2019 (DR-3)– Planning Board Analysis (Attachment 1)

CB-17-2019 amends Section 27-441(b) (Uses Permitted in Residential Zones.) by adding a new footnote under “Dwelling, One-family Detached (in general)” and “Townhouse, all others” in the Residential Agricultural (R-A) Zone. Footnote 134 permits One-Family Detached, and Townhouse uses provided certain locational and acreage requirements are met. The development regulations shall be shown and approved at the time of Detailed Site Plan (DSP). Lastly, a Preliminary Plan of Subdivision must be approved prior to submission of the DSP.

The Planning Board has the following comments, suggestions and amendments for consideration by the District Council:

Policy Analysis:

The purposes of the R-A Zone are to provide large lot One-Family Detached dwellings, while encouraging the retention of agriculture as a primary land use; and to encourage the preservation of trees and open spaces. Permitting townhouses in this zone is not appropriate. The Planning Board believes this bill was drafted for a specific property. The Planning Board has been unable to identify all properties meeting the criteria of footnote 134 because the Planning Department does not have records which list land “formerly used as an airport” and we cannot determine what is meant by "assemblages of properties". This language could apply to an infinite number of properties. The Planning Board believes there are four (4) operating airports in the County currently. One operating airport, Freeway Airport contains land zoned R-A and would meet the criteria of CB-17-2019 (DR-3) if the airport ceased to operate.

The development standards which are townhouse development regulations appear to apply to both One-Family Detached dwellings and Townhouses. The bill should be amended to require separate footnotes explaining the development regulations for each use. As drafted one footnote outlines the development regulations for both uses which causes confusion.

In addition, the first sentence of footnote 134 should be amended to clarify that One-family Detached dwellings are permitted in the R-A Zone. As drafted the One-Family Detached dwelling units are only permitted subject to footnotes otherwise the use would be prohibited. One-Family Detached dwellings are generally permitted in the R-A Zone.

It is recommended that the property go through the Sectional Map or Zoning Map Amendment process to rezone the property to an appropriate zone that would permit townhouses.

New Zoning Ordinance:

This bill is contrary to the intent of the Council's adopted Zoning Ordinance. Townhouses are prohibited in the Agricultural Residential (AR) Zone, which will replace the R-A Zone. Permitting townhouses in the AR Zone would contradict the purpose statements for the zone. The regulations of proposed footnote 134, if carried forward to the new Zoning Ordinance, would add complexity to the adopted Zoning Ordinance through the incorporation of locational criteria.

Impacted Properties:

The bill as drafted will affect properties located at 3900 Church Road.

Proposed Amendments:

Change the proposed footnote 134 to footnote 135. Footnote 134 is already in use.

On page 2 under the residential tables of uses delete the proposed footnote 134 and replace with a newly created proposed footnote 136 for One-Family Detached dwellings. Next, under "townhouse all others" delete proposed footnote 134 and replace with footnote 135.

Under the proposed footnote 134 delete the words "and One-Family Detached dwellings" behind the word "Townhouses". The removal of this language requires the footnote to only apply to "townhouses". Next, under (b) delete the word "contain" and replace with the word "include" in front of the words "vinyl siding". The revised language would read "Townhouses shall not include vinyl siding".

Add the newly proposed footnote 136 and add the regulations for the One-Family Detached dwelling units. The language would read: When proposed under a development scheme with townhouses, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. All regulations and requirements of the R-T Zone shall apply to One-Family Detached dwelling units for such Detailed Site Plans in the R-A Zone.

A revised version of the bill which includes the above language is attached.

Following discussion, the Planning Board voted to oppose CB-17-2019 (DR-3) with the above-mentioned amendments.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2019 Legislative Session

Bill No. CB-17-2019

Chapter No. _____

Proposed and Presented by _____

Introduced by Council Members Davis & Hawkins

Co-Sponsors _____

Date of Introduction July 2, 2019

ZONING BILL

1 AN ORDINANCE concerning

2 R-A Zone

3 For the purpose of permitting Townhouse and One-family detached dwelling uses in the R-A
4 (Residential Agricultural) Zones of Prince George's County, under certain circumstances.

5 BY repealing and reenacting with amendments:

6 Section 27-441(b),

7 The Zoning Ordinance of Prince George's County, Maryland,

8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (2015 Edition; 2018 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
14 District in Prince George's County, Maryland, that Section 27-441(b) of the Zoning Ordinance of
15 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
16 be and the same is hereby repealed and reenacted with the following amendments:

17 **SUBTITLE 27. ZONING.**

18 **PART 5. RESIDENTIAL ZONES.**

19 **DIVISION 3. USES PERMITTED.**

20
21

Sec. 27-441. Uses permitted.

(b) TABLE OF USES.

USE	ZONE									
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20	
(2) Residential/Lodging: Dwelling, one-family detached (in general) * * * * *	P	P 83, 129	P 83, 134 135	P 83	P 83, 121	P	P	P	P	P
Townhouse, all others * * * * *	X	P 129	X 134 135	X	P 79, 120, 123, 126, 127	X 48, 128	P 48, 111, 124	X 48	P 2	

~~134~~ Notwithstanding any other provision of this Part, townhouses ~~and one-family detached dwellings~~ are a permitted use, provided:

(a) The use is located on an assemblage of adjacent properties that:

- (i) is no less than one hundred (100) acres and no more than one hundred fifty (150) acres in size or was formally used as an airport;
- (ii) is located within one (1) mile of a municipal boundary;
- (iii) is within 2,500 feet of land used for purposes of electrical generation, transmission, or distribution in connection with providing public utility service in the County by a regulated public utility; and
- (iv) a portion of the boundary of the assemblage of adjacent properties has frontage on a public right-of-way classified as a freeway or higher in the Master Plan of Transportation and is maintained by the State Highway Administration.

(b) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, density, accessory buildings, private streets, minimum area for development, and other requirements of the R-A Zone shall not apply. The maximum density shall not exceed 4.5 dwelling units per acre, the minimum width for townhouses shall be 22 feet, and the minimum lot depth for townhouses shall be 80 feet. A minimum of seventy-five percent (75%) of all townhouse units shall have a full front facade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco. Townhouses shall not ~~generate~~ ~~include~~ vinyl siding. Elevations shall be submitted with the Detailed Site Plan that demonstrate an architectural design that is compatible with adjacent residential development. All other regulations for the R-T Zone set forth in Sections 27-433(c)-(g) and (i)-(k) and 27-442 shall apply (to the extent that they do not conflict with the preceding requirements in this footnote). Notwithstanding the above, regulations pertaining to lot coverage, lot/width frontage, and building height shall be established by and shown on the Detailed Site Plan.

(c) Prior to submission of a Detailed Site Plan, a preliminary plan of subdivision must be approved pursuant to Subtitle 24.

When proposed under a development scheme with townhouses, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. All regulations and requirements of the R-T Zone shall apply to one-family detached dwelling units for such Detailed Site Plans.

1 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-
2 five (45) calendar days after its adoption.

Adopted this _____ day of _____, 2019.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.