



July 20, 2017

## TECHNICAL STAFF REPORT

*Planning Board Meeting on August 3, 2017*

**Case No./Petitioner: ZRA-178 – K2 Properties, LLC**

**Request:** Amend Section 103.0 of the Howard County Zoning regulations to revise the definition for “Hotel or Motel” to allow extended-stay lodging for up to six months, and Section 118.0.B., Uses Permitted as a Matter of Right, to establish “Hotels, Motels, Country Inns and Conference Centers” as a permitted use category.

### I. BACKGROUND

#### Definitions

The following definitions for the terms “hotel” and “motel” were first established in the 1954 Zoning Regulations:

**HOTEL.** Any building or portion thereof which contains guest rooms designed or intended to be used, let or hired out for occupancy by twenty or more individuals for compensation.

**MOTELS OR TOURIST CABINS.** A building with more than one apartment or group of buildings which:

- a. Contain living or sleeping accommodations for transient occupancy.
- b. Have individual entrances.

The definition of “Motels or Tourist Cabins” was changed to “Hotels or Tourist Cabins” in the 1961 Zoning Regulations. However, this may have been a typographical error, since there was a separate definition for “Hotel”.

The apartment/cabin characteristics of the “Hotels or Tourist Cabins” definition was eliminated in the 1977 Zoning Regulations, as shown below:

**Hotel:** Any building or portion which contains guest rooms designed or intended to be used, or hired out for occupancy by twenty or more individuals for compensation.

**Motel:** A building or group of buildings which contains living or sleeping accommodations used only for transient occupancy.

No substantive amendments were made to the definition until ZB 882R in 1989, when the two definitions were deleted and combined into one definition:

Hotel or Motels: Any building or portion thereof or group of buildings containing guest rooms in which, for compensation, lodging is offered to transient guests on a daily, weekly, or similar short term basis.

No substantive amendments were made to the definition in the 1993 and 2004 Zoning Regulations. In the 2013 Comprehensive Zoning Plan, the previous “lodging is offered to” was revised to “lodging is provided to.”

### Zoning Districts

The B-1 District was also established in the 1954 Zoning Regulations. At that time, the undefined use category of “boarding houses” was permitted in the B-1 District. Hotels and motels were only permitted in the B-2 District. The “boarding house use” remained in B-1 in the 1961 Zoning Regulations and was eliminated in the 1977 Zoning Regulations

The zoning districts in which hotels and motels are currently permitted as a matter of right are the HC, POR, PEC, B-2, M-1, M-2, PGCC (Multi-use), CE, TOD, CAC, and TNC Districts. They are also typically permitted in the Employment Center - Commercial and Employment Center – Industrial areas of the NT District.

## **II. DESCRIPTION AND EVALUATION OF PROPOSAL**

### **1. SECTION 103.0: Definitions**

**Section 103.0 (Terms beginning with “H”) – Amend the existing definition for “Hotel or Motel” to delete the existing text “or similar short term basis”, and add new text to allow the provision of lodging on a monthly basis, not to exceed six months.**

DPZ recommends approval of the amendment

The current definition for “Hotel and Motel” was established in 1989 and does not reflect current industry practices related to long term or extended stay hotels, since it limits the rental period to “weekly or similar short term basis.” Additionally, the phrase “similar short term basis” is vague and should be quantified for consistent application.

Extended stay hotels, typically used for business travel, have existed since the 1970s and have expanded in recent years. There are several existing long-term stay hotels in the county, such as Extended Stay Hotels and Residence Inn, even though they do not technically comply with the current definition. Furthermore, standard hotels offer rooms with kitchenettes that are used for extended lodging purposes as well. Thus, the proposed amendment will update the definition to be address current industry needs.

### **2. SECTION 118.0: B-1 (Business: Local) District**

**Section 118.0.B., Uses Permitted as a Matter of Right – Add a new use category for “Hotels, Motels, Country Inns and Conference Centers”.**

DPZ recommends approval of the amendment

The purpose of the B-1 zoning district is to "...provide areas of local business that can directly serve the general public with retail sales and services." Hotels provide lodging services to the general public and are consistent with the purpose of the B-1 zoning district. Furthermore, several uses permitted by right in B-1, such as office parks, colleges, assisted living, have a need for lodging services within close proximity.

The Hotels, Motels, Country Inns and Conference Centers use category is permitted in the HC, POR, PEC, B-2, M-1, M-2, PGCC (Multi-use), CE, TOD, CAC, and TNC Districts zoning districts. The B-1 zoning district permits more commercial land uses than the POR and HC and is considered to be a more intense district. The proposed amendment is consistent with other similar zoning districts. Additionally, the Hotels, Motels, Country Inns and Conference Centers use category is permitted by right in the B-2 zoning district, which has the same bulk regulations as B-1.

### **III. GENERAL PLAN**

The Petitioner asserts that ZRA-178 is in harmony with the following PlanHoward 2030 (General Plan) policies:

#### **Policy 5.9**

**"Continue to enhance the vitality of the Route 40 Corridor."**

#### **Policy 10.2**

**"Focus growth in Downtown Columbia, Route 1 and Route 40 Corridors, and some Columbia Village Centers, as well as some older commercial or industrial areas which have redevelopment potential."**

The Petitioner correctly acknowledges that there are many areas zoned B-1 along the Route 40 Corridor. These areas are often adjacent to B-2 areas in which hotels are currently permitted by right. The TNC areas that are also within the Route 40 Corridor permit hotel uses as well. Adding the new use category to the B-1 District as proposed will be beneficial to the future of the Route 40 Corridor by providing another option for the development and redevelopment of the B-1 properties within the corridor.

### **IV. AGENCY COMMENTS**

The Bureau of Environmental Health, the Department of Fire and Rescue Services, the Department of Inspections, Licenses and Permits, the Department of Recreation & Parks, and the Development Engineering Division all stated that they have no comments.

**V. RECOMMENDATION**

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-178 be **APPROVED**.

Approved by:

 7/18/17  
Valdis Lardins, Director Date

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

## ZRA-178 - Exhibit A (Petitioner's Proposed Text)

(CAPITALS indicate text to be added; [[brackets indicate text to be deleted]].)

### SECTION 103.0: Definitions

#### H

Hearing Authority: Either the Board of Appeals or Hearing Examiner.

Historic District: An area in the County which has significant historic or architectural value, the boundaries of which have been established in accordance with the provisions of Sections 100.0.G and 114.0 of these Zoning Regulations, or the previously established Ellicott City Historic District

Historic Structure: A structure or cluster of structures situated within the County which, together with its appurtenances and environmental setting, have significant historic or architectural value, and have been designated as such by resolution of the County Council.

Home-Based Contractor: The accessory use of a residential property for a contracting business which is operated by a person residing on the same lot and which includes at least one of the following activities: storage of equipment, regular visits to the lot by nonresident employees, or parking of more commercial vehicles than allowed under the provisions of the applicable zoning district for parking of commercial motor vehicles. Home-based contractors may include building maintenance, construction, electrical, excavation, heating/air conditioning, home improvement, landscaping, painting, paving, plumbing, septic system, snow removal, well drilling, or similar businesses.

Home Care: The keeping during part of a 24 hour period of not more than eight children at one time or not more than three elderly or medically handicapped individuals at one time in a residence, under a license or registration issued by the State of Maryland.

Home Occupation: The accessory use of a residential property for business purposes which are clearly incidental and secondary to the residential use.

Hospital: Any institution, including a sanitarium, that has a group of physicians who are organized as a medical staff for the institution, maintains facilities to provide medical diagnostic and treatment services for two or more unrelated individuals, and provides overnight care for the individuals.

Hotel or Motel: Any building or portion thereof or group of buildings containing guest rooms in which, for compensation, lodging is provided to transient guests on a daily, weekly, [[or similar short term basis]] OR MONTHLY BASIS, NOT TO EXCEED SIX MONTHS.

### SECTION 118.0: B-1 (Business: Local) District

#### B. Uses Permitted as a Matter of Right

1. Adult book or video stores, subject to the requirements of Section 128.0.H
2. Ambulatory health care facilities.
3. Animal hospitals, completely enclosed.

4. Antique shops, art galleries, craft shops.
5. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
6. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions.
7. Bicycle repair shops.
8. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
10. Carpet and floor covering stores.
11. Catering establishments and banquet facilities.
12. Child day care centers and nursery schools.
13. Clothing and apparel stores with goods for sale or rent.
14. Commercial communication antennas.
15. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2. and 128.0.E.3.
16. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
17. Convenience stores.
18. Convents and monasteries used for residential purposes.
19. Day treatment or care facilities.
20. Drug and cosmetic stores.
21. Farmers markets and farm produce stands.
22. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
23. Food stores.
24. Funeral homes and mortuaries.
25. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
26. Government structures, facilities and uses, including public schools and colleges.
27. Hardware stores.
28. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements, provided such building materials and supplies are enclosed in a building.
29. HOTELS, MOTELS, COUNTRY INNS AND CONFERENCE CENTERS.

*{Renumber subsequent uses accordingly}*