

Introduced 11/7/16
Public hearing 11/21/16
Council action 1/3/17
Executive action 1/12/17
Effective date 3/14/17

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 November 7, 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 November 21, 2016.

Tabled 12/5/16

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on January 3, 2017, 2016 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

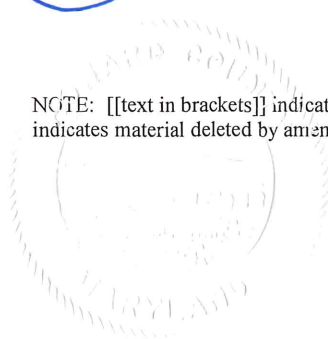
Sealed with the County Seal and presented to the County Executive for approval this 4th day of January 2017, 2016 at 5 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive Jan 12, 2017

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 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 THE OT DISTRICT IS ESTABLISHED TO ALLOW OFFICE AND OTHER LOW-INTENSITY
34 COMMERCIAL USES ADJACENT TO AREAS OF RESIDENTIAL ZONING. THE OT DISTRICT IS
35 A FLOATING DISTRICT THAT WILL PROVIDE A TRANSITION ALONG THE EDGES OF
36 RESIDENTIAL AREAS IMPACTED BY ARTERIAL HIGHWAYS CARRYING HIGH VOLUMES OF
37 TRAFFIC. THE STANDARDS OF THIS DISTRICT SHOULD RESULT IN SMALL-SCALE

1 COMMERCIAL BUILDINGS ON ATTRACTIVELY-DESIGNED SITES THAT ARE COMPATIBLE
2 WITH NEIGHBORING RESIDENTIAL USES.

3 **B. Requirements for OT District**

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

6 1. The site has frontage on and direct access to an arterial OR MAJOR COLLECTOR
7 road.

8 ~~2. The site abuts or is directly across a public street from~~

9 a. ~~— A nonresidential zoning district that is zoned for commercial or~~
10 ~~employment uses [[, but not another OT District,]] or~~

11 b. ~~— A government building or use, including public schools, that adjoins a~~
12 ~~non-residential district.~~

13 ~~3.~~ Reference standards for approvals in Subsection G of this Section.

14 **C. Uses Permitted as a Matter of Right**

15 1. Animal hospitals, completely enclosed.

16 2. ANTIQUE SHOPS, ART GALLERIES, CRAFT SHOPS.

17 3. ATHLETIC FACILITY, COMMERCIAL, LIMITED TO: DANCE, MARTIAL ARTS, AND
18 YOGA STUDIOS.

19 ~~4.~~ BAKERIES.

20 45. BICYCLE SALES AND REPAIR.

21 ~~5.~~ BLUEPRINTING, PRINTING, DUPLICATING OR ENGRAVING SERVICES LIMITED TO
22 2,000 SQUARE FEET OF NET FLOOR AREA.

23 ~~7.~~ CHILD DAY CARE CENTERS AND NURSERY SCHOOLS.

24 ~~6.~~ CLOTHING AND APPAREL STORES WITH GOODS FOR SALE OR RENT.

25 ~~7.~~ ~~[[2.]]~~ Commercial communication antennas attached to structures, subject to the
26 requirements of Section 128.0.E.4.

27 10. DAY TREATMENT AND CARE FACILITIES.

28 ~~[[3. One dwelling unit per business establishment within the same structure, provided~~
29 ~~the dwelling unit does not exceed 50% of the floor area of the structure.]]~~

30 ~~8.~~ FURNITURE, APPLIANCE AND BUSINESS MACHINE REPAIR, FURNITURE
31 UPHOLSTERING, AND SIMILAR SERVICES.

1 **13. ~~Child Day Care Centers and Nursery Schools, Day Treatment and Care~~**
2 **Facilities**

3
4 A Conditional Use may be granted in the RC and RR Districts, on properties that are
5 not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12,
6 R-SC, R-SA-8, R-HED, R-A-15, R-APT, R-VH, HO, ~~[[or]] HC, OR-OT~~ Districts
7 for day treatment and care facilities, child day care centers and nursery schools,
8 provided that:

9 a. ~~On-site circulation and parking areas shall be designed to minimize~~
10 ~~vehicular/pedestrian conflicts and to provide safe areas for dropping off and~~
11 ~~picking up passengers.~~

12 b. ~~The minimum lot size in the RC and RR Districts shall be three acres and~~
13 ~~the minimum lot size in the R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-~~
14 ~~APT, R-VH, HO, [[or]] HC, OR-OT Districts shall be one acre, except that~~
15 ~~uses approved prior to October 6, 2013 shall not be subject to this criteria.~~

16 c. ~~Outdoor play areas or activity areas shall be fenced, located to the side or~~
17 ~~rear of the principal structure, and buffered from adjoining residential~~
18 ~~properties by landscaping or adequate distance or both.~~

19 d. ~~Parking areas shall be located and landscaped to minimize their visibility~~
20 ~~from roads and adjacent residential properties.~~

21 e. ~~The design and massing of proposed structures or additions to existing~~
22 ~~structures shall be generally compatible in scale and character with~~
23 ~~residential properties in the vicinity of the site, as demonstrated by~~
24 ~~architectural elevations or renderings submitted with the petition. Additional~~
25 ~~setbacks from property lines and landscape buffering shall be required if~~
26 ~~necessary to make the appearance of the site compatible with surrounding~~
27 ~~residential properties.~~

28 f. ~~For facilities with a capacity of more than 30 children or adult clients at one~~
29 ~~time, the following standards apply:~~

30 (1) ~~The site has frontage on and direct access to a collector or arterial~~
31 ~~road designated in the General Plan, except that expansions of a~~
32 ~~Conditional Use that was approved prior to July 12, 2001 are~~
33 ~~permitted.~~

1 (2) ~~Buildings, parking areas and outdoor activity areas will be at least~~
2 ~~50 feet from adjoining residentially zoned properties other than~~
3 ~~public road right of ways.~~

4 (3) ~~At least 20% of the area within the building envelope shall be~~
5 ~~green space, not used for buildings, parking area or driveways.~~
6 ~~The building envelope is formed by the required structure~~
7 ~~setbacks from property lines and public street rights of way.~~

8
9 **39. ~~Pet Day Care Facilities~~**

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

13
14 a. ~~IN THE RC, RR, OR R-20 DISTRICTS, [[The]] THE minimum lot size~~
15 ~~shall be one acre.~~

16
17 b. ~~All day care business functions must be completely enclosed within a~~
18 ~~building. Noise must not be perceptible at lot lines.~~

19
20 e. ~~The Hearing Authority may set hours of operation and limitations on the~~
21 ~~number and type of pets cared for.~~

22
23 d. ~~The facility shall not be located on a shared driveway.~~

24
25 e. ~~Parking areas shall be located and landscaped to minimize visibility from~~
26 ~~roads and adjacent residential properties.~~

27
28 f. ~~There shall be no overnight boarding of pets.~~

29
30 g. ~~Outdoor areas for walking or exercising pets may be permitted provided~~
31 ~~that pets shall not be left unattended in such an area. The Hearing~~
32 ~~Authority may set a limit on the number of pets permitted simultaneously~~
33 ~~in the outdoor area. The perimeter of this outdoor area shall be fenced~~
34 ~~and landscaped to ensure that animals are confined to the property and to~~
35 ~~minimize the visibility of the enclosure. All fencing shall comply with all~~
36 ~~requirements for fences as noted elsewhere in Section 128.0. The~~

1 petitioner must clearly delineate the outdoor area on the Conditional Use
2 plan.

3
4 h. — Disposal of wastes must be such that odors or other emissions are not
5 perceptible at lot lines.

6
7 i. — On an ALPP purchased or dedicated easement property, the following
8 additional criteria are required:

9 (1) — The use shall not interfere with farming operations or limit future
10 farming production.

11 (2) — Any new building or building addition associated with the use,
12 including any outdoor storage and parking area shall count
13 towards the cumulative use cap of 2% of the easement.

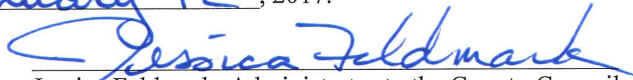
14
15
16 ~~*Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the*~~
17 ~~*publisher of the Howard County Zoning Regulations is authorized hereby to amend the Conditional*~~
18 ~~*Uses and Permissible Zoning Districts chart attached to Section 131 of the Zoning Regulations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

20
21 ~~*Section 32. Be it further enacted by the County Council of Howard County, Maryland, that this Act*~~
22 ~~*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

January 12, 2017.


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 _____, 2017.

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 _____, 2017.

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 _____, 2017.

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 _____, 2017.

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 _____, 2017.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill 72-2016

BY: Calvin Ball

**Legislative Day No: 19
Date: December 5, 2016**

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, Child Day Care Centers and Nursery
5 Schools, Day Treatment and Care Facilities, Pet Day Care Facilities, Service Agencies,
6 and limited Specialty Stores as permitted uses); ~~Stores as permitted uses~~; and
7 4. Removes the proposed Conditional Uses.

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11 On page 1, strike lines 12-20, in their entirety.

12
13 On page 1, strike lines 26-32, and substitute the following:

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

20
21 On page 2, strike lines 3-7, in their entirety. Renumber the remainder of the section
22 accordingly.

23
24 On page 2, immediately following line 13, insert the following:

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

27 Renumber the remainder of the section accordingly.

ADOPTED as amended 1/3/17
FAILED
SIGNATURE Jessica Feldman

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On page 2, immediately following line 17, insert the following:

“7. CHILD DAY CARE CENTERS AND NURSERY SCHOOLS.”

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

“9. DAY TREATMENT AND CARE FACILITIES.”

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

Renumber the section accordingly.

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

“~~16~~18. SERVICE AGENCIES.

~~17~~19. SPECIALTY STORE, LIMITED TO: FLORISTS, CONSIGNMENT SHOPS, TAILOR, COBBLER, AND
MUSICAL INSTRUMENT SALES.”

Renumber the remainder of the section accordingly.

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

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

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”.

ADOPTED 1/3/17
FAILED _____
SIGNATURE Jessica Oldmark

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

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

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

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