



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of the Chairman
Prince George's County Planning Board

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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(301) 952-3561

June 13, 2019

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-29-2019

Dear Chairman Turner: *Todd*

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the June 13, 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-29-2019** amends Section 27-441 (Uses Permitted in Residential Zone.) by adding a new proposed "Townhouse" use and permits the use in the Residential Townhouse (R-T) Zone.*

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

The R-T Zone is the County's current townhouse zone and is intended for locations where existing or planned public infrastructure (especially transportation infrastructure) is adequate to support the higher density associated with townhouse development. Over time, the Council has amended the Zoning Ordinance to allow townhouses in other zones that were not originally intended for townhouse density. Most often, the Council has approved these amendments to support townhouse development on a particular property that did not have a base zone allowing townhouses. These amendments were narrowly drafted to allow townhouses only for the targeted property and very similar properties. These text amendments now allow townhouses, in limited circumstances, in four (4) of the detached single-family zones (Open Space (O-S), Rural Residential (R-R), One-Family Detached Residential (R-80) and One-Family Detached Residential (R-55)). Although these amendments were narrowly drafted, the Planning Board cautions against the trend of allowing townhouses in detached single-family zones that were not intended for this type of density.

One of the prior text amendments, CB-118-2017, was approved to allow townhouses on a property that combines R-T, R-55 and Planned Industrial/Employment Park (I-3) lots; this text amendment allowed townhouses at 1700 Ritchie Marlboro Road (Greater Morning Star Apostolic Ministries) and possibly other locations. Unfortunately, in an effort to narrow CB-118-2017's application to the Ritchie Marlboro Road property, the amendment inadvertently prohibited townhouses on all R-T properties in the County, except for a limited number of R-T properties benefitting from previous text amendments. As a result, the County's townhouse zone no longer allows townhouses on most R-T land.

As drafted, the bill creates substantial unintended impacts which could be more detrimental than the impact inadvertently created by CB-118-2017. CB-29-2019 creates a unique circumstance within the Zoning Ordinance where the general will exercise control over the specific, which would severely curtail the locations in which townhouses may be permitted.

The bill now before the Council intends to remedy this problem and the Planning Board supports the bill's overall goal. However, the Planning Board recommends a different approach. It is the Planning Board's belief that the unintended impact created by CB-118-2017 was from the language in Footnote 125 and is not related to the "Townhouse, all others" use. Therefore, the Planning Board believes the easiest and most effective way to correct the unintended impact would be to revise Footnote 125.

The Planning Board recommends the creation of a second draft of CB-29-2019 that removes the proposed "Townhouse" use from the bill and revises Footnote 125. The revised language would read as follows:

On an R-T property combined with R-55 and I-3 zoned lots, parcels, or property totaling less than sixteen (16) gross acres in size and located less than 2,000 feet from an interchange to the outer loop of the Capital Beltway (I-95/I-495), a townhouse is only a permitted use provided:

(A) The property shall have access to a signalized intersection of a publicly maintained roadway with a functional transportation classification as Arterial or higher within the 2009 Countywide Master Plan of Transportation; and

(B) Regulations of the R-T Zone shall not apply; all requirements for development shall be established by and shown on a Detailed Site Plan approved by the Planning Board and/or the District Council.

This revision clarifies that "Townhouse, all others" will remain a permitted use in the R-T Zone and ensures that the subject of CB-118-2017 remains unaffected and will still benefit from and be required to conform to the specific provisions of Footnote 125.

The County Council's adopted Zoning Ordinance consolidates all of the current specific townhouse uses throughout Subtitle 27 into a single use. "Dwelling, townhouse" is permitted by-right in the adopted Residential, Single-Family – Attached (RSF-A) Zone, as well as the Residential, Multifamily – 12 (RMF-12) and Residential, Multifamily – 20 (RMF-20) Zones. This use is also permitted in several of the Nonresidential base zones and Transit-Oriented/Activity Center base zones.

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 blue ink that reads "Betty". The signature is written in a cursive, flowing style.

Elizabeth M. Hewlett
Chairman

Attachments

CB-29-2019– Planning Board Analysis (Attachment 1)

CB-29-2019 amends Section 27-441 (Uses Permitted in Residential Zones.) by adding a new proposed "Townhouse" use and permits the use in the Residential Townhouse (R-T) Zone.

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

Policy Analysis:

The R-T Zone is the County's current townhouse zone and is intended for locations where existing or planned public infrastructure (especially transportation infrastructure) is adequate to support the higher density associated with townhouse development. Over time, the Council has amended the Zoning Ordinance to allow townhouses in other zones that were not originally intended for townhouse density. Most often, the Council has approved these amendments to support townhouse development on a particular property that did not have a base zone allowing townhouses. These amendments were narrowly drafted to allow townhouses only for the targeted property and very similar properties. These text amendments now allow townhouses, in limited circumstances, in four (4) of the detached single-family zones (Open Space (O-S), Rural Residential (R-R), One-Family Detached Residential (R-80) and One-Family Detached Residential (R-55)). Although these amendments were narrowly drafted, the Planning Board cautions against the trend of allowing townhouses in detached single-family zones that were not intended for this type of density.

One of the prior text amendments, CB-118-2017, was approved to allow townhouses on a property that combines R-T, R-55 and Planned Industrial/Employment Park (I-3) lots; this text amendment allowed townhouses at 1700 Ritchie Marlboro Road (Greater Morning Star Apostolic Ministries) and possibly other locations. Unfortunately, in an effort to narrow CB-118-2017's application to the Ritchie Marlboro Road property, the amendment inadvertently prohibited townhouses on all R-T properties in the County, except for a limited number of R-T properties benefitting from previous text amendments. As a result, the County's townhouse zone no longer allows townhouses on most R-T land.

The bill now before the Council intends to remedy this problem and the Planning Board supports the bill's overall goal. However, the Planning Board recommends a different approach, described below under "Proposed Amendments."

It is the Planning Board's belief that the unintended impact created by CB-118-2017 was from the language in Footnote 125 and is not related to the "Townhouse, all others" use. Therefore, the Planning Board believes the easiest and most effective way to correct the unintended impact would be to revise Footnote 125.

As drafted, the bill creates substantial unintended impacts which could be more detrimental than the impact inadvertently created by CB-118-2017. Proposing a new general "Townhouse," use and then prohibiting the use in all residential zones except the R-T Zone, creates the following situations:

1. The proposed use would supersede the six (6) specific townhouse uses listed in the low-density (Reserved Open Space (R-O-S) through One-Family Triple-Attached Residential (R-20)) Zones. In addition, the proposed use would also supersede the five (5) specific townhouse uses listed in the high-density (Residential Townhouse (R-T) through Multifamily High – Rise Residential (R-H)) Zones.

2. Any applicant proposing any townhouse product in the R-T Zone, regardless of the location within the County, date or status of the Preliminary Plan of Subdivision, or townhouse type, would be permitted by right under the "Townhouse" use because it is broad and encompassing. Examples of townhouse products that would be permitted by right include: "Townhouse, Transit Village" and "Townhouse, if located within a designated Revitalization Tax Credit District Overlay Zone or Development District Overlay Zone".

3. The proposed "X" and "P" for "Townhouse" listed under the bill would permit townhouses on all R-T zoned properties in the County while prohibiting townhouses in all other residential zones. Again, this is because the proposed use is broad and encompassing and would supersede the current distinctions contained in Section 27-441 for other residential zones.

CB-29-2019 creates a unique circumstance within the Zoning Ordinance where the general will exercise control over the specific, which would severely curtail the locations in which townhouses may be permitted.

New Zoning Ordinance:

The County Council's adopted Zoning Ordinance consolidates all of the current specific townhouse uses throughout Subtitle 27 into a single use. "Dwelling, townhouse" is permitted by-right in the adopted Residential, Single-Family – Attached (RSF-A) Zone, as well as the Residential, Multifamily – 12 (RMF-12) and Residential, Multifamily – 20 (RMF-20) Zones. This use is also permitted in several of the Nonresidential base zones and Transit-Oriented/Activity Center base zones. The RSF-A Zone is the successor zone to R-T and allows townhouses as a permitted use in all situations. Therefore, CB-29-2019 is generally consistent with the adopted Zoning Ordinance.

Proposed Amendments:

The Planning Board believes that revising the language under Footnote 125 would be the most appropriate approach to resolving the unintended impact created by CB-118-2017, instead of proposing a new use and creating additional unintended impacts.

The Planning Board recommends the creation of a second draft of CB-29-2019 that removes the proposed "Townhouse" use from the bill and revises Footnote 125. The revised language would read as follows:

On an R-T property combined with R-55 and I-3 zoned lots, parcels, or property totaling less than sixteen (16) gross acres in size and located less than 2,000 feet from an interchange to the outer loop of the Capital Beltway (I-95/I-495), a townhouse is only a permitted use provided:

(A) The property shall have access to a signalized intersection of a publicly maintained roadway with a functional transportation classification as Arterial or higher within the 2009 Countywide Master Plan of Transportation; and

(B) Regulations of the R-T Zone shall not apply; all requirements for development shall be established by and shown on a Detailed Site Plan approved by the Planning Board and/or the District Council.

CB-29-2019 – Planning Board Analysis (Attachment 1)

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This revision clarifies that "Townhouse, all others" will remain a permitted use in the R-T Zone. The revision also ensures that the subject of CB-118-2017 remains unaffected and that development pursuant to CB-118-2017 will still benefit from and be required to conform to the specific provisions of Footnote 125. Lastly, the revision would conform to the stated purpose of CB-29-2019 and avoids additional unintended impacts.

Following discussion, the Planning Board voted to support CB-29-2019 with amendment(s).