

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 17

BILL NO. 72 - 2016 (ZRA - 168)

Introduced by: The Chairperson at the request of Demirel Plaza, LLC

AN ACT amending the Howard County Zoning Regulations Office Transition (OT) section to add several new uses to be allowed as a matter of right; amending the Conditional Use section to allow Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities and Pet Day Care Facilities as Conditional Uses in the Office Transition (OT) district; and generally relating to the Office Transition (OT) section.

Introduced and read first time _____, 2016. 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 _____, 2016.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 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 ___ 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 *Section I. 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 Amending*

5
6 *Section 117.3: "OT (Office Transition) District"*

7 *Subsection A. "Purpose"*

8 *Subsection B. "Requirements for OT District"*

9 *Subsection C. "Uses Permitted as a Matter of Right"*
10

11
12 *Section 131.0: "Conditional Uses"*

13 *Subsection N. "Conditional Uses and Permissible Zoning Districts"*

14 *Number 13. "Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities"*

15 *Number 39. "Pet Day Care Facilities"*
16

17 *By Adding*

18
19 *Section 117.3: "OT (Office Transition) District"*

20 *Subsection L. "Conditional Uses"*
21

22 **Howard County Zoning Regulations**

23
24 **SECTION 117.3: OT (Office Transition) District**

25 **A. Purpose**

26 The OT District is established to allow low-impact office, [[and]] personal service uses,
27 AND LOW-INTENSITY COMMERCIAL USES adjacent to areas of residential zoning. The OT
28 District is a floating district that will provide a transition along the edges of residential
29 areas impacted by nearby retail/employment areas or arterial highways carrying high
30 volumes of traffic. The standards of this district should result in small-scale office
31 buildings, [[and]] personal service establishments, AND LOW-INTENSITY COMMERCIAL
32 USES on attractively-designed sites that are compatible with neighboring residential uses.
33

34 **B. Requirements for OT District**

35 The OT District may be established at a particular location if the following requirements
36 are met:

- 1 2. The site has frontage on and direct access to an arterial OR MAJOR COLLECTOR
- 2 road.
- 3 2. The site abuts or is directly across a public street from
- 4 a. A nonresidential zoning district that is zoned for commercial or
- 5 employment uses [[, but not another OT District,]] or
- 6 b. A government building or use, including public schools, that adjoins a
- 7 non-residential district.
- 8 3. Reference standards for approvals in Subsection G of this Section.

9
10 **C. Uses Permitted as a Matter of Right**

- 11
- 12 1. Animal hospitals, completely enclosed.
- 13 2. ANTIQUE SHOPS, ART GALLERIES, CRAFT SHOPS.
- 14 3. BAKERIES.
- 15 4. BICYCLE SALES AND REPAIR.
- 16 5. BLUEPRINTING, PRINTING, DUPLICATING OR ENGRAVING SERVICES LIMITED TO
- 17 2,000 SQUARE FEET OF NET FLOOR AREA.
- 18 6. CLOTHING AND APPAREL STORES WITH GOODS FOR SALE OR RENT.
- 19 7. [[2.]] Commercial communication antennas attached to structures, subject to the
- 20 requirements of Section 128.0.E.4.
- 21 [[3. One dwelling unit per business establishment within the same structure, provided
- 22 the dwelling unit does not exceed 50% of the floor area of the structure.]]
- 23 8. FURNITURE, APPLIANCE AND BUSINESS MACHINE REPAIR, FURNITURE
- 24 UPHOLSTERING, AND SIMILAR SERVICES.
- 25 9. [[4.]] Government structures, facilities and uses, including public schools and
- 26 colleges.
- 27 10. ONE SQUARE-FOOT OF RESIDENTIAL SPACE IS PERMITTED FOR EACH SQUARE-
- 28 FOOT OF COMMERCIAL SPACE AND MUST BE LOCATED WITHIN THE SAME
- 29 STRUCTURE.
- 30 11. [[5.]] Offices, professional and business.
- 31 12. PET GROOMING ESTABLISHMENTS, COMPLETELY ENCLOSED.
- 32 13. [[6.]] Personal service establishments, provided the floor area of such uses does not
- 33 exceed 50% of the floor area of all non-residential uses on the approved OT site
- 34 development plan.

1 14. REPAIR AND SALES OF ELECTRONIC EQUIPMENT, RADIOS, TELEVISIONS,
2 COMPUTERS, CLOCKS, WATCHES, JEWELRY, AND SIMILAR ITEMS.

3 15. [[7.]] Underground pipelines; electric transmission and distribution lines; telephone,
4 telegraph and CATV lines; mobile transformer units; telephone equipment boxes;
5 and other similar public utility uses not requiring a Conditional Use.
6

7 **L. CONDITIONAL USES**

8 CONDITIONAL USES IN THE OT DISTRICT ARE SUBJECT TO THE DETAILED REQUIREMENTS
9 FOR CONDITIONAL USES GIVEN IN SECTION 131.0. FOR THE LIST OF PERMITTED
10 CONDITIONAL USES, REFER TO THE CHART IN SECTION 131.0.
11

12
13 **SECTION 131.0: - Conditional Uses**
14

15 **N. Conditional Uses and Permissible Zoning Districts**

16 The Hearing Authority may grant Conditional Uses in the specified districts in accordance
17 with the following minimum criteria.
18

19 **13. Child Day Care Centers and Nursery Schools, Day Treatment and Care**
20 **Facilities**

21 A Conditional Use may be granted in the RC and RR Districts, on properties that are
22 not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12,
23 R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-VH, HO, [[or]] HC, OR OT Districts
24 for day treatment and care facilities, child day care centers and nursery schools,
25 provided that:
26

- 27 a. On-site circulation and parking areas shall be designed to minimize
28 vehicular/pedestrian conflicts and to provide safe areas for dropping off and
29 picking up passengers.
- 30 b. The minimum lot size in the RC and RR Districts shall be three acres and
31 the minimum lot size in the R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-
32 APT, R-VH, HO, [[or]] HC, OR OT Districts shall be one acre, except that
33 uses approved prior to October 6, 2013 shall not be subject to this criteria.

- 1 c. Outdoor play areas or activity areas shall be fenced, located to the side or
2 rear of the principal structure, and buffered from adjoining residential
3 properties by landscaping or adequate distance or both.
- 4 d. Parking areas shall be located and landscaped to minimize their visibility
5 from roads and adjacent residential properties.
- 6 e. The design and massing of proposed structures or additions to existing
7 structures shall be generally compatible in scale and character with
8 residential properties in the vicinity of the site, as demonstrated by
9 architectural elevations or renderings submitted with the petition. Additional
10 setbacks from property lines and landscape buffering shall be required if
11 necessary to make the appearance of the site compatible with surrounding
12 residential properties.
- 13 f. For facilities with a capacity of more than 30 children or adult clients at one
14 time, the following standards apply:
- 15 (1) The site has frontage on and direct access to a collector or arterial
16 road designated in the General Plan, except that expansions of a
17 Conditional Use that was approved prior to July 12, 2001 are
18 permitted.
- 19 (2) Buildings, parking areas and outdoor activity areas will be at least
20 50 feet from adjoining residentially-zoned properties other than
21 public road right-of-ways.
- 22 (3) At least 20% of the area within the building envelope shall be
23 green space, not used for buildings, parking area or driveways.
24 The building envelope is formed by the required structure
25 setbacks from property lines and public street rights-of-way.

26
27 **39. Pet Day Care Facilities**

28
29 A Conditional Use may be granted in the RC, RR, [[or]] R-20 OR OT Districts for
30 pet day care facilities, provided that:

- 31
32 a. IN THE RC, RR, OR R-20 DISTRICTS, [[The]] THE minimum lot size
33 shall be one acre.
34

- 1 b. All day care business functions must be completely enclosed within a
2 building. Noise must not be perceptible at lot lines.
3
- 4 c. The Hearing Authority may set hours of operation and limitations on the
5 number and type of pets cared for.
6
- 7 d. The facility shall not be located on a shared driveway.
8
- 9 e. Parking areas shall be located and landscaped to minimize visibility from
10 roads and adjacent residential properties.
11
- 12 f. There shall be no overnight boarding of pets.
13
- 14 g. Outdoor areas for walking or exercising pets may be permitted provided
15 that pets shall not be left unattended in such an area. The Hearing
16 Authority may set a limit on the number of pets permitted simultaneously
17 in the outdoor area. The perimeter of this outdoor area shall be fenced
18 and landscaped to ensure that animals are confined to the property and to
19 minimize the visibility of the enclosure. All fencing shall comply with all
20 requirements for fences as noted elsewhere in Section 128.0. The
21 petitioner must clearly delineate the outdoor area on the Conditional Use
22 plan.
23
- 24 h. Disposal of wastes must be such that odors or other emissions are not
25 perceptible at lot lines.
26
- 27 i. On an ALPP purchased or dedicated easement property, the following
28 additional criteria are required:
29 (1) The use shall not interfere with farming operations or limit future
30 farming production.
31 (2) Any new building or building addition associated with the use,
32 including any outdoor storage and parking area shall count
33 towards the cumulative use cap of 2% of the easement.
34
35

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

5

6 *Section 3. Be it further enacted by the County Council of Howard County, Maryland, that this Act*
7 *shall become effective 61 days after its enactment.*

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Amendment 1 to Amendment #1
Council Bill No. 72-2016

BY: Mary Kay Sigaty

Legislative Day No: 19
Date: December 5, 2016

Amendment No. 1 to Amendment #1

(This amendment removes the proposed Conditional Uses from the OT district and makes them permitted uses).

1 On page 1, in line 3, strike “and”. Also on page 1, in line 4, after “Facilities,” insert
2 “Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities, Pet Day
3 Care Facilities.”. On the same page, strike line 5, and substitute the following:
4 “Stores as permitted uses; and
5 4. Removes the proposed Conditional Uses.)”.

6
7 Also on page 1, immediately following line 8, insert the following:
8 “On page 1, strike lines 12-20, in their entirety.”.

9
10 On page 1, immediately following line 24, insert the following:
11 “On page 2, immediately following line 17, insert the following:
12 “7. CHILD DAY CARE CENTERS AND NURSERY SCHOOLS.””.

13
14 On page 2, immediately following line 20, insert the following:
15 “9. DAY TREATMENT AND CARE FACILITIES.”.

16
17 On page 2, in line 31, before the comma, insert “AND DAYCARE”.

18
19 Renumber the section accordingly.”.

20
21 On page 1, in line 26, strike “16” and substitute “18”.

1 On page 1, in line 27, strike “17” and substitute “19”.

2

3 On page 2, in line 4, insert the following:

4 “On page 3, strike beginning with line 7 through line 4 on page 6.

5

6 On page 6, in line 6, strike “3” and substitute “2”.

7

8

Amendment 1 to Council Bill 72-2016

BY: Calvin Ball

Legislative Day No: 19
Date: 12/5/16

Amendment No. 1

1 (This amendment proposes to do the following:

- 2 1. Change the OT Purpose statement;
3 2. Remove the site abutment requirement; and
4 3. Add limited Commercial Athletic Facilities, Service Agencies, and limited Specialty
5 Stores as permitted uses).

6
7
8
9 On page 1, strike lines 26-32, and substitute the following:

10 "THE OT DISTRICT IS ESTABLISHED TO ALLOW OFFICE AND OTHER LOW-INTENSITY COMMERCIAL
11 USES ADJACENT TO AREAS OF RESIDENTIAL ZONING. THE OT DISTRICT IS A FLOATING DISTRICT
12 THAT WILL PROVIDE A TRANSITION ALONG THE EDGES OF RESIDENTIAL AREAS IMPACTED BY
13 ARTERIAL HIGHWAYS CARRYING HIGH VOLUMES OF TRAFFIC. THE STANDARDS OF THIS DISTRICT
14 SHOULD RESULT IN SMALL-SCALE COMMERCIAL BUILDINGS ON ATTRACTIVELY-DESIGNED SITES
15 THAT ARE COMPATIBLE WITH NEIGHBORING RESIDENTIAL USES."

16
17 On page 2, strike lines 3-7, in their entirety. Renumber the remainder of the section
18 accordingly.

19
20 On page 2, immediately following line 13, insert the following:

21 "3. ATHLETIC FACILITY, COMMERCIAL, LIMITED TO: DANCE, MARTIAL ARTS, AND YOGA
22 STUDIOS."

23 Renumber the remainder of the section accordingly.

24
25 On page 3, immediately following line 2, insert the following:

26 "16. SERVICE AGENCIES.

27 17. SPECIALTY STORE, LIMITED TO: FLORISTS, CONSIGNMENT SHOPS, TAILOR, COBBLER, AND

1 MUSICAL INSTRUMENT SALES.”

2 Renumber the remainder of the section accordingly.

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