

CB-16-2023 (DR-2) – Planning Board Analysis (Attachment 5)

This bill amends the current Zoning Ordinance to repeal CB-79-2022 (DR-2). That bill revised the lot coverage and green area requirements for properties that were previously zoned Light Industrial (I-1) and which were undeveloped prior to the effective date of the new Zoning Ordinance and the Countywide Sectional Map Amendment (CMA) on April 1, 2022, and permitted distribution warehouses in the Industrial/Employment (IE) Zone by right and without the need of special exception approval for properties in the IE Zone that were formerly in the I-1 Zone and were undeveloped prior to April 1, 2022.

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

Background:

CB-79-2022 (DR-2) was enacted on October 25, 2022.

The development and approval of the new Zoning Ordinance by the Council was consistent in ensuring that vacant properties with no prior entitlements or approvals and no pending applications would use the regulations and procedures of the new Zoning Ordinance. CB-79-2022 ran counter to this consistent approach.

On December 12, 2022, the District Council enacted CR-3-2023, which suspended five legislative zoning amendments from taking effect until associated repeal bills are decided. CB-79-2022 (DR-2) is one of the five bills suspended by CR-3-2023 until final action takes place on CB-16-2023 (DR-2). CB-16-2023 (DR-2) would constitute the permanent repeal of CB-79-2022 (DR-2); the effective date was December 12, 2022.

Policy Analysis:

The Planning Board voted to oppose CB-79-2022 because it reduced the minimum green area requirement for properties meeting the criteria from 25 percent of the property to 10 percent and waived the lot coverage maximum of 45 percent, potentially allowing up to 90 percent of the property to be covered. CB-79-2022 provided carve-outs for a subset of the new IE Zone that would pertain only to properties that (a) used to be in the I-1 Zone and (b) were vacant as of April 1, 2022.

This bill created a considerable inequity among owners of IE properties and significantly eroded zoning principles of uniform application of zoning laws within zoning classifications.

The Planning Board staff is committed to a review of the intensity and dimensional standards and the use table for the new IE Zone. Planning Board staff are targeting January 2023 for this effort and will identify potential revisions for Council's review and consideration in a future substantive zoning bill. This approach would allow for a complete consideration of multiple factors and is preferable to a piecemeal legislative solution oriented to a subset of properties in the IE Zone.

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Impacted Property:

The repeal of CB-79-2022 (DR-2) and enactment of CB-16-2023 will affect all properties in the County which were (a) formerly zoned I-1 and (b) vacant as of April 1, 2022. There are 1,234 such properties according to the Planning Department's Geographic Information Systems analysis using a baseline improvement value not to exceed \$15,000 as a definition for "undeveloped" property.

Following discussion, the Planning Board voted to support CB-16-2023 (DR-2).