

Potential Revisions to Zoning Ordinance – Omnibus Bill – Updated October 4, 2023

#	Explanation	Code Section	Properties Benefitted
1.	Additional revisions to proposed transition and grandfathering language following ongoing collaboration with County land use bar	27-1703(a), (c), and (e) 27-1704 27-1704(a), (b), and (f) 27-7102(a) and (c)	Any property in the Regional District that had existing development on April 1, 2022 or which has valid approvals under the prior Zoning Ordinance
2.	Reconciled provisions in CB-73-2023 to reflect enacted and codified laws that were not yet online on Encode when the bill was initially prepared: CB-9-2023 Tobacco shops, electronic cigarette shops, and retail tobacco business use permissions CB-5-2023 Gas station transition language	27-5101(d) and (e) 27-1903(e)	Any proposal for tobacco shops, electronic cigarette shops, or retail tobacco businesses (current law per CB-9-2023) Any proposed gas station use that wishes to use the two-year overlap with prior Zoning Ordinance

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3.	<p>Revisions to Section 27-61200, Neighborhood Compatibility Standards, to provide more appropriate standards pertaining to new townhouse design, specifically to clarify the purpose statements and address transparency and parking issues that were not originally contemplated in 2018 when new townhouses were made subject to these standards. Also inserted a path to provide an exemption if property being developed only abuts vacant land in a residential zone and if, due to environmental or preservation reasons, there is no ability to develop that land for residential uses.</p> <p>Another revision applies a 200-foot distance from existing residential for the limitation of vinyl materials to balance “good neighbor” design with flexibility on larger development sites where buildings may be much further than 200 feet from existing residential.</p>	27-61200	Any property subject to neighborhood compatibility standards
4.	<p>Several revisions are incorporated in Section 27-61100, Industrial Form and Design Standards, to provide additional flexibility in the design of industrial buildings and reduce situations in which industrial development may be precluded by overly stringent design standards better applicable to commercial or mixed-use development.</p>	27-61100	Any industrial development
5.	<p>Revised the CGO Zone to permit two-family dwellings in keeping with its purpose statement (C) “to accommodate higher-density residential uses as part of vertically or horizontally mixed-use development” and because it “slots” in between townhouses and multifamily dwellings (both permitted already in CGO) when configured as two-over-two product. Corresponding form regulations added for two-family dwellings in the CGO Zone.</p>	27-5101(d)	Any proposal for two-family dwellings in the CGO Zone
6.	<p>Clarified the active recreational area option of the open space set-aside requirements in Section 27-6400. Table 27-6404(a): Open Space Set-Aside Features was revised to change the percentage from 35 percent to 15 percent of the total required minimum open space set-aside area. The original 35 percent figure would be very challenging to provide in larger developments and it was unclear if the percentage was based on the minimum requirement for the set-asides or if it applied to all provided open space (including environmental preservation or other mandatory requirements of the County Code).</p> <p>Also revised the location language from “compact and contiguous” to “contiguous or interconnected,” which should result in more appropriate configurations. This same revision reflected also in 27-6406(b)(1).</p>	27-6404 27-6406(b)(1)	All properties that may be subject to open-space set aside standards and wish to meet them through active recreational area
7.	<p>Corrected the use tables for qualified data centers in the TAC-Core and TAC-Edge zones to permit them in the TAC Zone, and to make them allowable in the TAC-PD Zone. This eliminates an inconsistency with the use-specific standards for qualified data centers which prohibits them in all the other Centers but not TAC.</p>	27-5101(d) and (e)	Any proposal for qualified data centers in the TAC base and TAC PD zones

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8.	<p>Addition of fees requested by the Board of Appeals for the filing of appeals or variance applications to Section 27-8300, Fees, as a new Subsection (q).</p> <p>Staff note the Board of Appeals also requested CB-73-2023 be revised to add additional fees for administrative appeals “relative to provisions of other than Subtitle 27 of the Code.” Staff have not added these two requested fees because they are not appropriate for the Zoning Ordinance and should be addressed instead in a future bill amending the applicable portion(s) of the County Code.</p>	27-8301	Any applicant filing with the Board of Appeals
9.	<p>Revised the definition of “elderly housing” to reconcile to Federal law, clarify that housing for persons 55 years of age and older are also considered “elderly housing” under specific circumstances regulated by Federal law, and eliminate potential conflict with the definition of “apartment housing for elderly or physically disabled families”.</p>	27-2500	Any developer proposing elderly housing or age-restricted (55+) projects
10.	<p>Revisions are proposed to specific Special Exception procedures in Section 27-3604(d)(5) and (6) to clarify that the full application file and staff report should be sent to the Zoning Hearing Examiners by the Planning Director (instead of the Planning Board), and that the Planning Director rather than the Board can make a determination it is in the public interest to delay the hearing date on adaptive uses of Historic Sites established by the ZHE and request the ZHE approve the delay.</p> <p>The original intent of the new Zoning Ordinance special exception procedures was to remove the Planning Board from the process as the Board is not authorized to conduct public hearings on special exception applications. Prior Zoning Ordinance SE procedures seem to confuse the Planning Board’s role in several locations (for example, it stated that the Board was accepting applications and it does not; the Planning Director/Department accept applications). With no ability for the Board to conduct a public hearing, it makes little sense to mandate the Board transmit the application file and TSR.</p> <p>In practice, this mandates a consent agenda item with no ability of the Board to do anything other than authorize transmittal and an additional, unnecessary procedural step. Simply authorizing the Director to send the file is sufficient. It is also not possible for the Board to discuss reasons for why a hearing date should be delayed because they are not authorized to discuss the SE application in a public hearing setting and the consent agenda is not an appropriate place for such discussion either.</p> <p>Staff note the original version of CB-13-2018 had removed the Board and that Amendment #2 restored prior Zoning Ordinance language, including the Board’s role in these two areas. On review, with the benefit of nearly 18 months of experience with the new Ordinance, staff believe some of the prior language was indeed necessary, but not the role of the Board. The language pertaining to the application materials was missing in 2018 and needs to be there. Our proposed revision here is to simply replace</p>	27-3604(d)	Anyone seeking approval of a special exception

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	“Planning Board” with “Planning Director”, retaining the other revisions linked to CB-13-2018 Amendment #2.		
11.	Revised the definition of “food market” to incorporate sales area limitation language on tobacco and related products to mirror language implemented by CB-31-2023 for other uses.	27-2500	All food market uses are affected
12.	Clarification provided in Section 27-6206(b)(2)(A) that clearly permits alley access on dwellings that may front a common open space (such as a mews or courtyard) instead of a street. The intent was always to allow this but the clear language of the current standard would prohibit such designs.	27-6206(b)(2)(A)	Any townhouse development proposing units fronting on open space
13.	Added parking requirements for two-family dwellings in the Transit-Oriented/Activity Center zones that were missed in Draft 1; CB-73-2023 proposes to allow this use in these zones; should Council concur with allowing the use, these parking requirements are necessary. See Table 27-6305(a).	27-6305(a)	Any development of two-family dwellings in any Transit-Oriented / Activity Center zone
14.	Revisions to Table 27-6306(a): Minimum Dimensional Standards for Parking Spaces and Aisles that clarify dimensional requirements for compact parking spaces.	27-6306(a)	Anyone proposing compact parking spaces
15.	Added a new required finding for special exception applications that mirrors detailed site plan language in requiring the proposed site plan – as opposed to the proposed USE – represent a reasonable alternative for satisfying applicable standards of the Zoning Ordinance. This language clarifies that special exception site plans are subject to development standards and zone standards in Parts 27-6 and 27-4.	27-3604(e)	All special exception applications
16.	Revisions to Section 27-6307(f)(2) and (4) to change deferred parking’s reserve mechanism from a temporary easement to a covenant.	27-6307(f)(2) and (4)	Anyone proposing deferred parking
17.	Clarified Section 27-3602(b)(7) to indicate the Planning Board must hold a public hearing on a Planned Development (PD) Zoning Map Amendment prior to making their recommendation.	27-3602(b)(7)	Any proposed Planned Development (PD) Map Amendment

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18.	Minor change to delete a conflicting clause pertaining to the proposed clarification of sign posting fees in Section 27-8301(o)(1)(A) to be the full responsibility of the applicant – deleted existing (B) to remove the conflict.	27-8301(o)(1)(B)	Any application requiring sign posting
19.	Clarified the use-specific standards for the principal use type “restaurant, quick-service (with drive-through)” to eliminate potential confusion pertaining to special exception requirements for accessory drive-through service in some zones.	27-5102(e)(5)(A)	Any proposed quick-service restaurant with drive-throughs

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