

an unlisted use is comparable to a listed use or not, and should be allowed in a zone or prohibited in that zone; and (4) Interpretations of compliance with a condition of approval.

Textual interpretations are based on the text's relationship with other laws and considerations including, but not limited to, the plain meaning of the provision's wording, applicable definitions in Section 27-2500 of the Zoning Ordinance, common and accepted usage, and the purpose of the provision, as further described in Section 27-3612(d)(1)(B) of the Zoning Ordinance. The Planning Director's interpretation is also guided by the cardinal rules of statutory interpretation, as defined by the Maryland Supreme Court.

Analysis

Section 27-6903 of the Zoning Ordinance contains form and design standards for multifamily, townhouse, and three-family buildings. Pursuant to Section 27-6903(d)(1):

- (1) The maximum length of any multifamily, townhouse, or three-family building shall be 150 linear feet in the RSF-A and RMF-12 zones; and 250 linear feet in the RMF-20, RMF-48, and CGO zones, regardless of the number of units.**

The applicant is requesting an interpretation of the term "length" and how it is to be measured. The applicant argues that the appropriate interpretation is to apply the measurement to different distinct segments of the building. Specifically, between clear architectural features that "break" the building, either functionally or visibly, rather than "point to point" or "corner to corner," from one end of the building to another.

This application has been reviewed for conformance with the requirements of the Zoning Ordinance found in Section 27-3612(d) containing the interpretation decision standards, as follows:

- (1) Text Provisions**

Interpretation of a provision's text, and its application shall be based on Section 27-1500, Relationship with Other Laws, Covenants, or Deeds, and considerations including, but not limited to, the following:

- (A) The plain meaning of the provision's wording, considering any terms specifically defined in Section Sec. 27-2500, Definitions, and the common and accepted usage of terms; and**

The terms "length," "building length," and "linear" are not defined by Section 27-2500 of the Zoning Ordinance. The Zoning Ordinance also does not contain any provisions suggesting the measurement of buildings shall be by architectural feature or functional or visible "breaks." A "building," however, is defined as a single "[s]tructure having a roof and used for the shelter, support, or enclosure of persons, animals, or property. Any part of a building is considered a separate building when it is entirely separated from all other parts by a wall extending from the lowest floor to the roof."

There is no language describing how building length is to be measured in Section 27-2200 of the Zoning Ordinance (Measurement and Exceptions of Intensity and Dimensional Standards). The measurement of “building height,” however, is specifically defined as a line measured vertically from the street grade to a specific point on the roof which may vary depending on the style of roof. There are no provisions for breaking up the measurement of building height by architectural features or functional or visible breaks.

As defined by Merriam-Webster’s (2022), the term “length” is defined as a “measured distance or dimension” and the “longer or longest dimension of an object.” The term “linear” is defined as “of, relating to, resembling, or having a graph that is a line and especially a straight line.”

Since a building is defined as a single structure, and linear is commonly defined as a straight line, the plain meaning of the text is that the length of a single structure is a straight line from one end of the structure to the other end of the structure. There is no language in the Zoning Ordinance that suggests the measurement should be calculated in any other manner, and measuring “end to end” is most closely similar to the Zoning Ordinance’s method of measuring the height of a building, from street level to roof.

(B) The purpose of the provision, as indicated by:

(i) Any purpose statement in the section(s) where the text is located;

Section 27-6903(d)(1) of the Zoning Ordinance is located within Part 27-6, Development Standards. Pursuant to Section 27-6101, the purpose of the development standards is “to *clearly identify the development standards* of this Part which would apply to development within the County” (*emphasis added*). In addition, pursuant to Section 27-6900, the purpose of the multifamily, townhouse, and three-family form and design standards is to provide “landowners, developers, architects, builders, business owners, and others with a *clear and equitable set of parameters* for developing land” (*emphasis added*).

Measuring every building in the same way, from end to end, provides all persons with a clear and equitable set of parameters. Using other methods, such as measuring from one end to an architectural feature, or visible break in the building, would be a highly discretionary determination and results in different building lengths for buildings of the same size, merely due to the type of architectural features in the design. Such an approach would not result in a clear or equitable set of standards. Therefore, the purpose of the development standards supports an interpretation that all buildings should be measured the same way.

(ii) The provision’s context and consistency with surrounding and related provisions;

In addition to provisions governing the measurement of building height, there are other provisions in the design standards governing architectural breaks. For example, Section 27-6903(e) addresses standards applicable to façades including offsets, recesses, and similar features. The fact that the District Council addressed façade improvements in the same Section of the development standards as building length, and chose not to address it when measuring length, is further evidence that the Council did not intend such features being considered when measuring building length.

(iii) Any legislative history related to the provision’s adoption;

There is no applicable legislative history to support a finding that building length was intended to be measured in any manner, other than in a straight line from end to end.

(iv) The general purposes served by this Ordinance, as set forth in Section 27-1300, General Purpose and Intent; and

The general purposes of the Zoning Ordinance, as outlined in Section 27-1300, include supporting pedestrian-friendly development; providing adequate light, air, and privacy; and protecting landowners from the adverse impacts of adjoining development. Maximum building lengths are designed to avoid exceedingly long buildings that are not pedestrian-friendly, block light, and negatively impact adjacent landowners by creating a “wall” between other properties. The applicant’s proposed method for measuring building length would result in a 678-foot-long building that is more than 2.5 times the maximum length permitted in the CGO Zone. The applicant’s contention that its proposed measurement formula will result in façades of greater architectural interest, *may* allow for greater density, and *may* discourage projects with structured parking, do not outweigh the purposes that will otherwise be negatively impacted by the applicant’s proposed interpretation.

(v) The applicable comprehensive plans.

The Zoning Ordinance follows the direction of the Plan Prince George’s 2035 Approved General Plan (Plan 2035) by including Section 27-6903(d)(1), for maximum building length, to influence future design standards for development and redevelopment in Prince George’s County.

Creating Choice Communities is one of six principles that guide Plan 2035's vision, goals, policies, and strategies. "Strong, green, and healthy communities are the foundation of our county. We must first strengthen our established neighborhoods to ensure a high quality of life for current Prince Georgians. We must also create vibrant and walkable communities, featuring a mix of uses and transit access, to attract and retain our future workforce, new residents, and our growing senior population. Plan 2035 commits to supporting neighborhood reinvestment in existing public infrastructure, services, and facilities and designing diverse and distinct communities that promote walkability and convenient access to employment, retail, and entertainment options." (page 15)

Plan 2035 includes "a range of opportunities to encourage walkable, safer, and more compact communities. Thoughtful design can improve public safety. How a building is 'sited'—oriented to the street—where its entrances are located, how its landscaping and lighting is designed and placed, as well as other elements are important factors in promoting pedestrian activity, increasing 'eyes on the street,' and limiting lifeless spaces that can support illegal activities. These actions, in turn, are proven crime deterrents" (page 201). The vision, principles, policies, and strategies within Plan 2035, as mentioned above, support an interpretation to not include design elements within the measurement of building length. The term building length, as defined herein, furthers the comprehensive set of modern urban design standards implemented by the District Council within the new Zoning Ordinance, by ensuring pedestrians are not subjected to overly long buildings that can create a "tunnel effect" and lifeless spaces, due to the lack of periodic divisions between buildings. The placement and design of buildings on a site is particularly important, as it adds to neighborhood connectivity, pedestrian experiences, and helps to foster a sense of place.

Conclusion

Based on the foregoing analysis of the plain meaning of the text and the purposes of the Zoning Ordinance and Plan 2035, the Planning Director finds that, for the purposes of Section 27-6903(d)(1) of the Zoning Ordinance, the length of a building in the CGO Zone is measured along the longest horizontal distance or dimension, from one end of the building to the other end of the building, without regard to different distinct segments or architectural features that may exist along the building façade.

* * *

This written interpretation is binding on subsequent decisions by the Planning Director or other M-NCPPC or County administrative officials in applying the same provision of this Ordinance or the Official Zoning Map to the project at the subject property, unless the interpretation is modified in accordance with the requirements of the Ordinance or the text of the Ordinance impacting the interpretation is amended.

This written interpretation is a final decision of the Planning Director and may be appealed to the Prince George's County Board of Zoning Appeals within 30-days following receipt of this interpretation by the applicant.



Suzann M. King
Acting Planning Director

September 14, 2023

Date