

Introduced 9/6/16
Public hearing 9/19/16
Council action 10/5/16
Executive action 10/12/16
Effective date 12/12/16

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 14

BILL NO. 60 - 2016 (ZRA - 165)

Introduced by:

The Chairperson
at the request of Robert Haney

AN ACT amending the Howard County Zoning Regulations Conditional Use section to create a new Athletic Facilities, Commercial Conditional Use in the RC and RR zoning districts; and generally relating to Athletic Facilities, Commercial.

Introduced and read first time September 6, 2016. 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 September 19, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on October 5, 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 10th day of October, 2016 at 4 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive Oct 12, 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 *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 Adding*

5

6 *Section 131.0: "Conditional Uses"*

7 *Subsection O. "New Conditional Use Categories"*

8 *Number 1. "Athletic Facilities, Commercial"*

9

10

11

12 **Howard County Zoning Regulations**

13

14 **SECTION 131.0: - Conditional Uses**

15

16 **O. New Conditional Use Categories**

17 Completely new Conditional Use categories established after the effective date of the current
18 Zoning Regulations are listed below along with the zoning districts in which the Conditional
19 Use category is permitted and the specific criteria required for approval.

20

21 **1. ATHLETIC FACILITIES, COMMERCIAL**

22

23 A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR AN
24 INDOOR COMMERCIAL ATHLETIC FACILITY PROVIDED THAT:

25

26 A. A CONDITIONAL USE IS NOT REQUIRED FOR FACILITIES THAT ARE RESERVED
27 FOR USE BY RESIDENTS OF A COMMUNITY AND THEIR GUESTS AND ARE
28 LOCATED WITHIN NEIGHBORHOODS OR COMMUNITIES WHERE ALL
29 PROPERTIES ARE SUBJECT TO RECORDED COVENANTS AND LIENS THAT
30 PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE FACILITIES.

31

32 B. BUILDINGS AND PARKING USES SHALL BE AT LEAST 75 FEET FROM A
33 RESIDENTIAL LOT OR PARCEL.

34

1 C. REASONABLE STANDARDS FOR HOURS OF OPERATION SHALL BE PROPOSED BY
2 THE PETITIONER AND APPROVED BY THE HEARING AUTHORITY.

3
4 D. OUTDOOR USES, EXCEPT PARKING USES AND ANY OUTDOOR LIGHTING, SHALL
5 NOT BE PERMITTED UNLESS APPROVED UNDER THE ATHLETIC FACILITIES,
6 OUTDOOR CONDITIONAL USE CATEGORY.

7
8 E. THE LAND AREA USED FOR THE CONDITIONAL USE SHALL NOT BE SUBJECT TO
9 AN ALPP PURCHASED OR OTHER DEDICATED EASEMENT.

10
11 F. THE MINIMUM LOT SIZE SHALL BE 3 ACRES.
12
13

14 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the*
15 *publisher of the Howard County Zoning Regulations is authorized hereby to amend the Conditional*
16 *Uses and Permissible Zoning Districts chart attached to Section 131 of the Zoning Regulations in*
17 *order to reflect the substantive changes made by this Act.*

18
19 *Section 3. Be It Further Enacted by the County Council of Howard County, Maryland, that Section*
20 *131.0.O of the Zoning Regulations be renumbered, if necessary, based on previous passage of CB46-*
21 *2016 (ZRA 159), which amends Section 131.0.O of the Zoning Regulations and is to become effective*
22 *prior to this bill's effective date.*

23
24 *Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that this*
25 *Act shall become effective 61 days after its enactment.*
26
27
28
29
30



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-165 Date Filed:

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: to allow commercial athletic facilities in the RC and RR zoning districts.

Blank lines for additional details regarding the zoning amendment request.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Robert Haney

Address P. O. Box 190, Lisbon, MD 21765 Phone No. (W) (H) Email Address

3. Counsel for Petitioner Thomas M. Meachum, Carney Kelehan, Bresler Bennett & Scherr, LLP

Counsel's Address 10715 Charter Drive, Suite 200, Columbia, MD 21044 Counsel's Phone No. 410-740-4600 Email Address tmm@carneykelehan.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed

There is a need for indoor athletic facilities in the western end of Howard County. This will allow private land owners to provide a service the County government and the school system are called upon to do. If outdoor athletic facilities are considered compatible in western Howard County, there is no reason why indoor facilities should not be available to the public too. The Petitioner is already aware of a group of sports enthusiasts who are interested in using such a facility.

2016 FEB 12 PM 2:49 HOWARD COUNTY COUNCIL RECEIVED

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County In the Public Facilities and Services section of Plan Howard 2030 under the Parks and Recreation section, there is much discussion of the benefits of varied types of recreation. It then says this variety requires many different types (p. 113) of facilities (and makes managing the parks and recreation system challenging).
(See continuation sheet attached)

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. Allowing indoor athletic facilities in additional locations obviously promotes the health of the community. It also obviously saves the government the cost of paying for a facility.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s). See 6, above.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more

**PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY**

Petitioner: Robert Haney

Continuation of No. 5:

Pages 115-116 discuss the County government building new community facilities; buying land to construct more facilities; and enhancing community recreational opportunities by cooperating with the school system and coordinating with CA, recreation organizations and private recreation providers. Expanding partnership with other recreation providers is also mentioned.

It would seem that a change in the Zoning Regulations to encourage private recreational facilities would be in harmony with this section of the General Plan.

This concept is also in keeping with the sentiment expressed in Health Services, p. 118, of preventing obesity through physical activity.

than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

Presumably more than 12 properties could go through the conditional use process and construct an indoor athletic facility, but given the costs of construction, this seems an unlikely prospect. The impact would seem similar to those of the Glenwood Community Center or Circle D Club.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. No other factors.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled

"Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Robert Haney

Petitioner's name (Printed or typed)

Robert Haney 2/4/16

Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Thomas A. [Signature]

Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00*

* The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Robert Haney

AFFIDAVIT AS TO CONTRIBUTION

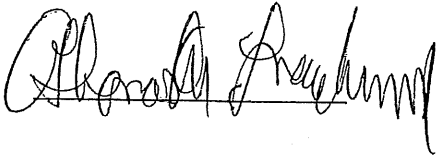
**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Robert Haney, the applicant in the above zoning matter
X, HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.



Printed Name: Robert Haney

Signature: Robert Haney

Date: 2/4/16

PETITIONER: Robert Haney

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR PARTY OF RECORD: Robert Haney

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Greg Fox</u>	<u>9/24/15</u>	<u>\$500.-</u>
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Robert Haney

Signature: Robert Haney

Date: 2/4/16

PETITIONER: Robert Haney

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

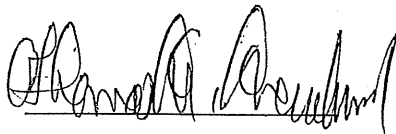
**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Robert Haney, the applicant in the above zoning matter
_____, AM X AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.



Printed Name: Robert Haney

Signature: Robert Haney

Date: 2/4/16

PETITIONER'S PROPOSED TEXT

6. **Athletic Facilities, Commercial**

A conditional use may be granted in the RC and RR Districts for a commercial athletic facility ~~on properties that are not ALPP purchased or dedicated easement properties~~ provided that:

- a. A Conditional Use shall not be required for facilities which are reserved for use by residents of a community and their guests, and which are located within neighborhoods or communities where all properties are included within recorded covenants and liens which provide for the operation and maintenance of the facilities.
- b. If any adjoining properties are used for a residence, buildings, AND parking areas ~~and outdoor activity areas~~ will be at least 100 feet from such properties.
- ~~c. Adequate landscaping or other acceptable forms of buffering will be provided to screen outdoor areas from adjacent properties used as a residence.~~
- cd. Reasonable standards for hours of operation and a lighting plan in compliance with Section 134.0 shall be proposed by the Petitioner and approved by the Hearing Authority.
- ~~e. Outdoor sound amplification will be permitted only if the source of the sound is a minimum 200 feet from adjoining property used as a residence and it will not constitute a nuisance to properties used as residences in the vicinity. The Petitioner must indicate the purposes of proposed amplification (such as announcing sports events, safety announcements or entertainment), hours of use and the anticipated noise level at the property lines.~~

D. THERE SHALL BE NO OUTDOOR ACTIVITIES.

E. THE LAND AREA USED FOR THE CONDITIONAL USE SHALL NOT BE SUBJECT TO AN ALPP PURCHASED OR OTHER DEDICATED EASEMENT.

PETITIONER'S PROPOSED TEXT

6. **Athletic Facilities, Commercial**

A conditional use may be granted in the RC and RR Districts for a commercial athletic facility provided that:

- a. A Conditional Use shall not be required for facilities which are reserved for use by residents of a community and their guests, and which are located within neighborhoods or communities where all properties are included within recorded covenants and liens which provide for the operation and maintenance of the facilities.
- b. If any adjoining properties are used for a residence, buildings, and parking areas will be at least 100 feet from such properties.
- c. Reasonable standards for hours of operation and a lighting plan in compliance with Section 134.0 shall be proposed by the Petitioner and approved by the Hearing Authority.
- d. There shall be no outdoor activities.
- e. The land area used for the conditional use shall not be subject to an ALPP purchased or other dedicated easement.



July 7, 2016

TECHNICAL STAFF REPORT

Planning Board Meeting on July 21, 2016

Case No./Petitioner: ZRA-165 -- Robert Haney

Request: Amend Section 131.0.O -- New Conditional Use Categories to establish a use category and specific criteria for Commercial Athletic Facilities in the RC and RR Districts.

I. BACKGROUND

The zoning regulations for commercial athletic and commercial recreation uses in residential districts have significantly evolved over time. The 1975 Zoning Regulations, contained a Special Exception use category for "Golf Driving Ranges, Public Swimming Pools, Baseball Batting Ranges, Miniature Golf Courses and Swim Clubs", which could be granted in all zoning districts subject to "...reasonable standards for hours of operation and lighting standards" established for each use by the Board of Appeals.

In the 1985 Zoning Regulations this Special Exception use category became "Golf Driving Ranges, Swimming Pools for Public Use, Baseball Batting Ranges, Miniature Golf Courses and Swim Clubs which are Located Within Neighborhoods and Communities Where All Properties Are Not Included Within Recorded Covenants and Liens Which Provide for the Operation and Maintenance of the Facilities." This Special Exception category could be granted in the R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15 or R-MH Districts subject to the same criterion noted above.

The commercial recreation aspect of the use category ended in ZB 928R&M, the 1992 Comprehensive Zoning of Western Howard County. Subsequently, in the 1993 Zoning Regulations, the following Special Exception use category was established which excluded golf driving ranges, miniature golf courses and batting cages:

Athletic Facilities

Except where permitted as a matter of right, a special exception may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15 or R-MH Districts for athletic fields, community swimming pools, commercial swimming pools, tennis clubs and similar uses (excluding golf driving ranges, miniature golf courses and batting cages) provided that:

- a. A special exception shall not be required for facilities which are reserved for use by residents of a community and their guests, and which are located within neighborhoods and communities where all properties are included within recorded covenants and liens which provide for the operation and maintenance of the facilities.
- b. Reasonable standards for hours of operation and lighting standards shall be proposed by the petitioner and established by the Board of Appeals for each use.

This new Athletic Facilities use category is noteworthy in context of the proposed ZRA-165 because indoor uses could have been permitted under the "similar uses" provision, even though the uses specifically listed were predominately outdoor uses.

The potential for any indoor commercial athletic facilities in the rural and residential zoning districts ended in 2001 with the approval of Zoning Regulation Amendment ZRA-30. Former Special Exception use categories became Conditional Use categories, some of which changed significantly. The Athletic Facilities use category became exclusively for outdoor facilities and the specific criteria for the use were expanded:

1. Athletic Facilities, Outdoor

Except where permitted as a matter of right, a conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15 or R-MH Districts for the following outdoor athletic facilities: athletic fields, community swimming pools, commercial swimming pools, and tennis courts, provided that:

- a. A conditional use shall not be required for facilities which are reserved for use by residents of a community and their guests, and which are located within neighborhoods or communities where all properties are included within recorded covenants and liens which provide for the operation and maintenance of the facilities.
- b. Other athletic or recreational uses accessory to these principal uses are permitted if approved by the Board of Appeals.
- c. Buildings, parking areas, and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways. This buffer area shall not be available for athletic or recreational activities. The Board of Appeals may reduce this setback, if:
 - (1) The adjoining land is committed to an agricultural or environmental preservation easement or a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development; or
 - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring residential properties.
- d. Adequate landscaping or other acceptable forms of buffering will be provided to screen outdoor uses from residential properties.
- e. Reasonable standards for hours of operation and a detailed lighting plan shall be proposed by the petitioner and established by the Board of Appeals for each use.
- f. Outdoor sound amplification will be permitted only if it will not constitute a nuisance for residential properties in the vicinity. The petition must indicate the purposes of proposed amplification (such as announcing sports events, safety

announcements, or entertainment), hours of use and the maximum noise level at the property lines.

The 2013 Comprehensive Zoning Plan revised the Athletic Facilities, Outdoor Conditional Use category. Such revisions included: adding facilities for disk golf courses, ropes courses, and archery ranges, increasing the structure and use setback to 100 feet, prohibiting any reductions to this setback by the Hearing Authority, and requiring a lighting plan. See below for full text.

6. Athletic Facilities, Outdoor

Except where permitted as a matter of right, a Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT or R-MH Districts for the following outdoor athletic facilities: athletic fields; swimming pools, community; swimming pools, commercial; tennis courts; disk golf courses; ropes courses; and archery ranges provided that:

- a. A Conditional Use shall not be required for facilities which are reserved for use by residents of a community and their guests, and which are located within neighborhoods or communities where all properties are included within recorded covenants and liens which provide for the operation and maintenance of the facilities.
- b. Other athletic or recreational uses accessory to these principal uses are permitted if approved by the Hearing Authority.
- c. Buildings, parking areas, and outdoor activity areas will be at least 100 feet from adjoining residentially-zoned properties other than public road right-of-ways. This buffer area shall not be available for athletic or recreational activities.
- d. Adequate landscaping or other acceptable forms of buffering will be provided to screen outdoor uses from residential properties.
- e. Reasonable standards for hours of operation and a detailed lighting plan in strict compliance with Section 134.0 shall be proposed by the petitioner and established by the Hearing Authority for each use. Based upon the scale of the facility, the Hearing Authority may also require a traffic study, a septic study, and/or a noise study.
- f. Outdoor sound amplification will be permitted only if the source of the sound is a minimum 200 feet from adjoining residential property lines and it will not constitute a nuisance for residential properties in the vicinity. The petition must indicate the purposes of proposed amplification (such as announcing sports events, safety announcements, or entertainment), hours of use and the maximum anticipated noise level at the property lines.

II. DESCRIPTION AND EVALUATION OF PROPOSAL

The following section contains DPZ's technical evaluation of ZRA-165. The Petitioner's proposed amendment text is attached to this Technical Staff Report as Exhibit A (Petitioner's Proposed Text).

SECTION 131.0: CONDITIONAL USES**Section 131.0.O.1 – Add new Conditional Use Category entitled Athletic Facilities, Commercial**

Staff recommends approval as proposed

The Petitioner proposes to add a new Conditional Use category for indoor Commercial Athletic Facilities in the RC and RR Districts. The Zoning Regulations define Commercial Athletic Facilities as “A commercial facility principally providing activities, services or training in sports or exercise related matters, including such uses as tennis centers, health centers, gyms, climbing centers, dance studios, weight training centers, martial arts centers, swimming pools and similar uses. Commercial athletic facility uses do not include commercial recreation facility uses as defined.” This definition does not differentiate between indoor and outdoor activities.

However, only outdoor athletic facilities are allowed in the RC and RR Districts as a conditional use. This Conditional Use category includes: athletic fields; swimming pools, community; swimming pools, commercial; tennis courts; disk golf courses; ropes courses; and archery ranges.

DPZ concurs that indoor athletic facilities should be permitted in the RC and RR Districts. Since outdoor athletic activities are already allowed, indoor activities should not have significantly more impact than those performed outdoors and more often will result in fewer noise and visual impacts. Additionally, this use will provide year round access to athletic opportunities for county residents. Therefore, DPZ recommends Commercial Athletic Facilities in the RC and RR Districts be permitted as a Conditional Use.

Section 131.0.O.1.a – Add criterion exempting community-based athletic facilities.

Staff recommends approval of this criterion as proposed.

The proposed criterion clarifies that athletic facilities that are reserved for use by residents in a community and their guests are not required to get Conditional Use approval. It is identical to the first criterion in the Athletic Facilities, Outdoor use category in Section 131.0.N.

DPZ recommends approval of this criterion to maintain consistency with outdoor athletic facilities and to exclude private athletic facilities within residential communities from obtaining Conditional Use approval.

Section 131.0.O.1.b – Add criterion for setback requirement.

Staff recommends approval of this criterion with revisions.

The Petitioner proposes a 75 foot building setback from adjoining residential properties. DPZ supports the additional building separation in order to limit the impact on adjoining residential properties.

Also, DPZ suggests using terminology consistent with the Zoning Regulations to describe residential properties. DPZ’s recommends revisions and evaluation can be found in Section V-DPZ RECOMMENDED REVISIONS.

Section 131.0.O.1.c -- Add criterion for establishing the hours of operation.

Staff recommends approval of this criterion as proposed

The petitioner proposes to allow the Hearing Examiner to establish hours of operations. This is very similar to a criterion in the Athletic Facilities, Outdoor use category. DPZ recommends allowing flexibility in establishing hours of operations given the variety of recreation activities allowed under this use category and their varying scheduling demands.

Section 131.0.O.1.d -- Add criterion for prohibiting outdoor activities.

Staff recommends approval of this criterion with a revision.

The petitioner proposes a criterion to prohibit outdoor activities. DPZ supports this prohibition of outdoor activities associated with this use, since this is addressed under the Athletic Facilities, Outdoor Conditional Use in Sec. 131.0.N.6. However, DPZ recommends revisions to maintain consistency with the Zoning Regulations and to clarify that outdoor uses are permitted under a separate Conditional Use category. The description and evaluation can be found in Section V-DPZ RECOMMENDED REVISIONS.

Section 131.0.O.1.e -- Add criterion for prohibiting the Conditional Use on ALPP purchased or dedicated easement properties.

Staff recommends approval of this criterion as proposed.

The text for this proposed criterion is very similar to the text that is used in other existing Conditional Use categories that are not permitted on ALPP purchased or dedicated easement properties. DPZ recommends approval in order to maintain consistency.

III. GENERAL PLAN

The Petitioner asserts that ZRA-165 is in harmony with the Parks and Recreation section of Chapter 8, Public Facilities and Services of the PlanHoward 2030 General Plan. Although this section only focuses on public parks and recreation facilities, there are two policies that address an overall need for more recreation options in the future.

Policy 8.12

“Expand the County park system and recreational facilities.”

Policy 8.13

“Enhance community recreational opportunities.”

The Petitioner states that amending the Zoning Regulations to allow the potential for non-public recreational facilities would be in harmony with the General Plan policies. In addition, the Petitioner

notes that having non-public facilities will provide additional recreational opportunities at no cost to the County government. DPZ concurs that the proposed ZRA is in harmony with the General Plan and will allow for additional recreational opportunities for county residents, specifically in the rural areas.

IV. AGENCY COMMENTS

Comments from the Bureau of Environmental Health are attached. The Department of Inspections, Licenses and Permits, the Department of Recreation and Parks, and the Department of Fire and Rescue Services had no comments on ZRA-165.

V. DPZ RECOMMENDED REVISIONS

Section 131.0.O.1.b – Add criterion for setback requirement.

In the 2013 Comprehensive Zoning Plan, the following definition was established to describe properties improved with a single family residence:

Residential Lot or Parcel: A lot or parcel improved with a single-family residence as the principal use.

It is recommended that this criterion be revised to incorporate this defined term.

DPZ also finds that the Petitioner's proposal does not include a setback requirement for parking. As noted above, the Athletic Facilities, Outdoor Conditional Use requires a setback for any parking areas. DPZ recommends that this criterion be revised accordingly.

Section 131.0.O.1.d – Add criterion for prohibiting outdoor activities.

It is recommended that the defined word "use" be utilized in this criterion rather than the word "activities":

Use:

- a. Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied; or
- b. Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure, or on a tract of land; except that, wells, septic systems and storm water management systems are not considered uses for purposes of these Zoning Regulations.
- c. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
- d. See Section 128.0.A for uses which are exempt from setback compliance.

The criterion should also include exceptions to this outdoor use prohibition for the parking uses and outdoor lighting. Additionally, DPZ recommends clarifying that this criterion does not preclude the approval of outdoor uses through the Athletic Facilities, Outdoor conditional use category.

Recommended Addition – Add a Section 131.0.O.1.f. to establish a minimum lot size.

F. THE MINIMUM LOT SIZE SHALL BE 3 ACRES.


Other Conditional Use categories allowed in the RC and RR Districts have a 3 acre minimum lot size, one example is private schools. Private schools often have indoor athletic/recreation facilities, and the land use intensity of an indoor commercial athletic facility would likely be similar to or even less than a school use because there would be no outdoor recreation uses.

VI. RECOMMENDATION

APPROVAL WITH REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-165 be **APPROVED** with the revisions in Exhibit B, DPZ's Recommended Text.

Approved by:

 7/7/16
Valdis Lazdins, Director Date

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

Exhibit A - Petitioner's Proposed Text

(CAPITALS indicate text to be added.)

Section 131.0.0

1. **ATHLETIC FACILITIES, COMMERCIAL**

A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR A COMMERCIAL ATHLETIC FACILITY PROVIDED THAT:

- A. A CONDITIONAL USE SHALL NOT BE REQUIRED FOR FACILITIES WHICH ARE RESERVED FOR USE BY RESIDENTS OF A COMMUNITY AND THEIR GUESTS, AND WHICH ARE LOCATED WITHIN NEIGHBORHOODS OR COMMUNITIES WHERE ALL PROPERTIES ARE INCLUDED WITHIN RECORDED COVENANTS AND LIENS WHICH PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE FACILITIES.
- B. IF ANY ADJOINING PROPERTIES ARE USED FOR A RESIDENCE, BUILDINGS WILL BE AT LEAST 75 FEET FROM SUCH PROPERTIES.
- C. REASONABLE STANDARDS FOR HOURS OF OPERATION SHALL BE PROPOSED BY THE PETITIONER AND APPROVED BY THE HEARING AUTHORITY.
- D. THERE SHALL BE NO OUTDOOR ACTIVITIES.
- E. THE LAND AREA USED FOR THE CONDITIONAL USE SHALL NOT BE SUBJECT TO AN ALPP PURCHASED OR OTHER DEDICATED EASEMENT.

Exhibit B (DPZ's Recommended Text)

(Text in ~~[[DOUBLE BRACKETS]]~~ is deleted, UNDERLINED TEXT is added.)

Section 131.0.O

1. **ATHLETIC FACILITIES, COMMERCIAL**

A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR AN INDOOR COMMERCIAL ATHLETIC FACILITY PROVIDED THAT:

- A. A CONDITIONAL USE IS NOT REQUIRED FOR FACILITIES THAT ARE RESERVED FOR USE BY RESIDENTS OF A COMMUNITY AND THEIR GUESTS AND ARE LOCATED WITHIN NEIGHBORHOODS OR COMMUNITIES WHERE ALL PROPERTIES ARE SUBJECT TO RECORDED COVENANTS AND LIENS THAT PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE FACILITIES.
- B. BUILDINGS AND PARKING USES SHALL BE AT LEAST 75 FEET FROM A RESIDENTIAL LOT OR PARCEL.
- C. REASONABLE STANDARDS FOR HOURS OF OPERATION SHALL BE PROPOSED BY THE PETITIONER AND APPROVED BY THE HEARING AUTHORITY.
- D. OUTDOOR ~~[[ACTIVITIES]] USES, EXCEPT PARKING USES AND ANY OUTDOOR LIGHTING, SHALL NOT BE PERMITTED UNLESS APPROVED UNDER THE ATHLETIC FACILITIES, OUTDOOR CONDITIONAL USE CATEGORY.~~
- E. THE LAND AREA USED FOR THE CONDITIONAL USE SHALL NOT BE SUBJECT TO AN ALPP PURCHASED OR OTHER DEDICATED EASEMENT.
- F. THE MINIMUM LOT SIZE SHALL BE 3 ACRES.

1 ROBERT HANEY, * BEFORE THE
2 PETITIONER * PLANNING BOARD OF
3 ZRA-165 * HOWARD COUNTY, MARYLAND

4 * * * * *

5 MOTION: *To recommend approval of the Zoning Regulation Amendment in*
6 *accordance with the Department of Planning and Zoning recommendation.*

7 ACTION: *Recommended approval; Vote 5 to 0.*

8 * * * * *

9 RECOMMENDATION

10
11 On July 21, 2016 the Planning Board of Howard County, Maryland, considered the petition of Robert
12 Haney for an amendment to the Zoning Regulations to amend Section 131.0.O – New Conditional Use
13 Categories to establish a new use category and specific criteria for Commercial Athletic Facilities in the RC
14 and RR Districts.

15
16 The Planning Board considered the petition, the Department of Planning and Zoning (DPZ) Technical Staff
17 Report and recommendation, and the comments of reviewing agencies. The Petitioner was represented by
18 Thomas Meachum. Mr. Meachum stated that the Petitioner is in agreement with the Technical Staff Report
19 and the recommendation. He noted how difficult it is to find indoor athletic space in the western part of the
20 County. The Petitioner, Robert Haney said that he is very interested in establishing a flexible indoor facility
21 on a portion of his property in Lisbon. There was no testimony in opposition to the petition. The Department
22 of Planning and Zoning recommended approval of the petition with revisions. A work session followed the
23 meeting. During the work session, all DPZ testimony was evaluated to develop the Board’s recommendation.

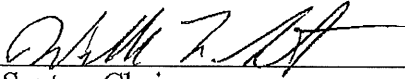
24 Board Discussion and Recommendation

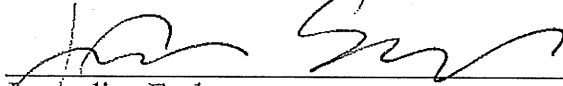
25 The Board expressed support for the requested amendment, noting that an indoor facility would have
26 much less impact upon other properties than an outdoor facility. The Board was supportive of the fact that it
27 it would be a Conditional Use subject to review by the Hearing Examiner on a case by case basis. The Board
28 found it odd that although outdoor athletic facilities have been allowed as a Conditional Use category in the
29 western part of the County for many years, indoor athletic facilities have not been allowed. Mr. Engelke made
30 the motion to recommend approval of the petition in accordance with the DPZ recommendation and revisions.
31 Ms. Easley seconded the motion. The motion passed by a vote of 5 to 0.

32

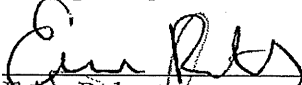
1 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 18th day of
2 August, 2016, recommends that ZRA-165 as described above, be APPROVED, with the revisions
3 recommended by DPZ.
4

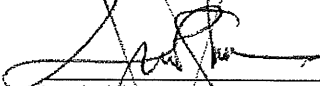
5 HOWARD COUNTY PLANNING BOARD

6 
7 _____
8 Bill Santos, Chairman

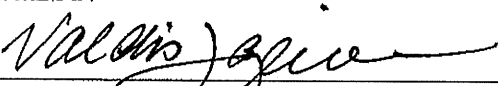
9 
10 _____
11 Jacqueline Easley

12 
13 _____
14 Phillips Engelke

15 
16 _____
17 Erica Roberts

18 
19 _____
20 Delphine Adler

21 ATTEST:

22 
23 _____
24 Valdis Lazdins, Executive Secretary

Reply all | Delete Junk |

FILE COPY

CB 60-2016, Commercial Athletic Facilities

PM  Patty Miller <pjm@carneykelehan.com>
Tue 2:54 PM
CouncilMail; Tom Meachum <tmm@carneykelehan.com>

Reply all |

HCC 9-20-16 ltr.pdf
51 KB

Download

Attached please find a letter regarding CB 60-2016.

Patty Miller, Assistant to Thomas M. Meachum

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

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September 20, 2016

Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: CB 60-2016

Dear Chairperson Ball and Council Members:

The purpose of this letter is to provide information in support of the passage of CB 60-2016, Commercial Athletic Facilities.

The purpose of this proposed Zoning Regulation change is to add indoor athletic facilities in the two rural zoning classifications as a conditional use where now the only athletic facilities available under a conditional use are outdoor.

There are few indoor athletic facilities in western Howard County, especially those that can be utilized by youth. Schools and the Glenwood Community Center are essentially the only venues open to the public. There is certainly a need for additional facilities, especially those that may provide indoor soccer or lacrosse.

A conditional use for outdoor athletic facilities is found in the current Zoning Regulations. There is no provision for indoor athletic facilities. In prior discussions with the Department of Planning and Zoning, and the Planning Board, it is not clear why there is a provision for outdoor facilities but not indoor.

Having an indoor facility would meet the need for additional sports space while accommodating those activities inside. Providing such additional recreational space is in alignment with a number of General Plan goals as referenced in our Petition to Amend the Zoning Regulations and the DPZ Staff Report.

The Petitioner is in agreement with the current bill's language which is slightly different from the original language proposed in the Petition.

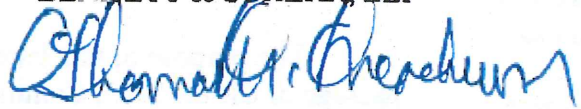
Howard County Council
September 20, 2016
Page 2

The building and parking uses have to be 75 feet from residential properties, and a minimum of 3 acres. There are no permitted outdoor uses through this conditional use except for parking and lighting. The land on which the use is situated shall not be subject to an agricultural easement.

Adding this conditional use to the Zoning Regulations will provide additional recreation and athletic opportunities for Howard County residents at no cost to the government but with the same benefits.

Respectfully submitted,

CARNEY, KELEHAN, BRESLER,
BENNETT & SCHERR, LLP



Thomas M. Meachum

TMM/pjm

P:\TMM\WPDATA\Country Springs Wholesale-MBW Farms\County Council ltr wpd

Bill number CB60-2016 Bob Haney Indoor Athletic Facility in Lisbon

LG Linda Giampalmo <linda.giampalmo@gmail.com>
Mon 12:51 PM
CouncilMail; tmm@carneykelehan.com

Reply all |

indoorfacility.docx
15 KB

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Dear Howard County Council Members,
September 2016

19

Regarding: Bill number CB60-2016

My name is Linda Giampalmo and I live in Glenwood, Maryland. I have been a Howard County resident since 1986 and a Glenwood resident for 15 years. This letter is written on behalf of Bob Haney and his plans to open an indoor training facility in Lisbon, Maryland. I have three daughters; two of whom have graduated Glenelg High School and one whom currently attends. They all played sports in Howard County including soccer, field hockey and lacrosse. They were involved with Western Howard County Soccer, Thunder soccer, SAC soccer, Cobra Lacrosse, Hero's Lacrosse, Stampede Field Hockey and Warhawk's Field Hockey and continued to play Varsity High School sports for Glenelg High School. They were also hard working students who excelled in academics and were the top of their class. This is important to note because there is limited time after school to attend practices, do significant amount of homework, and eat dinner. Time constraints became a huge issue when playing sports and having an indoor facility nearby would improve our lives. In today's competitive environment, sports have become yearlong training endeavors – not just in season sports. Our children are now expected to attend practices, training sessions and indoor leagues games out of season and it is in their best interests to have facilities nearby so they are not spending precious afterschool time driving to far away indoor sports locations. I highly recommend that Bob Haney's Athletic Facility be approved.

Years ago when my older daughters played field hockey we could use the temporary winter indoor facility at Circle D Farm which was convenient. Those facilities have long since closed

and now we have to drive into Baltimore or Carrol County on busy weeknights to attend training sessions. It would be so helpful if there was a facility in the Western Howard County area to attend these same events.

My daughters also do exercise training workouts to keep in shape and to prevent injuries and would benefit from having a facility nearby where they could obtain this training which they now drive to Ellicott City.

I believe it is in the best interests of the citizens and athletes of Western Howard County to have indoor athletic facility available and I am very glad that Mr. Bob Haney took it upon himself to create a much needed resource in our community. Please support his effort because it will save us valuable time and it supports our local community; otherwise we will be spending a lot of time and money elsewhere.

Thank you kindly,

Linda Giampalmo