

# Transitional Provisions Quick Reference

## Effective Date: April 1, 2022

The current Zoning Ordinance/Subdivision Regulations includes transitional provisions that clarify how to handle pending development applications, approvals after the effective date, and requests for review under the prior Ordinance. Generally, applications submitted and accepted as complete prior to the effective date will be processed under the codes that were in place at the time of acceptance.

Implementation of the Countywide Map Amendment is also effective April 1, 2022.

Per CR-136-2021

## Violations Under Prior Ordinance Continue

Section [27-1702](#) and [24-1702](#)



- Any violations of the prior Zoning Ordinance or Subdivision Regulations continue to be violations under the new Ordinance/Regulations and are subject to [Part 27-8](#) and [Part 24-6](#), Enforcement of the new Ordinance/Regulations.
- Fines and penalties under the prior Ordinance continue.
- The only exemption is if the development is *expressly* compliant with the provisions of the new Ordinance/Regulations.

## Pending Applications Before April 1, 2022 Reviewed Under Prior Ordinance

Section [27-1703](#) and [24-1703](#)

- Applications that have been formally accepted and pending approval prior to April 1, 2022 will continue review and decision under the provisions of the prior Ordinance. These applications will comply with the time frames for review, approval, and completion of the prior Ordinance. If an application fails to comply with the required time frames and the application expires, then future development proposals are reviewed under the new Ordinance.
- Once approved, development approvals or permits remain valid for the period of the time specified in the prior Ordinance. They can be extended under the provisions of the prior Ordinance.
- An applicant may choose at any stage of the development review process to have the proposed development reviewed under the new Ordinance.



## Development Applications Approved Under Prior Ordinance

Section [27-1704](#) and [24-1704](#)



- Validity dates determined by the Ordinance under which the project was approved (prior Ordinance). Extension requests are applicable under the provisions of the Ordinance under which the approval was granted.
- If a development application or permit is still valid, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the provisions of the prior Ordinance.
- Once constructed, all buildings, uses, structures, or site features will be *legal* and *not nonconforming* and shall be exempt from the provisions of the new Ordinance until they are required or elect to file a site plan or other development application (not to include any application for a change in occupancy or changes in ownership).

## Legacy Zones

Section [27-4205\(a\)](#)

Properties may not be rezoned (either through ZMA or SMA) into any Legacy Zone including Planned Model Home Community (RMH) Zone, Legacy Comprehensive Design (LCD) Zone, Legacy Mixed-Use Community (LMXC) Zone, or Legacy Mixed-Use Town Center (LMUTC) Zone.



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## Development Pursuant to the Prior Ordinance

Section [27-1900](#) and [24-1900](#)



- Applications must be filed and officially accepted within two years from effective date of the new Ordinance - last day for acceptance is March 31, 2024.
- With the exception of properties within the Legacy Zones (LCD, LMXC, and LMUTC and RMH Zones), development proposals in all other zones may utilize the prior Zoning Ordinance or Subdivision Regulations.
- Development proposals within a Transit District Overlay Zone (TDOZ) or Development District Overlay Zone (DDOZ) may not include requests to change boundary of the approved TDOZ or DDOZ or change the underlying zones.
- In order to request review under the prior Ordinance, the applicant must:
  1. Schedule and participate in a Pre-Application Conference when a Planning Board review is necessary.
  2. Provide a Statement of Justification to explain why the applicant has chosen not to develop a specific property under the provisions of the new Ordinance.
- The Planning Department must provide quarterly reports to the District Council of application reviewed under the prior Ordinance.

## Conceptual Site Plan (CSP), Special Permit, Comprehensive Sketch Plan, or Comprehensive Design Plan (CDP)

Section [27-1703\(c\)](#)

These approved application types will remain valid for 20 years from April 1, 2022 (no longer indefinitely).



## Special Exceptions

Section [27-1704\(d\)\(1-3\)](#)



- Special Exception uses approved under prior Zoning Ordinance will be subject to the following:
- If the use is also a Special Exception in the new Ordinance, then the use may continue in effect as a Special Exception, and all applicable requirements, standards, and conditions approval still apply. If the application requests a modification to the Special Exception use, the review is subject to the new Ordinance.
  - If the use is prohibited in the new Ordinance, then the use may continue as a nonconforming use subject to the provisions of [Part 27-7](#), Nonconforming Buildings, Structures, Uses, Lots and Signs.
  - If the use is permitted in accordance with the new Ordinance without approval of a Special Exception, the previously approved Special Exception shall continue in full force and effect, including all associated conditions of approval.

### When use approved as a Special Exception under the prior Ordinance

Requires a Special Exception under new Ordinance	Permitted under new Ordinance	Prohibited under new Ordinance
Use continues as Special Exception (per previous approval)	Use continues in full force and effect, with conditions of previous approval	Use may only continue as Nonconforming Use (per <a href="#">Part 27-7</a> )
Modifications subject to new Ordinance		