



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Office of the Planning Director

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August 14, 2018

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Andree Green Checkley, Planning Director, Planning Department *ABC*

FROM: Rana Hightower, Intergovernmental Affairs Coordinator *REN*

SUBJECT: **CB-63-2018**

Purpose: A bill for the purpose of permitting townhouses in the Rural Residential (R-R) Zone, under certain circumstances.

Recommendation: **Oppose with amendments**

Background: CB-63-2018 amends Section 27-441 (Uses Permitted in Residential Zones.) by adding a new footnote in the Rural Residential (R-R) Zone for "townhouse all others". Footnote 126 permits the use if (A) the proposed use is located on property that is greater than fifty (50) acres; (B) the property, or a portion of the property is located in a General Plan designated Local Center; (C) the property has frontage on a roadway with a functional transportation classification as a freeway or highway on the applicable master plan; and (D) a Detailed Site Plan (DSP) must be approved. Regulations concerning net lot area, lot coverage, frontage, setbacks, density, landscaping and other requirements or regulations of the R-R Zone are not applicable. The requirements must be shown and established on the DSP.

There are two (2) properties in the County with more than fifty (50) acres a portion of the property is located within a General Plan Designated Local Center and the property has frontage on a roadway with a functional transportation classification of a freeway. Both properties are in the Brandywine Local Center.

This bill as drafted seems to permit regulations to be developed during DSP review. This process defeats the entire purpose of zoning by preventing the uniform application of objective development standards to all properties in the R-R Zone. Development standards are established by the District Council in coordination with its adopted future land use recommendations in master plans. The R-R Zone is consistent with the residential low land use designation of 3.5 dwelling units per acre. If development standards are not established until DSP, there is a strong possibility that a development may exceed the residential low land use designation which would conflict with the District Council's approved master plans. Furthermore, it is within the District Council's authority to establish development standards including density, and not the Planning Board. If this legislation is enacted, the Planning Board will have no zoning regulations to review the Preliminary Plan of Subdivision, including density and lot size. Private streets and alleys are not permitted in the R-R Zone, except in circumstances listed under Section 24-128 (Private roads and easements.).

The District Council should adopt objective development standards based on future land uses outlined in the applicable master plan to guide the Planning Board in its consideration of an application for a DSP that proposes townhouses in the R-R Zone.

If it is the District Council's intent to permit townhouses in the R-R Zone, development standards should be added to the bill to ensure uniform application of zoning as was done with CB-112-2004. The appropriate development standards would be those of the One-Family Triple-Attached Residential (R-20) Zone or alternatively the Residential Townhouse (R-T) Zone.

Under footnote 126 (C) delete the words "or higher" behind the word "freeway". A freeway is the highest road classification. The revised (C) would read: "The property has frontage on a roadway with a functional transportation classification as a freeway on the applicable master plan". This language makes it clear that the property where the use will be located has frontage on a freeway.

Under letter (D) delete and replace the language. The revised language would read: " The regulations ordinarily applicable to development within the R-R Zone shall not apply; instead the townhouse developments shall comply with the development standards of the R-20 Zone and a DSP shall be approved for the development in accordance with Part 3, Division 9, of this Subtitle." This language adds objective standards for development of townhouses.

Lastly, it should be noted that the newly proposed Zoning Ordinance will reclassify the R-R Zone to the Residential Rural (RR) Zone and retain existing density maximums, lot regulations, and uses. Townhouses in the RR Zone are prohibited. The use is incompatible with the purposes of the R-R and RR Zones.

Staff recommends that the Planning vote to oppose CB-63-2018 with amendments.