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, 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, Administrator

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

By order

Jessica Feldmark, Administrator

Approved & vetoed by the County Executive February 10, 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.
WHEREAS, Plan Howard 2030 calls for the County to “...reassess the role and ability of rural commercial crossroads to serve farmers’ and residents’ needs”; and

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

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

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

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

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

WHEREAS, It is anticipated that the County may receive applications for rezoning to the BRX District, or to the BR District in areas of Howard County where a BRX rural crossroads definition exists and that these rezoning applications, if approved under the present criteria in the Zoning Regulations, could lead to development that would be incompatible with surrounding residential uses; and
WHEREAS, The Department of Planning and Zoning wishes to study the deficiencies in the
BRX District and the BR District and evaluate how best to achieve the intended purposes
of these zoning districts without risking unintended consequences; and

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

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

WHEREAS, The County Council strongly believes that this BRX/BR Interim Development Act
is an appropriate temporary measure to protect rural crossroads communities and to
ensure that future commercial development approved in these areas be carefully planned
and designed to sustain and enhance the unique character of each rural crossroads
community.

Section 1. Be It Enacted by the County Council of Howard County, Maryland that a temporary
Interim Development Act on the approval of applications for rezoning to the BR District and the
BRX District to allow sufficient time for consideration of potential amendments to the Zoning
Regulations applicable to those Districts is hereby established to ensure the compatibility of any
future approval of those floating zone districts with surrounding areas.

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

A. Short Title. This Act shall be known as the BRX/BR Interim Development Act.
B. Purpose. It is anticipated that the County may receive a number of applications
for rezoning to the BRX District, a floating zone, and to the BR District, also a floating zone, in
areas of the County in which a BRX District zoning application would be possible. These
rezoning applications, if considered and approved under the present criteria in the Zoning Regulations, could lead to development which would be incompatible with surrounding residential uses. There is a current threat to the public health, safety and welfare if rezoning applications, as defined in this Act, were approved under the current criteria in the Zoning Regulations. This Interim Development Act is necessary:

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

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

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

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

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

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that 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