

CB-52-2023 – Planning Board Analysis (Attachment 2)

A bill to prohibit for a period of two years the approval of townhouses that have not yet received site plan approval, unless the property to be developed is located within certain geographies identified in the bill. The geographies that would be exempt from the two-year prohibition are Plan 2035 Regional Transit Districts, Local Transit Centers, and Local Centers; Metropolitan Washington Council of Governments Activity Centers; and "designated Transit-Oriented or Revitalization areas."

The Planning Board has the following comments for consideration by the District Council:

Policy Analysis:

The WHEREAS clauses of the bill indicate that the legislative intent is to temporarily suspend approval of townhouses in those areas of the County that are not targeted for growth in Plan 2035. The WHEREAS clauses correctly state that Plan 2035's growth targets for the County's designated growth centers are not being achieved. The clauses also correctly state that numerous text amendments have been approved by prior Councils that allow particular properties to build townhouses in zones that are not designed for townhouses; the Planning Board opposed most of these text amendments.

The Planning Board finds the bill to be well-intentioned, but not the optimum mechanism for achieving the goals of Plan 2035. First, the growth targets of Plan 2035 cover all types of dwelling units, and there is no clear rationale for singling out townhouses. Townhouses are a beneficial type of development in those zones that were designed for the use, such as the new RSF-A Zone. They are also beneficial as a means of revitalizing obsolete shopping centers and office parks, by allowing those properties to be redeveloped as mixed-use.

Second, Plan 2035's growth targets also incorporate an envisioned mix of residential types within the Established Communities; the emphasis on prioritizing residential development in designated Centers is not meant to leave, as a result, single-family detached housing as the only appropriate or desired housing type in the Established Communities of the County.

The Planning Board concurs that additional measures are needed to achieve the goals of Plan 2035. The Planning Board believes it would be more appropriate to address the growth in all types of dwelling units and to do so by adopting a countywide annual growth policy, as other Maryland jurisdictions have done after careful study.

Technical Problems in the Bill

Should the bill move forward, there are several serious technical deficiencies in the bill that will prevent it from being enforced or administered, as follows:

1. The Metropolitan Washington Council of Governments (COG) Activity Centers do not have clearly defined boundaries and therefore cannot be part of the bill. Moreover, the District Council did not approve these centers and tying the Zoning Ordinance to centers created by a non-County entity is not appropriate. Finally, the COG Activity Centers were established many years ago, prior to Plan 2035, and represent an obsolete category.

2. "Designated Transit-Oriented or Revitalization areas" are not defined in the bill and therefore the Planning Department would not be able to administer that exemption. If the goal is to continue townhouse growth inside the Capital Beltway where revitalization is a priority, a better approach is to simply exempt all properties inside the Capital Beltway.

3. In addition to prohibiting townhouses, the bill prohibits "Townhouse-related residential use." This term is not defined, and the Planning Department would therefore be unable to enforce that prohibition.

4. Although most Plan 2035 Centers now have defined boundaries, eight do not. To apply the exemption in those centers, the bill should be amended to state that the townhouse prohibition does not apply in the Plan 2035 Centers "or in Transit-Oriented/Activity Center base zones."

5. Additionally, the new RSF-A Zone, which was designed for townhouses and other attached residential development, also exists in some of the eight undefined Centers. To apply the exemption to these locations, the Council should consider adding "RSF-A zoned properties within the one-half mile radius of an undefined Center."

Impacted Property:

The bill will affect all property in the County with a base zone that allows townhouses, except for properties located in Plan 2035's eight Regional Transit Districts, Plan 2035's twenty-six Local Centers, and the City of Laurel. If "revitalization areas" are successfully defined in a future draft of the bill, they also would be exempt.

Following discussion, the Planning Board voted to oppose CB-52-2023.