

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative day # 6

BILL NO. 29 – 2017 (ZRA – 176)

Introduced by: Greg Fox and Mary Kay Sigaty

AN ACT amending the Howard County Zoning Regulations to remove the Business Rural Crossroads (BRX) zoning district; and generally relating to BRX district.

Introduced and read first time _____, 2017. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2017 at ____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Zoning Regulations are hereby amended as follows:

3
4 *By Repealing in its entirety*

5
6 *Section 117.0: "BRX (Business Rural Crossroads)"*

7
8
9 **Howard County Zoning Regulations**

10
11 **[[SECTION 117.0: - BRX (BUSINESS RURAL CROSSROADS) DISTRICT**

12
13 **A. Purpose**

14 The BRX District is established to provide opportunities for the expansion of commercial
15 businesses located within specific rural crossroad areas and to sustain and enhance these
16 existing rural crossroad areas.

17 Appropriate locations for the land uses allowed in the BRX district depend on factors which
18 are best examined through review of a site specific development proposal. Therefore, the
19 BRX district is a floating zone, which requires the submission of a preliminary development
20 plan for a particular site.

21 **B. Criteria**

22 The BRX district may be established at a particular location if the following criteria are met:

- 23 1. The proposed BRX District is located within the Dayton, Highland, Lisbon, and
24 Glenwood Rural Crossroads. The Dayton Rural Crossroads includes any property
25 a portion of which is located within 1,000 feet of the centerline of the intersection
26 of Ten Oaks Road and Greenbridge Road. The Highland Rural Crossroads
27 includes any property a portion of which is located within 1,000 feet of the
28 centerline of the intersection of MD 108 and MD 216; The Lisbon Rural
29 crossroads include any property a portion of which is located within: 550 feet of
30 MD 94 to the north of the centerline of the intersection of MD 144 and MD 94;
31 375 feet of MD 94 to the south of the centerline of the intersection of MD 144 and
32 MD 94; 560 feet of MD 144 to the west of the centerline of the intersection of

1 MD 144 and MD 94; and 2,500 feet of MD 144 to the east of the centerline of the
2 intersection of MD 144 and MD 94. The Glenwood Rural crossroads include any
3 property a portion of which is located within: 930 feet of MD 97 to the north of
4 the centerline of the intersection of MD 97 and Carrs Mill and McKendree Roads;
5 1,200 feet of MD 97 to the south of the centerline of the intersection of MD 97
6 and Carrs Mill and McKendree Roads; 325 feet of Carrs Mill Road to the west of
7 the centerline of the intersection of MD 97 and Carrs Mill and McKendree Roads;
8 and 300 feet of McKendree Road to the east of the centerline of the intersection
9 of MD 97 and Carrs Mill and McKendree Roads; and

- 10 2. The parcel or parcels comprising the proposed BRX District must entirely or
11 partially adjoin an existing BR, BRX, B-1, B-2, or CCT District; and
- 12 3. A BRX District at the proposed location will be compatible with traditional rural
13 architectural character of existing commercial land uses in the vicinity of the site.

14 **C. Uses Permitted as a Matter of Right**

- 15 1. Animal hospitals, completely enclosed.
- 16 2. Antique shops, art galleries, craft shops.
- 17 3. Bakeries, provided all goods baked on the premises shall be sold at retail from the
18 premises.
- 19 4. Banks, savings and loan associations, investment companies, credit unions,
20 brokers, and similar financial institutions without drive-through lanes.
- 21 5. Bicycle sales and repairs.
- 22 6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit
23 of charitable, social, civic or educational organizations, subject to the
24 requirements of Section 128.0.D.
- 25 7. Catering establishments and banquet facilities.
- 26 8. Child day care centers and nursery schools.
- 27 9. Clothing and apparel stores with goods for sale or rent.
- 28 10. Convenience stores, not to exceed 4,000 square feet.
- 29 11. Drug and cosmetic stores, not to exceed 7,500 square feet.

- 1 12. Farmers markets and farm produce stands.
- 2 13. Food stores, not to exceed 7,500 square feet.
- 3 14. Furniture, appliance and business machine repair, furniture upholstery, and
4 similar services.
- 5 15. Government structures, facilities and uses, including public schools and colleges.
- 6 16. Hardware stores, not to exceed 7,500 square feet.
- 7 17. Home improvement stores including, but not limited to, the following: electrical
8 supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and
9 building materials and supplies related to home improvements, not to exceed
10 7,500 square feet, provided such building materials and supplies are enclosed in
11 a building.
- 12 18. Liquor stores.
- 13 19. Multi-plex Dwellings.
- 14 20. Nursing homes and residential care facilities.
- 15 21. Nonprofit clubs, lodges, community halls.
- 16 22. Offices, professional and business.
- 17 23. One square foot of residential space is permitted for each square foot of
18 commercial space and must be located within the same structure.
- 19 24. Personal service establishments.
- 20 25. Pet grooming establishments and daycare, completely enclosed.
- 21 26. Religious facilities, structures and land used primarily for religious activities.
- 22 27. Repair of electronic equipment, radios, televisions, computers, clocks, watches,
23 jewelry, and similar items.
- 24 28. Restaurants, carryout, including incidental delivery service.
- 25 29. Restaurants, standard, and beverage establishments, including those serving beer,
26 wine and liquor.
- 27 30. Seasonal sale of Christmas trees or other decorative plant materials, subject to the
28 requirements of Section 128.0.D.

1 31. Service agencies.

2 32. Specialty stores.

3 **D. Modifications to nonconforming uses**

4 Commercial uses other than those listed in Section 117.0.C may be permitted in the BRX
5 District subject to the following requirements:

6 1. The Zoning Board finds that the use is a nonconforming use that legally existed
7 on the site prior to the property's designation as a BRX District.

8 2. The use is defined and described by the approved preliminary development
9 criteria.

10 3. The site may be redeveloped to accommodate a redesign of the existing use,
11 including demolition of existing buildings, construction of new buildings, and
12 alterations to parking or driveways. The redevelopment must be shown on the
13 approved Preliminary Development Plan.

14 **E. Accessory Uses**

15 1. Any use normally and customarily incidental to any use permitted as a matter of
16 right in this district.

17 2. Communication towers and antennas which are accessory to a principal use on
18 the lot and which exclusively serve that use. Towers are subject to the
19 requirements of Section 128.0.E.

20 3. Small wind energy system, building mounted, subject to the requirements of
21 Section 128.0.L.

22 4. Accessory solar collectors.

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25 **F. Bulk Regulations**

26 (Also see section 128.0.A, supplementary bulk regulations.)

27 1. The following maximum limitations shall apply:

- 1 a. Height40 feet
- 2 2. The following minimum structure and use setbacks shall apply:
 - 3 a. From a public street right-of-way10 feet
 - 4 b. From all RC or RR zoned property30 feet
 - 5 c. From a business district0 feet
 - 6 d. If a BRX District is separated from a different zoning district by a public
7 street, only the setback from a public street right-of-way shall apply.
- 8 3. In its approval of a BRX District, the Zoning Board may grant an increase in the
9 maximum height or maximum lot coverage, and reductions in minimum structure
10 and use setbacks, upon a finding that these proposed revisions will still ensure that
11 the development is compatible with the neighboring land uses.

12 **G. Procedure for Creation of a BRX District**

- 13 1. The owner of an interest in a tract of land in Howard County may petition the
14 Zoning Board to designate the property as a BRX District.
- 15 2. The Preliminary Development Plan and the architectural design of proposed
16 building(s) shall have been reviewed by the Design Advisory Panel in accordance
17 with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of
18 the zoning petition to the Department of Planning and Zoning. The petitioner shall
19 provide documentation with the petition to show compliance with this criterion.
20 The parcel shall assess and make recommendations regarding the compatibility of
21 the proposal with the traditional rural character of existing commercial uses in the
22 vicinity.
- 23 3. The petition shall include:
 - 24 a. A boundary survey of the property covered by the petition.
 - 25 b. A Preliminary Development Plan of the property covered by the petition. The
26 Preliminary Development Plan shall show:
 - 27 (1) Existing topography, 100-year floodplain areas and wetland areas.
 - 28 (2) The location of proposed points of access to the site.

- 1 (3) The location of proposed landscaped areas and development areas,
2 including the approximate acreage of each.
- 3 (4) The location of proposed wells and septic system percolation areas.
- 4 4. The petition may also include preliminary development criteria that includes the
5 following:
- 6 a. Permitted uses. The preliminary development criteria may, but is not required
7 to, limit the uses permitted by right to a subset of those permitted by Section
8 117.0.C.
- 9 b. Text defining an existing commercial use on the site that will continue to be
10 allowed as permitted by Section 117.0.D.
- 11 c. Additional bulk or design requirements.
- 12 5. The Zoning Board may grant a petition for a BRX District based upon findings
13 that:
- 14 a. The proposed district will accomplish the purposes of the BRX District; and
15 b. The site meets the criteria listed in Subsection B of this Section; and
16 c. The proposed landscaping provides appropriate buffering of the permitted
17 uses from existing land uses in the vicinity in accordance with the
18 requirements of the Howard County Landscape Manual.
- 19 6. If the petition is granted:
- 20 a. The Zoning Board shall, by decision and order, approve the preliminary
21 development plan and criteria and shall create a BRX District covering the
22 land in the petition. The Zoning Board may restrict the uses permitted in the
23 Preliminary Development Plan.
- 24 b. The Zoning Board may in its Decision and Order modify or attach conditions
25 to the Preliminary Development Plan or criteria, stating the reasons for its
26 actions. The Zoning Board may approve Variances in conjunction with the
27 Preliminary Development Plan or documented site plan.

- 1 c. A copy of the Preliminary Development Plan and criteria shall be certified as
2 approved by the Zoning Board and a verified copy of the same shall be
3 forwarded to the Department of Planning and Zoning and the petitioner.

4 **H. Conformance with Preliminary Development Plan**

5 No Site Development Plan shall be approved for a BRX District unless the Site Development
6 Plan conforms substantially to the Preliminary Development Plan. The Department of
7 Planning and Zoning may approve minor modifications to the configuration of buildings or
8 other improvements as long as they do not move closer to abutting residential properties or
9 other uses that might be adversely impacted, unless the Zoning Board revokes this
10 administrative authority in the Decision and Order. More significant modifications to the uses
11 or the development area shown on the Preliminary Development Plan must be approved by
12 the Zoning Board, following the same procedures used for a petition to create a BRX
13 District.]]

14 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that*
15 *this Act shall become effective 61 days after its enactment.*

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