

Introduced 12/7/15
Public Hearing 12/21/15
Council Action 1/4/16
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 13

Bill No. 56-2015

Introduced by: Jon Weinstein, Councilmember

AN ACT establishing the temporary Two-family Dwelling Conditional Use Interim Development Act; temporarily prohibiting certain Conditional Use petitions for proposed Conditional Use approvals for Two-family Dwellings; finding that such petitions, if approved under the current Zoning Regulations, could lead to development incompatible with surrounding residential uses; finding that the potential incompatibility represents a threat to the public health, safety and welfare; providing that the purposes of this Act are to provide the Department of Planning and Zoning with time to study the deficiencies in the Two-family Dwelling Conditional Use, investigate alternatives and make recommendations for improvement and give the County Council time to act on the recommendations; providing that this Act shall be abrogated and of no further force and effect after a certain period; and generally relating to zoning and land use.

Introduced and read first time December 7, 2015. Ordered posted and hearing scheduled.

By order Jessica Feldmark
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 December 21, 2015.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on January 4, 2016 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2016 at _____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2016

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 **WHEREAS**, Conditional Uses are authorized in specified zoning districts based on the
2 presumption that they are generally appropriate and compatible in the specified districts
3 but are not permitted automatically as they are subject to the regulations of Section 131
4 of the Zoning Regulations and to the conditions imposed by the Hearing Authority upon
5 its approval of the proposed Conditional Use; and
6

7 **WHEREAS**, Two-family Dwelling Conditional Uses have been the source of several
8 contentious neighborhood conflicts and community members have expressed concerns
9 about the appropriateness of Two-family Conditional Uses in single-family
10 neighborhoods; and
11

12 **WHEREAS**, It is anticipated that Two-family Conditional Use petitions, if approved under the
13 present criteria in the Zoning Regulations, could lead to development that would be
14 incompatible with surrounding residential properties; and
15

16 **WHEREAS**, The Department of Planning and Zoning wishes to study and refine the Two-
17 family Conditional Use category to limit unintended consequences of incompatible
18 development.
19

20 *Section 1. Be It Enacted by the County Council of Howard County, Maryland that a temporary*
21 *Interim Development Act on the approval of petitions for Two-family Dwelling Conditional Uses*
22 *to allow sufficient time for consideration of potential amendments to the Zoning Regulations*
23 *applicable to those petitions in certain areas of the County is hereby established to ensure the*
24 *compatibility of any future approval of those conditional uses with surrounding areas.*
25

26 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland*
27 *that:*

28 A. *Short Title.* This Act shall be known as the Two-family Dwelling Conditional
29 Use Interim Development Act.

30 B. *Purpose.* There is a Two-family Dwelling Conditional Use petition for a property
31 located in the Planned Service Area for public water and sewage scheduled before the Hearing

1 Examiner, and it is anticipated that the County may receive a number of petitions for Two-family
2 Dwelling Conditional Uses. These conditional use petitions, if considered and approved under
3 the present criteria in the Zoning Regulations, could lead to development which would be
4 incompatible with surrounding residential uses. There is a threat to the public health, safety and
5 welfare if conditional use petitions, as defined in this Act, were approved under the current
6 criteria in the Zoning Regulations. This Interim Development Act is necessary:

7 (1) To provide the Department of Planning and Zoning time to study the
8 deficiencies in the Two-family Dwelling Conditional Use in the Planned Service Area for public
9 water and sewage and recommend revisions and improvements; and

10 (2) To provide the County Council time to correct those deficiencies before a
11 conditional use petition as defined in this Act is considered by the Hearing Examiner or Board of
12 Appeals.

13 C. *Definition.* For purposes of this Act, a “conditional use petition” is an application
14 for a proposed Two-family Dwelling Conditional Use in the Planned Service Area for public
15 water and sewage.

16 D. *Conditional Use Petition.* The Department of Planning and Zoning shall not
17 accept any conditional use petitions, as defined above, on or after the effective date of this Act
18 nor shall the Planning Board make recommendations on conditional use petitions, as defined
19 above, on or after the effective date of this Act. Conditional use petitions, as defined above, filed
20 before the effective date of this Act may proceed only through recommendations by the
21 Department of Planning and Zoning and the Planning Board, and will not be considered by the
22 Hearing Examiner or Board of Appeals until the expiration of this Act as provided below.

23 E. *Effective Date.* This Act is adopted as an interim measure and shall be in effect
24 for one year from its effective date, and, at the end of that day, with no further action required by
25 the County Council, this Act shall be abrogated and of no further force and effect.

26
27 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
28 *this Act shall become effective 61 days after its enactment.*