



February 16, 2017

TECHNICAL STAFF REPORT

Planning Board Meeting on March 2, 2017

Case No./Petitioner: ZRA-176 - Greg Fox and Mary Kay Sigaty, Councilmembers

Request: Delete Section 117.0: BRX (Business Rural Crossroads) District from the Zoning Regulations.

I. BACKGROUND

The BRX zoning district was established in the 2013 Comprehensive Zoning Plan to implement Policy 10.7 of the *PlanHoward2030* General Plan, which states: "Improve the functioning and design of rural commercial crossroads." This policy also includes the following implementation action: "Commercial Crossroads Plans. Identify and prioritize areas in the West that would benefit from planning activities that assess business and community needs and determine strategies to support the economic function and design of rural commercial crossroads." Numerous commercial rural crossroads communities were analyzed and four were identified for commercial expansion, including Dayton, Lisbon, Highland, and Glenwood.

The purpose of the BRX zoning district is to provide opportunities to expand commercial businesses within certain rural crossroads and to sustain and enhance these areas. It is a floating zone that applies to four rural areas: Dayton, Lisbon, Highland, and Glenwood. The BRX zoning district allows new commercial development on rural crossroads properties and requires Zoning Board approval of a preliminary development plan before the zone can be applied to a property. To date, no property owner has applied for the BRX zoning district.

In response to community concerns regarding the impact of the BRX zoning district on rural crossroad communities, Council Bill 55-2015 (CB-55-15) became effective on April 11, 2016. It established a 12-month moratorium on applications for BRX and commissioned DPZ to evaluate any deficiencies and unintended consequences of the BRX zoning district.

During April 2016, DPZ conducted five Community Zoning Workshops in the Business Rural Crossroad areas (Dayton, Lisbon, Highland, and Glenwood) to address the questions and tasks posed in CB-55-15. DPZ also hosted a webpage where information from each meeting was posted. The webpage allowed public comments between April 6 and May 28, 2016.

Appendix C of Exhibit C summarizes the input from the public meetings, while Appendix D of Exhibit C contains comments submitted electronically. Overwhelmingly, citizens expressed dissatisfaction with the BRX Zoning District. Major issues included:

- Adequacy of infrastructure: water, sewer, roads, and fire rescue
- Lack of market demand to support additional commercial

- Potential to impact rural character
- Increased traffic
- Potential for development to expand beyond four corners
- Potential to aggregate properties – increasing size and scale
- Lack of a comprehensive vision for each crossroad area
- Ability of Zoning Board to vary bulk regulations
- Compatibility of land uses

DPZ considered community input from the five town hall workshops and submitted electronically, conducted a technical analysis of the regulations, and identified four major deficiencies with the current BRX zoning:

- 1) A one size fits all approach for four distinct communities does not work.
- 2) Water/sewer infrastructure is inadequate in some locations.
- 3) Expansion of commercial development has unintended consequences.
- 4) The demand for additional commercial development is questionable.

Based on these deficiencies and because no one has applied for a BRX zoning designation, the Department of Planning and Zoning submitted a recommendation to eliminate the BRX zoning district to County Council on October 12, 2016. (Exhibit C)

II. DESCRIPTION AND EVALUATION OF PROPOSAL

This section contains DPZ's technical evaluation of ZRA-176. The Petitioner's proposed amendment text is attached as Exhibit A, Petitioner's Proposed Text.

Section 117.0: BRX (Business Rural Crossroads) District

Section 117.0 – Delete the entire section.

The proposed amendment removes the entire BRX zoning district from the Zoning Regulations.

DPZ recommends approval of ZRA-176 for the reasons described below:

One size fits all approach

The current regulations apply the same criteria to four very distinct communities. A preliminary character analysis of the BRX area in each community revealed that each one has unique elements and character that may not be accommodated through a one-size-fits-all approach. A more tailored approach could be achieved through other tools, such as master and small area plans, or form based codes to implement plan recommendations. When applied correctly, these tools should consider and analyze the market, architectural character, scale, landscape, and other features of an individual community or area.

This approach is consistent with PlanHoward 2030 goals, specifically Policy 10.7 which seeks to *“Improve the functioning and design of rural commercial crossroads”* through implementation of Commercial Crossroad Plans that *“identify and prioritize areas in the West that would benefit from planning activities that assess business and community needs and determine strategies to support the economic function and design of rural commercial crossroads.”*

Water/sewer Infrastructure

The Howard County Bureau of Environmental Health reviewed all properties in each BRX area for reports/complaints of failed septic systems or wells, low flow rates, and known contamination issues. For example, the results found potential well and septic challenges in Lisbon, for which solutions may be costly and difficult to achieve.

Unintended consequences

For a property to apply for and receive a BRX zoning designation three criteria must be met: 1) a “portion” of the property must lie within a certain distance from the centerline of a specified intersection, 2) each parcel in the District must entirely or partially adjoin an existing BR, BRX, B-1, B-2, or CCT District and 3) the proposed location must be compatible with traditional rural architectural character of existing commercial land uses in the vicinity.

Appendix F of Exhibit C contains maps depicting properties that are immediately eligible for a BRX designation, if the above criteria 1 and 2 are met. While the properties shown in green and blue both meet criteria #1, only those in green (Immediate) currently meet criteria #2, since they adjoin a BR, B-1, B-2 or CCT district. Therefore, they are immediately eligible for a BRX designation. Properties in blue (Potential) do not currently meet criteria #2, but could in the future if adjoining properties are rezoned.

As seen on these maps, the potential BRX envelope expands well beyond the specified intersections to include properties with little to no frontage on either crossroad corridor. This “domino effect” can be attributed to criteria #1, which allows a “portion” of the property to lie within a boundary area. This was identified as a deficiency in the current regulations that could lead to compatibility issues, since commercial development could be intensified adjacent to residential. Appendix 3 also shows the acreage associated with the immediate and potential commercial envelopes.

Lack of Demand

The rural crossroad communities expressed concern about the amount of existing, vacant, commercial space. The most notable example is the Glenwood Station retail center, where only 12 of the 24 storefronts are currently occupied. Based on field investigations and site plan data the 40,000 square foot center contains 19,600 square feet (49%) of vacant space, which suggests that more commercial development in this area is not needed. Also, it is evident that there are a variety of existing commercial destinations in close proximity to the rural crossroads. For the Highland area, nearby commercial includes Olney (7 miles), Clarksville (2.5 miles) and Maple Lawn (5 miles) and of course Highland’s existing businesses. Overall, existing commercial centers and businesses can sufficiently meet the needs of the community without the need for the BRX District.

III. GENERAL PLAN

The Petitioner asserts that ZRA-176 is in harmony with of the following PlanHoward 2030 (General Plan) policy:

Policy 10.7

“Improve the functioning and design of rural commercial crossroads”

Implementation Action A

“Commercial Crossroads Plans. Identify and prioritize areas in the West that would benefit from planning activities that assess business and community needs and determine strategies to support the economic function and design of rural commercial crossroads.”

The BRX zoning district was created to implement this General Plan policy; however, the approach was too general and lacked a thorough analysis of each rural crossroads community. This resulted in zoning regulations that did not address the unique needs and character of individual rural crossroad communities and created significant unintended consequences. DPZ concurs that the BRX zoning district should be eliminated and suggests alternate means of achieving Policy 10.7 be evaluated through the comprehensive review of the County’s development regulations.

IV. AGENCY COMMENTS

The Bureau of Environmental Health, the Department of Inspections, Licenses and Permits, the Department of Recreation and Parks, and the Department of Fire and Rescue Services had no comments.

Comments from all other applicable agencies have not yet been received. Any substantive comments received from these agencies before the Planning Board Public Hearing will be forwarded to the Planning Board members before the hearing date.

V. ADDITIONAL AMENDMENTS


The HCZR contains several references to the BRX District and if ZRA-176 is approved these should be deleted. They are found in Section 120.0.E.2.b. of the Supplementary Regulations for Communication Towers, Section 128.0.L. concerning Building Mounted Small Wind Energy Systems, and Section 134.0.B.1 in the Outdoor Lighting section. These recommended minor amendments are in Exhibit B, attached to this Technical Staff Report.

VI. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-176 be **APPROVED**, with the additional amendments shown on Exhibit B.

Approved by:

 2-16-17
Valdis Lazdins, Director Date

NOTE: The file is available for public review by appointment at the Department of Planning and Zoning Public Information Counter.

Exhibit A - Petitioner's Proposed Text

[[Brackets indicate text to be deleted]].)

[[SECTION 117.0: BRX (Business Rural Crossroads) District

A. Purpose

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

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

B. Criteria

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

1. The proposed BRX District is located within the Dayton, Highland, Lisbon, and Glenwood Rural Crossroads. The Dayton Rural Crossroads includes any property a portion of which is located within 1,000 feet of the centerline of the intersection of Ten Oaks Road and Greenbridge Road. The Highland Rural Crossroads includes any property a portion of which is located within 1,000 feet of the centerline of the intersection of MD 108 and MD 216; The Lisbon Rural crossroads include any property a portion of which is located within: 550 feet of MD 94 to the north of the centerline of the intersection of MD 144 and MD 94; 375 feet of MD 94 to the south of the centerline of the intersection of MD 144 and MD 94; 560 feet of MD 144 to the west of the centerline of the intersection of MD 144 and MD 94; and 2,500 feet of MD 144 to the east of the centerline of the intersection of MD 1444 and MD 94. The Glenwood Rural crossroads include any property a portion of which is located within: 930 feet of MD 97 to the north of the centerline of the intersection of MD 97 and Carrs Mill and McKendree Roads; 1,200 feet of MD 97 to the south of the centerline of the intersection of MD 97 and Carrs Mill and McKendree Roads; 325 feet of Carrs Mill Road to the west of the centerline of the intersection of MD 97 and Carrs Mill and McKendree Roads; and 300 feet of McKendree Road to the east of the centerline of the intersection of MD 97 and Carrs Mill and McKendree Roads; and.
2. The parcel or parcels comprising the proposed BRX District must entirely or partially adjoin an existing BR, BRX, B-1, B-2, or CCT District; and
3. A BRX District at the proposed location will be compatible with traditional rural architectural character of existing commercial land uses in the vicinity of the site.

C. Uses Permitted as a Matter of Right

1. Animal hospitals, completely enclosed.
2. Antique shops, art galleries, craft shops.
3. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
4. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions without drive-through lanes.
5. Bicycle sales and repairs.
6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
7. Catering establishments and banquet facilities.

8. Child day care centers and nursery schools.
9. Clothing and apparel stores with goods for sale or rent.
10. Convenience stores, not to exceed 4,000 square feet.
11. Drug and cosmetic stores, not to exceed 7,500 square feet.
12. Farmers markets and farm produce stands.
13. Food stores, not to exceed 7,500 square feet.
14. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
15. Government structures, facilities and uses, including public schools and colleges.
16. Hardware stores, not to exceed 7,500 square feet.
17. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements, not to exceed 7,500 square feet, provided such building materials and supplies are enclosed in a building.
18. Liquor stores.
19. Multi-plex Dwellings
20. Nursing homes and residential care facilities.
21. Nonprofit clubs, lodges, community halls.
22. Offices, professional and business.
23. One square foot of residential space is permitted for each square foot of commercial space and must be located within the same structure.
24. Personal service establishments.
25. Pet grooming establishments and daycare, completely enclosed.
26. Religious facilities, structures and land used primarily for religious activities.
27. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
28. Restaurants, carryout, including incidental delivery service.
29. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
30. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
31. Service agencies.
32. Specialty stores.

D. Modifications to nonconforming uses

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

1. The Zoning Board finds that the use is a nonconforming use that legally existed on the site prior to the property's designation as a BRX District.
2. The use is defined and described by the approved preliminary development criteria.
3. The site may be redeveloped to accommodate a redesign of the existing use, including demolition of existing buildings, construction of new buildings, and alterations to parking or driveways. The redevelopment must be shown on the approved Preliminary Development Plan.

E. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Section 128.0.E.

3. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
4. Accessory solar collectors.

F. Bulk Regulations

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

1. The following maximum limitations shall apply:
 - a. Height 40 feet
2. The following minimum structure and use setbacks shall apply:
 - a. From a public street right-of-way 10 feet
 - b. From all RC or RR zoned property 30 feet
 - c. From a business district 0 feet
 - d. If a BRX District is separated from a different zoning district by a public street, only the setback from a public street right-of-way shall apply.
3. In its approval of a BRX District, the Zoning Board may grant an increase in the maximum height or maximum lot coverage, and reductions in minimum structure and use setbacks, upon a finding that these proposed revisions will still ensure that the development is compatible with the neighboring land uses.

G. Procedure for Creation of a BRX District

1. The owner of an interest in a tract of land in Howard County may petition the Zoning Board to designate the property as a BRX District.
2. The Preliminary Development Plan and the architectural design of proposed building(s) shall have been reviewed by the Design Advisory Panel in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the zoning petition to the Department of Planning and Zoning. The petitioner shall provide documentation with the petition to show compliance with this criterion. The parcel shall assess and make recommendations regarding the compatibility of the proposal with the traditional rural character of existing commercial uses in the vicinity.
3. The petition shall include:
 - a. A boundary survey of the property covered by the petition.
 - b. A Preliminary Development Plan of the property covered by the petition. The Preliminary Development Plan shall show:
 - (1) Existing topography, 100-year floodplain areas and wetland areas.
 - (2) The location of proposed points of access to the site.
 - (3) The location of proposed landscaped areas and development areas, including the approximate acreage of each.
 - (4) The location of proposed wells and septic system percolation areas.
4. The petition may also include preliminary development criteria that includes the following:
 - a. Permitted uses. The preliminary development criteria may, but is not required to, limit the uses permitted by right to a subset of those permitted by Section 117.0.C.
 - b. Text defining an existing commercial use on the site that will continue to be allowed as permitted by Section 117.0.D.
 - c. Additional bulk or design requirements.

5. The Zoning Board may grant a petition for a BRX District based upon findings that:
 - a. The proposed district will accomplish the purposes of the BRX District; and
 - b. The site meets the criteria listed in Subsection B of this Section; and
 - c. The proposed landscaping provides appropriate buffering of the permitted uses from existing land uses in the vicinity in accordance with the requirements of the Howard County Landscape Manual.
6. If the petition is granted:
 - a. The zoning board shall, by decision and order, approve the preliminary development plan and criteria and shall create a BRX District covering the land in the petition. The Zoning Board may restrict the uses permitted in the Preliminary Development Plan.
 - b. The Zoning Board may in its Decision and Order modify or attach conditions to the Preliminary Development Plan or criteria, stating the reasons for its actions. The Zoning Board may approve Variances in conjunction with the Preliminary Development Plan or documented site plan.
 - c. A copy of the Preliminary Development Plan and criteria shall be certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner.

H. Conformance with Preliminary Development Plan

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

[Section 117.0 should be noted as being reserved for future text]

Exhibit B – Additional Amendments

Section 120.0.E.2.b.

- b. Setbacks for communication towers in the POR, PEC, CCT, B-1, B-2, SC, I, ~~[[BRX,]]~~ BR, M-1, M-2, and CE Districts, and in employment land use areas of the PGCC and MXD Districts:
 - (1) From residential districts: a minimum distance equal to half the tower height (including antennas) measured from ground level.
 - (2) From public street rights-of-way: a minimum distance equal to 50 feet or one-third of the tower height (including antennas) measured from ground level, whichever is greater.

Section 128.0.L.

L. Small Wind Energy Systems, Building Mounted

The following requirements apply to Small Wind Energy Systems, Building Mounted located in the following districts as an accessory use: RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, I, POR, PEC, ~~[[BRX,]]~~ BR, CCT, B-1, B-2, SC, CEF, CR, M-1, M-2, PGCC, CE, TOD, CAC, MXD, PSC, TNC, and NT provided:

Section 134.0.B.1.

B. Applicability

The requirements of this Section apply to lighting in the following locations, not including lighting of public streets:

- 1. Outdoor lighting of land in the HO, HC, POR, PEC, OT, CCT, B-1, B-2, SC, ~~[[BRX,]]~~ BR, CR, TNC, CEF, M-1, M-2, SW, CE, CLI, TOD and CAC Districts; and



October 12, 2016

To: *Members of the County Council*

From: *Valdis Lazdins, Director*
Department of Planning and Zoning

Subject: *Council Bill-55-2015- Recommendations*

I. PURPOSE

In response to Council Bill 55-2015 (CB-55-15), DPZ evaluated Section 117.0- Business Rural Crossroads District (BRX) and Section 117.1- Business Rural District (BR) of the Howard County Zoning Regulations (HCZR). This report summarizes the results of that evaluation and provides a recommendation to the County Council.

II. BACKGROUND

CB-55-15 became effective on April 11, 2016 and established a 12-month prohibition on development applications for BRX or BR rezonings, where a BRX rural crossroads definition exists. The Act further commissioned DPZ to:

- 1) Study the deficiencies of the zoning districts in areas where the BRX District is allowed and recommend revisions and improvements;
- 2) Evaluate how to best achieve the intended purposes of these zoning districts, without risking unintended consequences; and
- 3) Provide the County Council time to correct those deficiencies and make improvements, before a rezoning application is considered by the Zoning Board.

The purpose of the BRX Zoning District is to provide opportunities to expand businesses located within specific rural crossroads and to sustain and enhance these areas. It is a floating zone that applies to four rural areas: Dayton, Lisbon, Highland, and Glenwood.

The BR Zoning District is also a floating zone, however; it is not geographically limited and can be applied anywhere outside the Planned Service Area. The purpose of the BR District is to allow the development of businesses that support the agricultural industry or needs of farmers. Appendix A

contains a chart comparing the permitted uses in each of the light commercial zones: B-1, BRX and BR.

Unlike mapped zones, floating zones require approval of a preliminary development plan by the Zoning Board before the zone can be applied to a property. To date, no one has applied for the BRX Zoning District and only five properties are zoned BR, with one application pending.

III. EVALUATION

Community Engagement

During April 2016 DPZ conducted Community Zoning Workshops in each of the Business Rural Crossroad areas to address the questions and tasks posed in CB-55-15. First, DPZ staff presented an overview of CB-55-2015, provided technical guidance on zoning in Howard County, and reviewed the specific regulations associated with the BR and BRX zoning districts. The second part of the workshop was dedicated to small group discussions where participants were asked:

- What are the deficiencies in the BR and BRX Zoning Districts?
- Is there a problem with the permitted uses? What do you want to see changed? What are we missing?

Each group was provided a large map of each potential BRX area, with the boundaries of each Zoning District overlaid on individual properties. Participants were asked to identify which properties, if any, should remain eligible for BRX zoning. The overlay maps are included in Appendix B.

DPZ also hosted a webpage where information from each meeting was posted. The public could also provide comments – beginning after the first community meeting on April 6, 2016 up to May 28, 2016.

Results of community engagement

Appendix C summarizes the input received from the public meetings while Appendix D contains comments submitted electronically. Overwhelmingly, residents in each area expressed dissatisfaction with the BRX Zoning District. Major issues included:

- Adequacy of infrastructure: water, sewer, roads, and fire rescue
- Lack of market demand to support additional commercial
- Potential to impact rural character
- Increased traffic
- Potential for development to expand beyond four corners
- Potential to aggregate properties – increasing size and scale
- Lack of a comprehensive vision for each crossroad area

- Ability of Zoning Board to vary bulk regulations
- Compatibility of land uses

DPZ technical analysis

BRX Zoning District

DPZ considered community input, conducted a technical analysis of the regulations, and identified four major deficiencies with the current BRX zoning:

- 1) One size fits all approach: The current regulations apply the same criteria to four very distinct communities. A preliminary character analysis of the BRX area in each community was presented during the workshops and revealed that each one has unique elements and character that may not be accommodated through a one-size-fits-all approach. A more tailored approach could be achieved through other tools, such as master and small area plans, or form based codes to implement plan recommendations. When applied correctly, these tools should consider and analyze architectural character, scale, landscape, and other features of an individual community or area.

This approach is consistent with PlanHoward 2030 goals, specifically Policy 10.7 which seeks to *“Improve the functioning and design of rural commercial crossroads”* through implementation of Commercial Crossroad Plans that *“identify and prioritize areas in the West that would benefit from planning activities that assess business and community needs and determine strategies to support the economic function and design of rural commercial crossroads.”*

- 2) Water/sewer Infrastructure: The Howard County Bureau of Environmental Health reviewed all properties in each BRX area for reports/complaints of failed septic systems or wells, low flow rates, and known contamination issues. The results, contained in Appendix E- Memorandum dated June 23, 2016, found potential well and septic challenges in Lisbon. The report indicates that properties in Lisbon may not be able to meet well and septic standards and offsets.
- 3) Unintended consequences: For a property to apply for and receive a BRX zoning designation three criteria must be met: 1) a “portion” of the property must lie within a certain distance from the centerline of a specified intersection, 2) each parcel in the District must entirely or partially adjoin an existing BR, BRX, B-1, B-2, or CCT District and 3) the proposed location must be compatible with traditional rural architectural character of existing commercial land uses in the vicinity.

Appendix F contains maps depicting properties that are immediately eligible for a BRX designation, if the above criteria 1 and 2 are met. While the properties shown in green and blue both meet criteria #1, only those in green (Immediate) currently meet criteria #2, since they adjoin a BR, B-1, B-2 or CCT district. Therefore, they are immediately eligible for a BRX

designation. Properties in blue (Potential) do not currently meet criteria #2, but could in the future if adjoining properties are rezoned.

As seen on these maps, the potential BRX envelope expands well beyond the specified intersections to include properties with little to no frontage on either crossroad corridor. This “domino effect” can be attributed to criteria #1, which allows a “portion” of the property to lie within a boundary area. This was identified as a deficiency in the current regulations that could lead to compatibility issues, since commercial development could be intensified adjacent to residential. Appendix F also show the acreage associated with the immediate and potential commercial envelopes.

With respect to criteria #3, the current regulations are vague and difficult to interpret. First, the term “vicinity” is ambiguous and subject to interpretation. Additionally, determining whether a proposed development is “compatible with traditional rural architecture” is challenging absent a formal character analysis of an area. Such an analysis should be conducted in conjunction with local residents and business owners and consider contextual building types, existing land use patterns, public spaces, and streetscapes. Character analyses are commonly included as part of a master or small area plan and are required for form based codes.

- 4) Lack of Demand: Many citizens were concerned about the amount of existing, vacant, commercial space. The most notable example is the Glenwood Station retail center, where only 12 of the 24 storefronts are currently occupied. Based on field investigations and site plan data, the 40,000 square foot center contains 19,600 square feet (49%) of vacant space, which suggests that more commercial development in this area is not needed.

Additionally, Highland residents stressed that a variety of existing commercial destinations are already in close proximity, such as Olney (7 miles), Clarksville (2.5 miles) and Maple Lawn (5 miles). These commercial centers sufficiently meet the needs of the community.

BR Zoning District

DPZ received significantly less input on the BR Zoning District than BRX. However, public comments were reviewed, along with the historical application of the BR District. Based on this evaluation, DPZ concluded that the current BR regulations generally achieve the intended purpose of the Zoning District.

Historical Evaluation: The BR Zoning District was created during 1992 Comprehensive Zoning. The General Plan at that time identified a need to “adopt and designate a new rural commercial zone in various locations that makes provisions for numerous commercial activities now allowed in the rural area as special exceptions, as well as some key commercial needs of area residents and rural businesses; integral to the zone will be guidelines to ensure scale and design compatibility with the low intensify rural setting.” The BR district was crafted to provide commercial opportunities in the western part of Howard County. At that time commercial was only allowed there in commercial or industrial zones, or as a special exception use. To address the potential impacts of permitted commercial uses,

Zoning Board approval of a Preliminary Development Plan (PDP) was required for a specific site before a rezoning to BR could occur.

In 1994, through ZB-941M, the BR Zoning District was amended to include the following uses:

- *Farm Machinery and Equipment, Maintenance, Repair and Painting Facilities.*
- *Gasoline Service Station, provided the use is indicated on the preliminary development plan approved by the Zoning Board*

Finally, significant edits were made during 2013 Comprehensive Zoning (see Appendix G). To date, the County has received nine applications for BR zoning. Of those, one was withdrawn, one was dismissed, one was denied, five were approved and one is currently under review.

RECOMMENDATIONS

Business Rural Crossroads Zoning District: Based on community input, technical analyses, and the fact that no one has applied for a BRX zoning designation; the Department of Planning and Zoning recommends amending the Zoning Regulations to eliminate the BRX Zoning District. Should the Council wish to follow this recommendation, sufficient time is available to process a Zoning Regulation Amendment and take action prior to the expiration of CB-55-15.

Business Rural Zoning District: Given the limited application of the zone over the past 24 years, and the comprehensive review and analysis conducted in 2013, DPZ does not recommend any further amendments to the BR Zoning District at this time.

APPENDIX A

Permitted Use

	BR	BRX	B-1
Adult book or video stores, subject to the requirements of Section 128.0.H			✓
Ambulatory health care facilities.			✓
Animal hospital, completely enclosed.	✓	✓	✓
Antique shops, art galleries and craft shops.		✓	✓
Auction facilities.	✓		
Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.		✓	✓
Banks, saving and loan associations, investment companies, credit unions, brokers, and similar financial institutions.			✓
Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions without drive-through lanes.		✓	
Bicycle repair shops.			✓
Bicycle sales and repairs.	✓	✓	
Blueprinting, printing, duplicating or engraving services, limited to 2,000 square feet of net floor area.			✓
Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.		✓	✓
Carpet and floor covering stores.			✓
Carpet and rug cleaning.			
Catering establishments and banquet facilities.		✓	✓
Cemeteries and mausoleums.			
Child day care centers and nursery schools.		✓	✓
Child day care centers.			
Clothing and apparel stores with goods for sale or rent.		✓	✓
Commercial communication antennas.			✓
Commercial communication towers with a height of less than 200 feet measured from ground level, Sec 128.0.E.			✓
Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.	✓		✓
Contractor's office and indoor or outdoor storage facility, provided that the maximum lot size for such use shall be ten acres.	✓		
Convenience stores, not to exceed 4,000 square feet.	✓	✓	
Convenience stores.			✓
Convents and monasteries used for residential purposes.			✓

APPENDIX A

Permitted Use

	BR	BRX	B-1
Day treatment and care facilities.			✓
Drug and cosmetic stores, not to exceed 7,500 square feet.		✓	
Drug and cosmetic stores.			✓
Farm machinery and equipment maintenance, repair and painting facilities.	✓		
Farm machinery and equipment sales.	✓		
Farm supply stores.	✓		
Farmer's markets and farm produce stands.	✓	✓	
Farmers markets.			✓
Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. Sec 128.0.	✓		✓
Feed and grain mills.	✓		
Firewood sales.	✓		
Food stores, not to exceed 7,500 square feet.		✓	
Food stores.			✓
Funeral homes and mortuaries.			✓
Furniture, appliance and business machine repair, furniture upholstery and similar services.		✓	✓
Gasoline service station, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board.	✓		
Government structures, facilities and uses, including public schools and colleges.	✓	✓	✓
Hardware stores, not to exceed 7,500 square feet.		✓	
Hardware stores			✓
Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements, not to exceed 7,500 square feet, provided such building materials and supplies are enclosed in a building.		✓	
Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements provided such building materials and supplies are enclosed in a building.			✓
Horse tack and saddlery shop.	✓		
Laundry and dry cleaning establishments, except that pickup and delivery services shall not be provided.			✓
Lawn and garden equipment sales, maintenance and repair.	✓		✓
Liquor stores.		✓	✓
Livestock sales and auction markets.	✓		

APPENDIX A

Permitted Use

	BR	BRX	B-1
Mobile home and modular home sales and rentals, but not including occupancy, provided that any such use is located on a lot which adjoins a lot zoned R-MH pursuant to Section 113.1 of these Regulations.			✓
Motor vehicle parts or tire stores, without installation facilities.			✓
Multi-plex Dwellings		✓	
Museums and libraries.			✓
Nonprofit clubs, lodges, community halls.	✓	✓	✓
Nursing homes and residential care facilities, in the Non-Planned Service Area for Water and Sewerage.			✓
Nursing homes and residential care facilities.		✓	
Offices, professional and business.		✓	✓
One square foot of residential space is permitted for each square foot of commercial space and must be located within the same structure.	✓	✓	✓
Personal service establishments		✓	✓
Pet grooming establishments and daycare, completely enclosed.		✓	
Pet grooming establishments.			✓
Processing and storage of agricultural products, including grain, fruit, vegetables, meat or animal products.	✓		
Religious facilities, structures and land used primarily for religious activities.	✓	✓	✓
Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.		✓	✓
Restaurant, standard, and beverage establishments including those serving beer, wine, and liquor provided the site has direct access to and frontage on a collector or arterial road designated in the General Plan.	✓		
Restaurant, standard, and beverage establishments including those serving beer, wine, and liquor		✓	✓
Restaurants, carryout, including incidental delivery services.		✓	✓
Retail greenhouse, garden center or nursery.	✓		
Retail greenhouses, garden centers and nurseries, including incidental sale of firewood.			✓
Sawmills.	✓		
School bus storage.	✓		
Schools, commercial.			✓
Schools, private academic, including colleges and universities.			✓
Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.	✓	✓	✓
Service agencies.		✓	✓

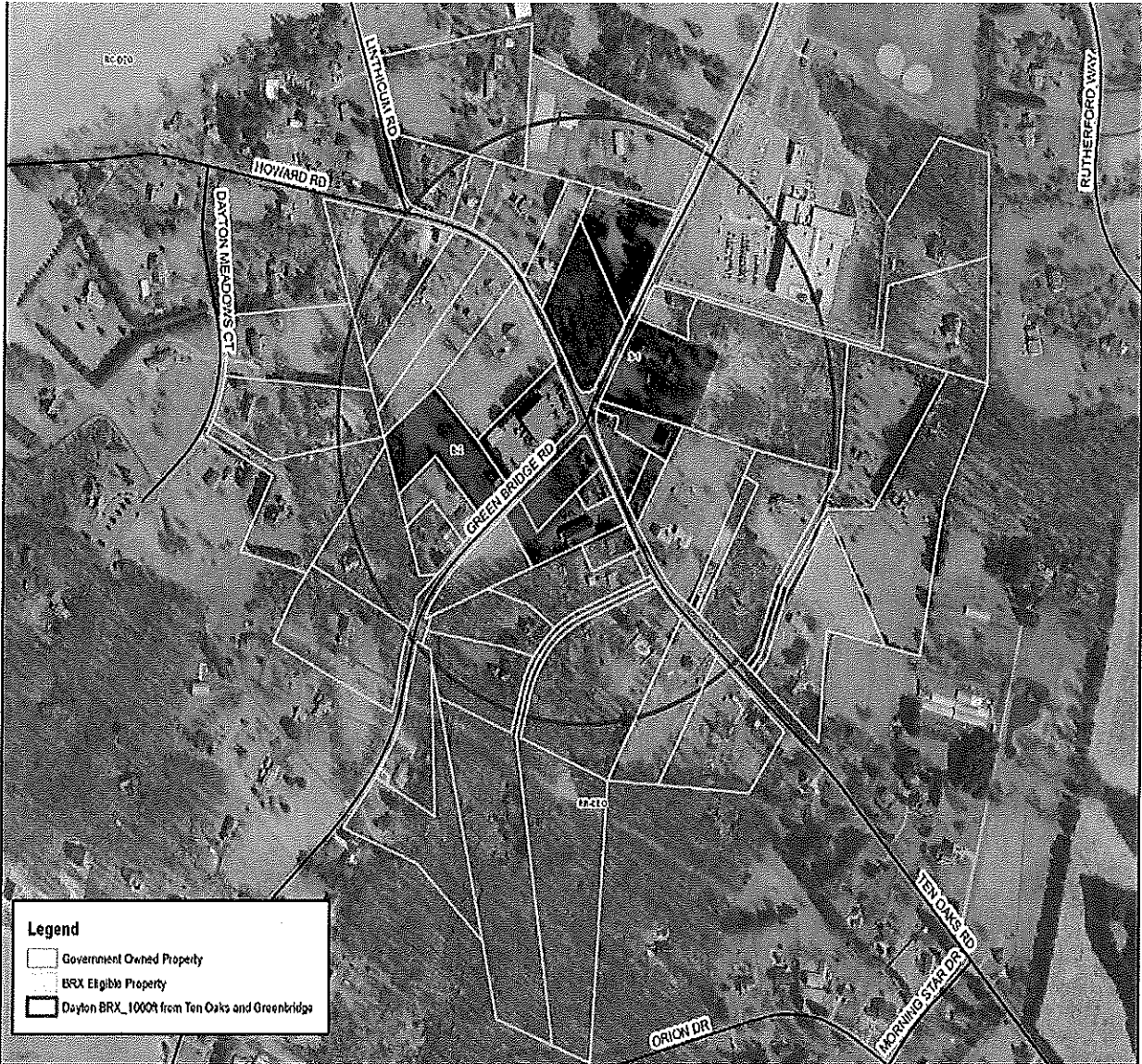
APPENDIX A

Permitted Use

	BR	BRX	B-1
Specialty stores.		✓	✓
Swimming pools, commercial or community.			✓
Underground pipelines; underground electric transmission and distribution lines; underground telephone, telegraph and CATV lines;	✓		✓
Volunteer fire departments.	✓		✓
Welding service.	✓		

APPENDIX B- COMMUNITY MEETING MAPS

Dayton- BRX Zoning District



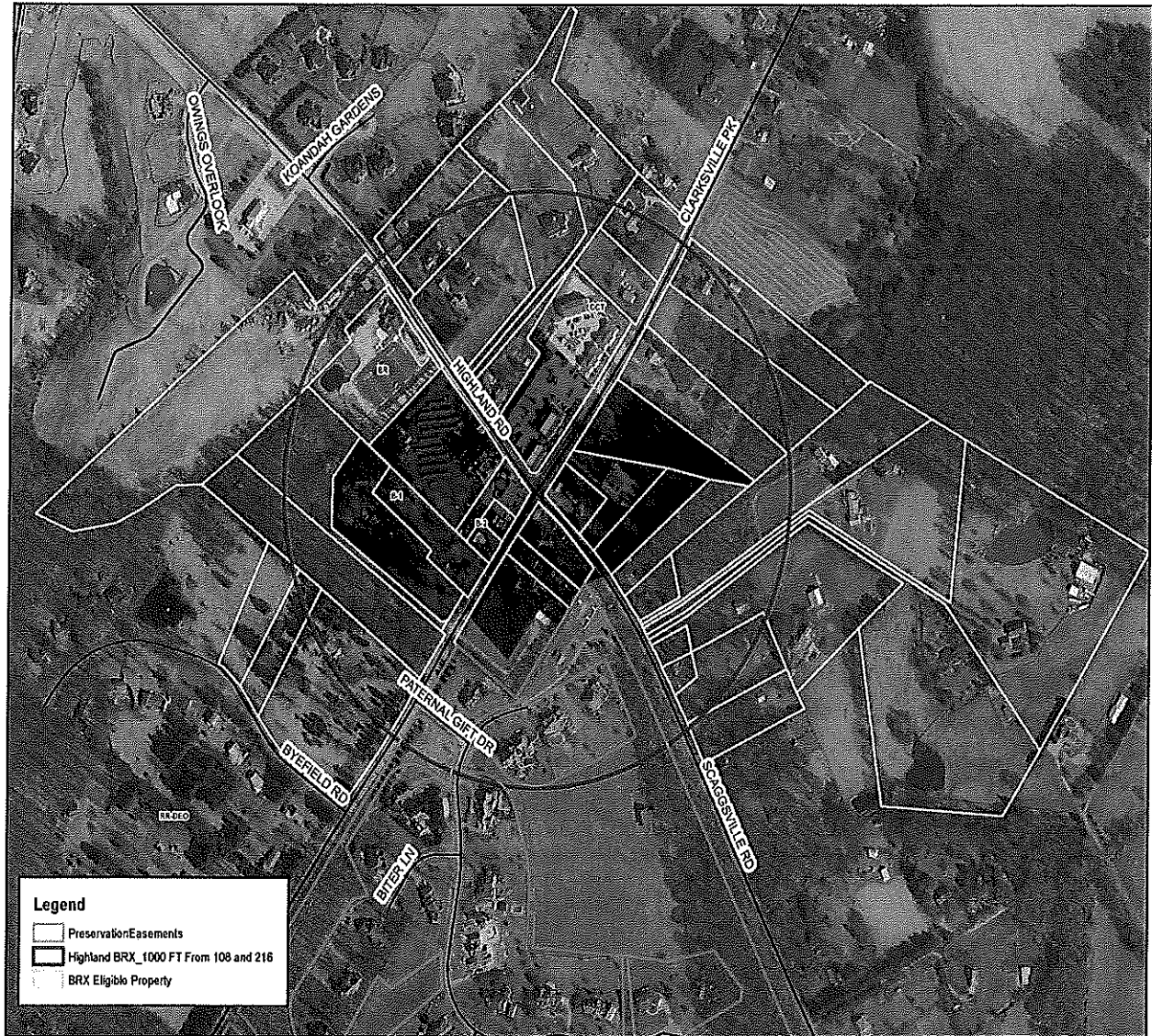
APPENDIX B- COMMUNITY MEETING MAPS

Glenwood – BRX Zoning District



APPENDIX B- COMMUNITY MEETING MAPS

Highland – BRX Zoning District



APPENDIX B- COMMUNITY MEETING MAPS

Lisbon – BRX Zoning District



APPENDIX C- BR/BRX Workshop Breakout Session Comments

Town	Question 1 <i>What are the deficiencies in the BR zoning district? What are the deficiencies in the BRX zoning district?</i>	Question 2 <i>Is there a permitted use problem? What do you want to see changed? What are we missing?</i>
DAYTON	<ol style="list-style-type: none"> 1. Lack of Demand <ul style="list-style-type: none"> • Two (2) miles up road substantial business already exist and Clarksville is nearby • Under-utilized commercial already exists 2. Dayton Meadows Court is suited for residential access 3. Architectural character is an ambiguous term 4. BR/BRX scale is not well defined 5. No parcel eligible on intervening road or arterial 6. Strip mall would not fit in with community – need to address architectural features and scale would be too large 7. If it has frontage, it should be allowed as BR/BRX – on Greenbridge/Ten Oaks 8. Institutional uses included in BRX (Dayton Oaks E.S.) 9. ‘Domino Effect’ of BRX – threatens residential area 	<ol style="list-style-type: none"> 1. Some contradictions BRX uses 2. No multiplex housing 3. Permitted uses could be in conflict with well/septic 4. Tattoo Parlor, Massage Parlor, Adult book store “Adult Use” not appropriate 5. No carnivals and fairs 6. Concern with noise associated with existing commercial trucks 7. No convenience store not to exceed 4,000 sq. ft. 8. No uses not to exceed 7,500 ft. (Drug, Cosmetic Stores, Food and Hardware Stores and Home Improvement Stores) 9. Business adjacent to school 10. Add frontage requirement to BRX criteria 11. BR/BRX Zoning – if you go thru effort to rezone, more options should be available between BR/BRX – some uses in BR should be in BRX 12. Too many use categories

APPENDIX C- BR/BRX Workshop Breakout Session Comments

Town	Question 1 <i>What are the deficiencies in the BR zoning district? What are the deficiencies in the BRX zoning district?</i>	Question 2 <i>Is there a permitted use problem? What do you want to see changed? What are we missing?</i>
GLENWOOD	<ol style="list-style-type: none"> 1. Lack of demand <ul style="list-style-type: none"> • Community does not support local business • Existing shops half empty • Nearby commercial in Olney, Clarksville and Columbia 1. Why do we have BRX? Duplication- Do we need two zones? 2. How will well and septic be support? 3. Don't make like Potomac – too commercial 4. Why incentivize agricultural and rural business when they aren't community supported. They are tenants and go out of business 5. Each area is different – can't apply same zone in Highland in each other crossroads 6. Need to craft zone to each area 7. Not an agricultural community anymore 8. B-1 and B-2 won't want BRX 9. POR also less restrictive than BRX 10. Vets most viable for BRX 11. Panhandle lot doesn't have road frontage and has covenants 12. Businesses restricted by water use and high rents 13. Benefit is the extra review process to be compatible with area architecture character 14. Animal hospital conditional use restricts financing options 15. Fast food not permitted in BRX, but carryout/sit down permitted 	<ol style="list-style-type: none"> 1. B1/B2 uses don't work today that are permitted 2. More concerned about architecture over use of the building 3. Animal hospitals, completely enclosed - Animal feed store, farm store 4. Not in support of carnivals and Fairs 5. Not in support of child day care centers and nursery 6. Clothing and apparel stores with goods for sale/rent – No one would drive to it 7. Drug & cosmetic stores – Small, no CVS 8. Food stores – More quality grocery resources – Yes, want food store other than 7-11. 9. Government structures, facilities, etc. – Keep what we have fields and schools 10. Multiplex Dwellings – Weird to have this combo? Water access? 11. Nursing homes etc. – No. but senior stores – medical, chiropractic 12. Restaurants, standard – No fast food; concern for water 13. Business not needing restrooms 14. Opposed to child care, banquet/catering – uses that bring in people from outside the area, convenience centers 15. Opposed to fast-food restaurant – would affect character of area 16. Would like better quick food options like Trader Joe's or more upscale fast food – Italian place 17. Some residents expressed support for the following uses: <ul style="list-style-type: none"> • Banks • Medical or office that support the elderly • Storage • Small law offices • Art shop • Personal service establishments • Farm Feed

APPENDIX C- BR/BRX Workshop Breakout Session Comments

Town	Question 1 <i>What are the deficiencies in the BR zoning district? What are the deficiencies in the BRX zoning district?</i>	Question 2 <i>Is there a permitted use problem? What do you want to see changed? What are we missing?</i>
HIGHLAND	<ol style="list-style-type: none"> 1. Will expand and expand beyond 1000 feet <ul style="list-style-type: none"> • Would allow for property considerably further than 1000 feet of crossroads to be BRX • Arbitrary and would lead to attempts to add to property • Now 125 acres and have potential for 150 acres • Smaller radius, with commercial property within radius 2. Interest in business growth from some 3. Many residents expressed desire for no more commercial <ul style="list-style-type: none"> • Potential flood issues • Limited water and sewer resources • Existing septic issues • Proximity to other commercial • Existing empty/underutilized commercial properties 4. Commercial too close to residential 5. No safety mechanism like our neighbors. 6. Compromise scenic drive 7. Need more requirements. Not just architectural. 8. BRX incompatible with surrounding RR zone- 'Compatible' needs to be defined. 9. BRX is unfixable, BR is fixable 10. Vicinity not defined 11. Council process with tighter criteria 12. Final decision by bill to comply with Charter 13. Not a County crossroads, state crossroads – SHA 14. BRX make commercial development easy. It should be difficult to some – others disagree 15. Not a rural zone – too much congestion, Problems with well and septic and SWM 16. Doesn't require green space- Ecologically incompatible with wetlands 17. Missing rural, historic, equestrian character 18. Random application 19. Doesn't implement a comprehensive vision for Highland 20. Due to water/sewer and setbacks almost impossible to implement on small properties 	<ol style="list-style-type: none"> 1. Need to know more: <ul style="list-style-type: none"> • How does the process change between BR and BRX? • How can get community input incorporated into land use decision? • Uses as a <u>matter of right</u> (What does this mean?), should be changed 2. Supportive of the following potential uses: <ul style="list-style-type: none"> • Farmers market • Antique shops • Sit-down restaurants • Vet. Hospital • Libraries 3. Too much is allowed to be changed 4. Uses are too expansive 5. Uses don't serve the community 6. Take out contractor's equipment and other uses 7. No gas stations, mulch or sawmills 8. Less uses as of right, such as gas stations and other environmentally harmful businesses 9. Concern about potential ease of change of use and lack of community input 10. Concern about architectural design standards not being part of it 11. Need more flexibility to preserve historic business. Modern code results in prohibitive, unnecessary upgrades

APPENDIX C- BR/BRX Workshop Breakout Session Comments

Town	Question 1 <i>What are the deficiencies in the BR zoning district? What are the deficiencies in the BRX zoning district?</i>	Question 2 <i>Is there a permitted use problem? What do you want to see changed? What are we missing?</i>
LISBON	<ol style="list-style-type: none"> 1. If want facelift Lisbon need more flexibility – setbacks 2. Many lots don't have the frontage required for business rural 3. Engineering standards – exempt from setbacks 4. Keep options open for business in the future 5. Inadequate and contaminated water supply 6. Runoff from commercial/any development 7. Requests public meeting from Council for BR/BRX review 8. Hopkins alley B-1 or B-2 9. Water and sewer services – (No community wells) x 5 people. They don't want to be developed like Clarksville or water depleted like Mt. Airy. 10. How does this fit with the current Master Plan? 11. Public health, welfare and safety 12. Zoning criteria absent of any consideration for adequate water and sewer capacity, don't even know what's feasible 13. Envelope of eligibility – unintended consequences include impacts on surrounding properties 14. Underlying problem: <ul style="list-style-type: none"> • Many lots and houses are too small to support adequate septic, expansion doesn't work • County, first come up with a plan for reasonable relief from septic issues – one potential solution would be combined community sewer service, a community well may help with water 	<ol style="list-style-type: none"> 1. Need to establish an appropriate Commercial Envelope by either: 2. Defining a limited distance for expansion to prevent leapfrogging 3. Create a parcel-by-parcel hard edge 4. Including a larger commercial area would help existing businesses, even facilitate the use of community facilities to relieve issues; conversely, minimize eligibility to relieve water/sewer issues with existing commercial properties 5. Would like to see property set-a-sides irrespective of zoning to support shared water/sewer systems 6. Need to have explicit provisions in BRX prohibiting preservation parcel eligibility 7. Streetscape aesthetics, need criteria for enhancing visual image with sidewalks and street trees 8. Why BRX needed when there's B-1 and B-2? Differences between the three appear arbitrary. Modify to create better consistency among all 9. There isn't much room to expand and already too many B-1/B-2- So why have BRX? 10. BRX overlay doesn't make sense; already have a lot of restrictions on building-site configurations that want to be preserved (ex. buildings pulled close to street with rear parking) 11. Try not to change too much

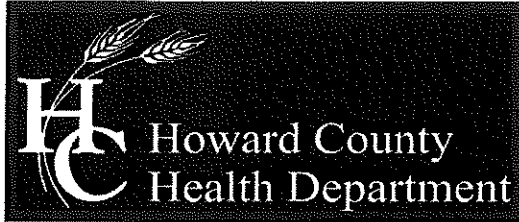
APPENDIX D- BR/BRX Website E-Comments

Town	Position / Issue	Count	Comments Summary
DAYTON	AGAINST Lack of consensus for community improvement	1	<ul style="list-style-type: none"> • Dayton BRX should be deleted from the plan. B1 & B2 Zoning Districts should remain in place for the crossroads. • Personal gain comes before the betterment of the community. Residents favor BRX for higher property values, and have a lack of interest in the wellbeing of the community. (None of the residents wished to start their own business, and existing business owners only care about being downzoned)
GLENWOOD	FOR BRX will help business owners	1	<ul style="list-style-type: none"> • In support of BRX zoning for the Glenwood Crossroads as presented. • BRX will increase value of the property and promote business. Current businesses would be able to take advantage of the benefits from the new zone, and would be able to save money in tax expenditures. • The re-evaluation of BRX is hurting business owners and prolonging essential changes in commercial zoning.
HIGHLAND	AGAINST Commercialization of village is not desired	99	<p><i>Comments are ranked from most to least common.</i></p> <ol style="list-style-type: none"> 1. Exclude the Highland Crossroads entirely from BRX zoning. 2. Preserve the charming historical & rural character of the crossroads. Highland has retained its rural character and sense of community unlike most of the county, and many have moved to Highland for this reason. Preserve the peaceful and open atmosphere that already exists, rather than succumbing to the omnipresent commercial American landscape. Citizens suggest implementing historic preservation guidelines for buildings, and defining architectural, streetscape design, and zoning transition criteria. 3. Commercial needs are already met nearby and are underutilized. Maple Lawn, Clarksville, and Sandy Spring/Olney are all within 5-10 minutes' drive of the crossroads. Unused and vacant commercial space presently exists in Highland (The Highland Inn). Additional commercial zoning is unnecessary, and should be funneled elsewhere (Maple Lawn). 4. Traffic congestion and gridlock will increase with development. The roads are unfit for growth, and are already congested. BRX will also impact commutes and will endanger children and road cyclists. Citizens support the installation of sidewalks and other safety measures at the crossroads. 5. Lack of service infrastructure capacity for large-scale development (i.e. water supply, septic systems, fire & rescue services, etc.). Citizens request an analysis on the traffic, road maintenance, noise, light, watershed, and the environmental impacts of BRX zoning. 6. Zoning methodology is excessive and arbitrary. BRX fails to look at parcels individually (placement, size, access, etc.). Citizens suggest utilizing smart growth principles during the planning process for the crossroads. 7. Support the interests of the citizens, rather than the developers. DPZ failed to inform citizens of the legislative action creating BRX. Citizens would like to see DPZ work closely with citizens in developing a plan. 8. Increase in community-environmental disturbances. Citizens worry that BRX will bring light and noise pollution from commercial activity. 9. Environmental degradation, pollution, and loss of greenspace. Local farmland will be pressured into encroaching development from BRX zoning. 10. Property values will suffer adjacent to commercial development. A lack of zoning transition between residential and commercial areas will decrease land value. 11. Support local businesses rather than retail chains/big box stores. Citizens already patron existing local businesses. Corporations would destroy the small-town feel that has developed organically.

APPENDIX D- BR/BRX Website E-Comments

Town	Position / Issue	Count	Comments Summary
HIGHLAND	FOR	8	<ol style="list-style-type: none"> 1. Petition submitted in support of BRX with signatures from forty (40) Howard County, three of which had Highland addresses. 2. BRX should be strengthened and enhanced. In order to complement the future roadway expansion of Maryland Route 32, the BRX radius should be increased to 2,000 feet on a non-contiguous basis. 3. BRX needs to be reinstated in order to prevent financial loss for new commercial owners. 4. Commercial resources would increase convenience for residents. Currently, Highland has a "middle of nowhere" feeling unlike that of neighboring Montgomery County. Citizens request a grocery store and drug store to the crossroads of Routes 216 & 108. 5. Commercial uses should be revised to match the local feel of the area. Business Rural (BR) zoning would be "okay" for Highland, as long as specific uses are appropriate for the community. Buildings and businesses should also fit the local feel of the Highland Crossroads.
	Strengthen and enhance BRX		
LISBON	AGAINST	0	N/A – No E-Comments received
	FOR	0	N/A – No E-Comments received

Appendix E



Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

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Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Amy Gowen, Deputy Director
Department of Planning and Zoning

FROM: Jeff Williams
Program Supervisor, Well & Septic Program

RE: Well and Septic conditions, Rural Business Crossroads Areas

DATE: June 23, 2016

Responding to your inquiry, I have reviewed the available Health Department records of properties in and around the Rural Business Crossroads Areas of Dayton, Lisbon, Highland, and Glenwood. Following is our conclusion:

Lisbon

- The downtown Lisbon area contains many challenging properties for private water supply and onsite sewage disposal. The main challenge being that the lots are typically very small, which restricts available area for well and sewage placement that meet all regulatory setback distances. Furthermore, the limited lot area restricts the area available for disposal trenches, preventing development of larger homes or businesses and limits available repair area for future replacement systems.
- There is a known plume of VOCs from an underground fuel tank release several decades ago at 15943 Frederick Rd. There are several monitoring wells in the area that are tested quarterly by MDE and several affected properties had water treatment systems installed.
- There have been several properties in the downtown Lisbon area that have had repair sewage disposal systems installed. For the most part, the original systems failed due to age.

Dayton

- Of the available property files, there were no records of low yielding wells or well contamination issues.
- There have been some repair sewage disposal system installations, but they were mostly due to the age of the original system and not indicative of generally poor soil in the region.

Appendix E

Highland

- The available records indicate a few properties along Scaggsville Road to the south of the Crossroads that had replacement wells drilled due to low yield in the original wells. Several other wells in the area had yields above 10 gallons per minute, so there does not appear to be a regional problem with water supply.
- There have been some repair sewage disposal system installations, but they were mostly due to the age of the original system and not indicative of generally poor soil in the region.

Glenwood

- Of the existing businesses in the area, the Inwood Shopping Center has had some issues with their existing sewage disposal system, but that appears to have been caused by the volume and strength of the wastewater, not indicative of a problem with the soil in the region.
- Glenwood Station has discovered, through testing, that they have elevated levels of Sodium, Chloride, and Total Dissolved Solids likely due to road salt contamination. Elevated levels have also been detected at Western Regional Park. We have no testing information for those constituents at the other businesses in the crossroads area.

APPENDIX F- BRX BOUNDARY MAPS



APPENDIX F- BRX BOUNDARY MAPS



APPENDIX F- BRX BOUNDARY MAPS



APPENDIX F- BRX BOUNDARY MAPS

