

CB-15-2023 – Planning Board Analysis (Attachment 4)

This bill amends the current Zoning Ordinance to repeal the text of CB-78-2022 (DR-2), which amended Sections 27-4106 and 27-5101, development regulations for split-zoned properties.

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

Policy Analysis:

The Planning Board voted to oppose CB-78-2022, which modified development regulations ("bulk regulations" such as minimum lot size, minimum front setback, minimum yard depths, minimum green area, maximum lot coverage, etc.), to require the application of the regulations of the highest-intensity zone unless the applicant of a development proposal on a split-zoned lot or parcel opts out. It would also require the highest intensity zone's use table to apply to the development of a split-zoned lot or parcel unless the applicant opts out. These mandates would supersede the regulations and uses of lesser-intensity zones. It must be noted that CB-78-2022 (DR-2) only affected record lots that may have received more than one zone through the adoption of the Countywide Map Amendment.

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-78-2022 (DR-2) is one of the five bills suspended by CR-3-2023 until the action takes place on CB-15-2023. CB-15-2023 would constitute the permanent repeal of CB-78-2022 (DR-2). The effective date of CB-78-2022 (DR-2) was December 12, 2022.

Impacted Property:

The repeal of CB-78-2022 (DR-2) and enactment of CB-15-2023 will affect a very small number of properties subject to Part 4 of the Council's Approved Guide to New Zones, which guided the Countywide Map Amendment technical rezoning process. Part 4 pertained to US 1 and the Innovation Corridor.

A few properties that qualified under the definition of "lot," specifically where it references "one or more record lots," received different zones on different record lots through the Countywide Map Amendment. The CMA did not so much result in split-zoned property as it resulted in different zones on different record lots owned by the same party.

Following discussion, the Planning Board voted to support CB-15-2023.