

Introduced 12/7/15  
Public Hearing 1/19/16  
Council Action 2/1/16  
Executive Action 2/10/16  
Effective Date 4/1/16

### County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 13

Bill No. 55-2015

Introduced by: Greg Fox and Mary Kay Sigaty, Councilmembers

AN ACT establishing the temporary BRX/BR Interim Development Act; temporarily prohibiting applications for proposed rezonings to the BRX and BR zoning districts; finding that such applications, if approved under the current Zoning Regulations, could lead to development incompatible with surrounding residential uses; finding that the potential incompatibility represents a current 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 BRX and BR districts, 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 January 19, 2015-2016

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on February 1, 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 4<sup>th</sup> day of February 2016 at \_\_\_ a.m./p.m.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive February 10, 2016

Allan H. Kittleman  
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**, *Plan Howard 2030* calls for the County to “...reassess the role and ability of rural  
2 commercial crossroads to serve farmers’ and residents’ needs”; and

3  
4 **WHEREAS**, The BRX District was established to provide opportunities for the expansion of  
5 commercial businesses located within specific rural crossroad areas to sustain and  
6 enhance these existing areas, not overwhelm them; and

7  
8 **WHEREAS**, During the County’s 2013 Comprehensive Zoning effort, the Business Rural  
9 Crossroads (BRX) Zoning District was established, creating a floating zone for four rural  
10 crossroads: Dayton, Highland, Lisbon, and Glenwood, to complement the Business Rural  
11 (BR) Zoning District which was established to provide opportunities for a combination of  
12 business and industrial uses not otherwise permitted in the rural areas of the County; and

13  
14 **WHEREAS**, The BRX Zoning District was intended to replace the use of the BR Zoning  
15 District where a BRX rural crossroads definition exists; and

16  
17 **WHEREAS**, The BRX zoning district was intended to provide a planned linear progression  
18 along two main roads, but certain provisions in the regulations could be interpreted to  
19 allow unintended development, such as a lack of minimum frontage along the crossroads  
20 and a clear definition of adjoining properties; and

21  
22 **WHEREAS**, Upon further review of the establishment of the BRX zoning district, the Highland  
23 community expressed grave concerns about the impact of the BRX zoning district on the  
24 Highland crossroads noting a concern about the increase in the vacancies of current  
25 commercial crossroad properties; and

26  
27 **WHEREAS**, It is anticipated that the County may receive applications for rezoning to the BRX  
28 District, or to the BR District in areas of Howard County where a BRX rural crossroads  
29 definition exists and that these rezoning applications, if approved under the present  
30 criteria in the Zoning Regulations, could lead to development that would be incompatible  
31 with surrounding residential uses; and

1 **WHEREAS,** The Department of Planning and Zoning wishes to study the deficiencies in the  
2 BRX District and the BR District and evaluate how best to achieve the intended purposes  
3 of these zoning districts without risking unintended consequences; and  
4

5 **WHEREAS,** Creating specific plans and design guidelines for each rural crossroads before  
6 making the BRX Zoning District available in these areas is advisable; and  
7

8 **WHEREAS,** The County Council wishes to ensure that no rezoning application to the BRX  
9 Zoning District or to the BR Zoning District within an area of Howard County where a  
10 BRX rural crossroads definition exists will be considered by the Zoning Board until the  
11 County has had an opportunity to correct the deficiencies in the BRX District and the BR  
12 District; and  
13

14 **WHEREAS,** The County Council strongly believes that this BRX/BR Interim Development Act  
15 is an appropriate temporary measure to protect rural crossroads communities and to  
16 ensure that future commercial development approved in these areas be carefully planned  
17 and designed to sustain and enhance the unique character of each rural crossroads  
18 community.  
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 applications for rezoning to the BR District and the*  
22 *BRX District to allow sufficient time for consideration of potential amendments to the Zoning*  
23 *Regulations applicable to those Districts is hereby established to ensure the compatibility of any*  
24 *future approval of those floating zone districts 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 BRX/BR Interim Development Act.

29 B. *Purpose.* It is anticipated that the County may receive a number of applications  
30 for rezoning to the BRX District, a floating zone, and to the BR District, also a floating zone, in  
31 areas of the County in which a BRX District zoning application would be possible. These

1 rezoning applications, if considered and approved under the present criteria in the Zoning  
2 Regulations, could lead to development which would be incompatible with surrounding  
3 residential uses. There is a current threat to the public health, safety and welfare if rezoning  
4 applications, as defined in this Act, were approved under the current criteria in the Zoning  
5 Regulations. This Interim Development Act is necessary:

6 (1) To provide the Department of Planning and Zoning time to study the  
7 deficiencies in the BRX District and the BR District in areas where a BRX rural crossroads  
8 definition exists and recommend revisions and improvements; and

9 (2) To provide the County Council time to correct those deficiencies and make  
10 improvements before a rezoning application as defined in this Act is considered by the Zoning  
11 Board.

12 C. *Definition.* For purposes of this Act, a “rezoning application” is an application  
13 for a proposed rezoning to the BRX Zoning District or a rezoning application to the BR Zoning  
14 District in any area of Howard County for which a BRX rural crossroads definition exists.

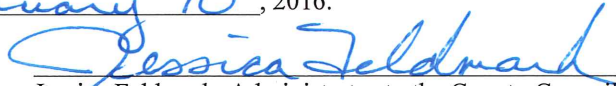
15 D. *Rezoning Application.* The Department of Planning and Zoning shall not accept  
16 rezoning applications, as defined above, on or after the effective date of this Act nor shall the  
17 Planning Board make recommendations on rezoning applications, as defined above, on or after  
18 the effective date of this Act. Rezoning applications, as defined above, filed before the effective  
19 date of this Act may proceed only through recommendations by the Department of Planning and  
20 Zoning and the Planning Board, and will not be considered by the Zoning Board until the  
21 expiration of the Act’s effective date as provided below.

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

25  
26 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland that  
27 *this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on February 10, 2016.

  
\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council