

CB-78-2022 – Planning Board Analysis (Attachment 3)

A bill to clarify the development regulations and use tables applicable to the development of split-zoned property within the new Zoning Ordinance of Prince George’s County, being also Chapter 37, 2018 Laws of Prince George’s County, Maryland (CB-13-2018), as amended by Chapter 53, 2021 Laws of Prince George’s County, Maryland (CB-98-2021).

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

Policy Analysis:

This bill would modify zone 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 apply to 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 should be noted the bill is drafted with an assumption that split-zoned property always consists of two zones, but some split-zoned property in the County contains more than two zones. Approximately 70 properties are split-zoned with three or more zones.

As a general policy, the Planning Board does not encourage the split-zoning of properties because this often becomes problematic to property owners. However, split-zoned properties exist in Prince George’s County for a variety of reasons – the most common of which is that at some point in the past during a deliberate rezoning effort such as a Sectional Map Amendment, the Prince George’s County Council sitting as the District Council placed property in multiple zones to achieve desired policy outcomes. For example, a large undeveloped property may abut a residential subdivision to the west and an industrial park to the east, and a prior Council may have assigned two zones to this property, creating a split-zoned property, to ensure there is a transition between the residential neighborhood and the industrial uses.

Any global effort to legislatively retrofit split-zoned properties is likely to create substantial compatibility problems that prior Councils have made conscious zoning decisions to prevent or alleviate. Without a case-by-case analysis of the County’s split-zoned properties, the Planning Board believes this bill will foster numerous incompatible uses throughout the County.

There may be legal concerns associated with this bill, and the Planning Board defers to Council and County attorneys for comments as to potential legal issues. The Planning Board’s concern is that the bill may, in effect, rezone property through legislation rather than an authorized rezoning process.

Impacted Property:

This bill will affect all split-zoned properties in the County, which number approximately 1,284 properties.

Following discussion, the Planning Board voted to oppose CB-78-2022.