Introduced 6/5/17
Public hearing 6/19/17
Council action 9/5/17
Executive action 9/13/17
Effective date 11/13/17

County Council of Howard County, Maryland

2017 Legislative Session

Legislative day # 9

BILL NO. 53 – 2017 (ZRA – 169)

Introduced by: The Chairperson at the request of Warren H. Boyer

AN ACT amending the Howard County Zoning Regulations to establish a new use category of Storage or Use of Trailers, Modular Offices, Shipping Containers, or Refuse Containers; and generally relating to Storage or Use of Trailers, Modular Offices, Shipping Containers, or Refuse Containers.

Introduced and read first time June 5, 2017. 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 June 19, 2017.

Tabled July 3, 2017
Life extended & tabled 7/26/17

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on Sept. 5, 2017 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 6th day of September, 2017 at 1 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive Sept 13, 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.

Section 1. Be it enacted *by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are hereby amended as follows:*

By Amending

Section 103.0: "Definitions"
Letters "C.", "M.", and "S."
Section 104.0: - RC (Rural Conservation) District
Subsection C. Accessory Uses

Section 105.0: - RR (Rural Residential) District
Subsection C. Accessory Uses

Section 107.0: R-ED (Residential Environmental Development) District
Subsection C. Accessory Uses

Section 118:0: - B-1 (Business Local) District
Subsection C. Accessory Uses

Subsection119.0: - B-2 (Business General) District
Subsection C. Accessory Uses

Section 122.0 "M-1 (Manufacturing: Light) District
Subsection C. Accessory Uses

Section 123.0 "M-2 (Manufacturing: Heavy) District
Subsection C. Accessory Uses

Section 128.0: "Supplementary Zoning District Regulations"
Subsection D. "Temporary, Seasonal and Other Uses"

By Renumbering
Section 128.0: "Supplementary Zoning District Regulations"
Subsection D. "Temporary, Seasonal and Other Uses"

By Adding
Section 131.0: "Conditional Uses"

Subsection O. "New Conditional Use Categories"

Number 4. "Storage or Use of Trailers, Modular Offices, Shipping Containers, or Refuse Containers."

Howard County Zoning Regulations

SECTION 103.0: DEFINITIONS

C.

Commercial Vehicle: Every motor vehicle and trailer licensed by the State, designed or used for transporting goods or equipment in the furtherance of any commercial enterprise; a motor vehicle that is designed and used to carry people for compensation, including school buses but excluding taxicabs. [[Commercial vehicles, including trailers, box trailers and cargo containers, may not be used as a shelter for on-site storage.]]

M.

Motor Vehicle: Any self-propelled vehicle or trailer that is not operated on rails and which if designed to be driven, towed or used on a public street or highway would be required by the Maryland Vehicle Law to be registered and licensed. **[[**Motor vehicles, including trailers, box trailers and cargo containers may not be used as a shelter for on-site storage.**]]**

S.

SHIPPING CONTAINER: AN INTERMODAL CONTAINER OR SIMILAR BOXLIKE CONTAINER DESIGNED ~~AND BUILT FOR THE PURPOSE OF FREIGHT TRANSPORT.~~ AND BUILT FOR TRANSPORTING FREIGHT OR SIMILAR ITEMS.

STORAGE BUILDING, ACCESSORY: A PREFABRICATED OR SITE-CONSTRUCTED BUILDING BUILT FOR STORAGE PURPOSES AND USED FOR THE ACCESSORY STORAGE OF ITEMS AND MATERIALS FOR A PRINCIPAL USE.

SECTION 104.0: - RC (RURAL CONSERVATION) DISTRICT

C. Accessory Uses

25. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

SECTION 105.0: - RR (RURAL RESIDENTIAL) DISTRICT

C. Accessory Uses

24. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

SECTION 107.0: R-ED (RESIDENTIAL ENVIRONMENTAL DEVELOPMENT) DISTRICT

C. Accessory Uses

17. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINER, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

SECTION 118.0: - B-1 (BUSINESS: LOCAL) DISTRICT

C. Accessory Uses

8. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

SECTION 119.0: - B-2 (BUSINESS: GENERAL) DISTRICT

C. Accessory Uses

8. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

SECTION 122.0 "M-1 (MANUFACTURING: LIGHT) DISTRICT

C. Accessory Uses

7. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

SECTION 123.0 "M-2 (MANUFACTURING: HEAVY) DISTRICT

C. Accessory Uses

7. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

SECTION 128.0: SUPPLEMENTARY ZONING DISTRICT REGULATIONS

A. Supplementary Bulk Regulations

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

(1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:

(a) 600 square feet for a lot in the planned public water and sewer service area.

(b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less

(c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres.

(2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", SHIPPING CONTAINERS USED AS ACCESSORY STORAGE STRUCTURES, and swimming pools. Farm structures, SHIPPING CONTAINERS USED AS ACCESSORY STORAGE STRUCTURES, and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.

b. Restrictions for accessory structures

Full baths, full kitchens, residential habitation and commercial uses are not permitted in accessory structures.

D. **Temporary, Seasonal and Other Uses**

3. ACCESSORY STORAGE BUILDINGS AND OTHER ACCESSORY STORAGE STRUCTURES.

A. EXCEPT AS PROVIDED BELOW, OR OTHERWISE PROVIDED IN THE REGULATIONS, ONLY ACCESSORY STORAGE BUILDINGS ARE PERMITTED TO BE USED AS SHELTERS FOR ACCESSORY STORAGE PURPOSES, AND CONVERTED OR REPURPOSED STRUCTURES SUCH AS SHIPPING CONTAINERS OR TRAILERS SHALL NOT BE USED FOR ACCESSORY STORAGE.

~~B. IN THE M-1 AND M-2 DISTRICTS, BUT NOT IN OTHER DISTRICTS THAT PERMIT M-1 USES, THE USE OF SHIPPING CONTAINERS AS ACCESSORY STORAGE STRUCTURES MAY BE PERMITTED IF GRANTED ZONING PERMIT APPROVAL BASED UPON COMPLIANCE WITH THE FOLLOWING CRITERIA:~~

~~(1) THE SHIPPING CONTAINERS SHALL NOT BE LOCATED IN THE SETBACK FROM A PUBLIC STREET RIGHT-OF-WAY.~~

~~(2) THE SHIPPING CONTAINERS SHALL BE LOCATED OR SCREENED SO THAT THEY ARE NOT VISIBLE FROM THE PUBLIC STREET RIGHT-OF-WAY OR FROM ANY EXISTING RESIDENTIAL USES IN THE VICINITY.~~

B. THE DEPARTMENT OF PLANNING AND ZONING MAY APPROVE A PERMIT FOR THE USE OF A SHIPPING CONTAINER AS AN ACCESSORY STORAGE STRUCTURE ONLY IN THE ZONING DISTRICTS LISTED UNDER 128.0.D.3.B.2.A, B, AND C BELOW UNLESS OTHERWISE PERMITTED UNDER 128.0.D.3.D BELOW.

(1) GENERAL CRITERIA

A. SHIPPING CONTAINERS SHALL NOT BE LOCATED IN AN AREA REQUIRED BY SITE FEATURES SUCH AS: PARKING, LANDSCAPING, STORMWATER MANAGEMENT, FIRE LANES, OPEN SPACE, OR SIMILAR REQUIREMENTS. .

B. STACKING OF SHIPPING CONTAINERS IS PROHIBITED.

C. THE STORAGE OF MATERIAL DESIGNATED AS HIGH HAZARD IN THE INTERNATIONAL BUILDING CODE IS NOT PERMITTED. THE DEPARTMENT OF LICENSES AND PERMITS SHALL REVIEW AND APPROVE ALL PERMIT REQUEST FOR COMPLIANCE WITH THIS CONDITION.

D. SHIPPING CONTAINERS SHALL COMPLY WITH ALL BULK REGULATIONS FOR THE ZONING DISTRICT.

(2) ZONING DISTRICT CRITERIA

A. IN THE M-1 AND M-2 DISTRICTS, BUT NOT IN OTHER DISTRICTS THAT REFERENCE M-1 FOR PERMITTED USES:

I. THE SHIPPING CONTAINERS SHALL BE LOCATED OR SCREENED SO THAT THEY ARE NOT VISIBLE FROM THE

PUBLIC STREET RIGHT-OF-WAY OR FROM ANY EXISTING RESIDENTIAL USES IN THE VICINITY.

B. IN THE B-1 AND B-2 DISTRICTS BETWEEN NORTH AVENUE AND SOUTH ALLEY, BEGINNING AT THE CENTER LINE OF MD 94 AND EXTENDING 1850 FEET TO THE EAST ON THE NORTH SIDE OF MD 144; EXTENDING 1,350 FEET TO THE EAST ON THE SOUTH SIDE OF MD 144; AND EXTENDING 225 FEET TO THE WEST ON THE SOUTH SIDE OF MD 144:

I. FOR PROPERTIES THAT FRONT A PUBLIC RIGHT-OF-WAY, SHIPPING CONTAINERS SHALL BE LOCATED BEHIND THE FRONT FAÇADE OF THE PRINCIPAL STRUCTURE.

II. THE NUMBER OF SHIPPING CONTAINERS PER LOT SHALL NOT EXCEED TWO IN B-1 AND THREE IN B-2.

C. IN THE RC AND RR DISTRICTS, EXCLUDING FARMS:

I. THE MINIMUM LOT SIZE SHALL BE 5 ACRES.

II. SHIPPING CONTAINERS SHALL BE SCREENED FROM THE PUBLIC RIGHT OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL, TOPOGRAPHICAL OR VEGETATIVE MEANS.

III. THE NUMBER OF SHIPPING CONTAINERS ALLOWED PER LOT SHALL NOT EXCEED TWO.

~~C~~ D. IN THE RC, RR, AND R-ED DISTRICTS, THE USE OF STORAGE BINS, SHIPPING CONTAINERS, TRAILERS AND SIMILAR STORAGE FACILITIES MAY BE PERMITTED AS ACCESSORY STORAGE STRUCTURES TO A PRINCIPAL FARMING USE.

SECTION 131.0: - Conditional Uses

O. **New Conditional Use Categories**

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

4. STORAGE OR USE OF TRAILERS, MODULAR OFFICES, OFFICE TRAILERS, SHIPPING CONTAINERS, OR REFUSE CONTAINERS.

A CONDITIONAL USE, OR AN ENLARGEMENT OR ALTERATION OF AN EXISTING CONDITIONAL USE, MAY BE GRANTED FOR THE STORAGE OR USE OF TRAILERS, MODULAR OFFICES, SHIPPING CONTAINERS, OR REFUSE CONTAINERS IN THE RC OR RR DISTRICTS, PROVIDED THAT:

A. THE USE IS LOCATED ON A LOT OR PARCEL THAT IS THREE ACRES OR LARGER.

B. THE USE SHALL BE SCREENED AND NOT VISIBLE FROM ADJOINING PROPERTY LINES OR FROM THE PUBLIC STREET RIGHT-OF-WAY.

C. THE USE SHALL COMPLY WITH THE STRUCTURE AND USE SETBACKS.

Section 2. Be it further enacted *by the County Council of Howard County, Maryland, that Section 128.0.D of the County Zoning Regulations are hereby renumbered accordingly.*

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

Section 4. 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 September 13, 2017.

Jessica Feldmark

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 No. 53-2017

BY: Greg Fox and
Mary Kay Sigaty

Legislative Day No. 12

Date: September 5, 2017

Amendment No. 1

(This amendment provides for the accessory use in additional districts, amends a definition, and amends the supplementary zoning district regulations.)

On page 1, at line 8, insert:

"Section 104.0: - RC (Rural Conservation) District

Subsection C. Accessory Uses

Section 105.0: - RR (Rural Residential) District

Subsection C. Accessory Uses

Section 107.0: R-ED (Residential Environmental Development) District

Subsection C. Accessory Uses

Section 118:0: - B-1 (Business Local) District

Subsection C. Accessory Uses

Subsection119.0: - B-2 (Business General) District

Subsection C. Accessory Uses".

On page 2, strike line 9 in its entirety and substitute: "AND BUILT FOR TRANSPORTING FREIGHT OR SIMILAR ITEMS.".

Also on page 2, after line 14 insert:

"Section 104.0: - RC (Rural Conservation) District

C. Accessory Uses

25. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

Section 105.0: - RR (Rural Residential) District

C. Accessory Uses

24. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

Section 107.0: R-ED (Residential Environmental Development) District

C. Accessory Uses

17. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINER, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

Section 118.0: - B-1 (Business: Local) District

C. Accessory Uses

8. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

Section 119.0: - B-2 (Business: General) District

C. Accessory Uses

8. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.".

On page 2, at the end of line 21 and at the end of line 29, in each case, insert before the final period ".D".

On page 3, after line 2, insert:

"A. Supplementary Bulk Regulations

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

(1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:

(a) 600 square feet for a lot in the planned public water and sewer service area.

(b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less

(c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres.

(2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", SHIPPING CONTAINERS USED AS ACCESSORY STORAGE STRUCTURES, and swimming pools. Farm structures, SHIPPING CONTAINERS USED AS ACCESSORY STORAGE STRUCTURES, and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.

b. Restrictions for accessory structures

Full baths, full kitchens, residential habitation and commercial uses are not permitted in accessory structures.".

Also on page 3, strike lines 12 through 22 in their entirety and substitute:

"B. THE DEPARTMENT OF PLANNING AND ZONING MAY APPROVE A PERMIT FOR THE USE OF A SHIPPING CONTAINER AS AN ACCESSORY STORAGE STRUCTURE ONLY IN THE ZONING DISTRICTS LISTED UNDER 128.0.D.3.B.2.A, B, AND C BELOW UNLESS OTHERWISE PERMITTED UNDER 128.0.D.3.D BELOW.

1. GENERAL CRITERIA

A. SHIPPING CONTAINERS SHALL NOT BE LOCATED IN AN AREA REQUIRED BY SITE FEATURES SUCH AS: PARKING, LANDSCAPING, STORMWATER MANAGEMENT, FIRE LANES, OPEN SPACE, OR SIMILAR REQUIREMENTS. .

B. STACKING OF SHIPPING CONTAINERS IS PROHIBITED.

C. THE STORAGE OF MATERIAL DESIGNATED AS HIGH HAZARD IN THE INTERNATIONAL BUILDING CODE IS NOT PERMITTED. THE DEPARTMENT OF LICENSES AND PERMITS SHALL REVIEW AND APPROVE ALL PERMIT REQUEST FOR COMPLIANCE WITH THIS CONDITION.

D. SHIPPING CONTAINERS SHALL COMPLY WITH ALL BULK REGULATIONS FOR THE ZONING DISTRICT.

2. ZONING DISTRICT CRITERIA

A. IN THE M-1 AND M-2 DISTRICTS, BUT NOT IN OTHER DISTRICTS THAT REFERENCE M-1 FOR PERMITTED USES:

I. THE SHIPPING CONTAINERS SHALL BE LOCATED OR SCREENED SO THAT THEY ARE NOT VISIBLE FROM THE PUBLIC STREET RIGHT-OF-WAY OR FROM ANY EXISTING RESIDENTIAL USES IN THE VICINITY.

B. IN THE B-1 AND B-2 DISTRICTS BETWEEN NORTH AVENUE AND SOUTH ALLEY, BEGINNING AT THE CENTER LINE OF MD 94 AND EXTENDING 1850 FEET TO THE EAST ON THE NORTH SIDE OF MD 144; EXTENDING 1,350 FEET TO THE EAST ON THE SOUTH SIDE OF MD

144; AND EXTENDING 225 FEET TO THE WEST ON THE SOUTH SIDE OF MD 144:

I. FOR PROPERTIES THAT FRONT A PUBLIC RIGHT-OF-WAY, SHIPPING CONTAINERS SHALL BE LOCATED BEHIND THE FRONT FAÇADE OF THE PRINCIPAL STRUCTURE.

II. THE NUMBER OF SHIPPING CONTAINERS PER LOT SHALL NOT EXCEED TWO IN B-1 AND THREE IN B-2.

C. IN THE RC AND RR DISTRICTS, EXCLUDING FARMS:

I. THE MINIMUM LOT SIZE SHALL BE 5 ACRES.

II. SHIPPING CONTAINERS SHALL BE SCREENED FROM THE PUBLIC RIGHT OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL, TOPOGRAPHICAL OR VEGETATIVE MEANS.

III. THE NUMBER OF SHIPPING CONTAINERS ALLOWED PER LOT SHALL NOT EXCEED TWO.".

Also on page 3, at line 23, strike "C." and substitute "D.".

On page 4, in line 7, after "OFFICES," insert "OFFICE TRAILERS,".

ADOPTED 9/5/17

FAILED

SIGNATURE Jessica Feldmark

Section 1. Be it enacted *by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are hereby amended as follows:*

By Amending

Section 103.0: "Definitions"
Letters "C.", "M.", and "S."

Section 122.0 "M-1 (Manufacturing: Light) District
Subsection C. Accessory Uses

Section 123.0 "M-2 (Manufacturing: Heavy) District
Subsection C. Accessory Uses

Section 128.0: "Supplementary Zoning District Regulations"
Subsection D. "Temporary, Seasonal and Other Uses"

By Renumbering
Section 128.0: "Supplementary Zoning District Regulations"
Subsection D. "Temporary, Seasonal and Other Uses"

By Adding
Section 131.0: "Conditional Uses"
Subsection O. "New Conditional Use Categories"
Number 4. "Storage or Use of Trailers, Modular Offices, Shipping Containers, or Refuse Containers."

Howard County Zoning Regulations

SECTION 103.0: DEFINITIONS

C.

Commercial Vehicle: Every motor vehicle and trailer licensed by the State, designed or used for transporting goods or equipment in the furtherance of any commercial enterprise; a motor vehicle that is designed and used to carry people for compensation, including school buses but excluding taxicabs. [[Commercial vehicles, including trailers, box trailers and cargo containers, may not be used as a shelter for on-site storage.]]

M.

Motor Vehicle: Any self-propelled vehicle or trailer that is not operated on rails and which if designed to be driven, towed or used on a public street or highway would be required by the Maryland Vehicle Law to be registered and licensed. [[Motor vehicles, including trailers, box trailers and cargo containers may not be used as a shelter for on-site storage.]]

S.

SHIPPING CONTAINER: AN INTERMODAL CONTAINER OR SIMILAR BOXLIKE CONTAINER DESIGNED AND BUILT FOR THE PURPOSE OF FREIGHT TRANSPORT.

STORAGE BUILDING, ACCESSORY: A PREFABRICATED OR SITE-CONSTRUCTED BUILDING BUILT FOR STORAGE PURPOSES AND USED FOR THE ACCESSORY STORAGE OF ITEMS AND MATERIALS FOR A PRINCIPAL USE.

SECTION 122.0 "M-1 (MANUFACTURING: LIGHT) DISTRICT

C. Accessory Uses

7. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.

SECTION 123.0 "M-2 (MANUFACTURING: HEAVY) DISTRICT

C. Accessory Uses

7. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.

SECTION 128.0: SUPPLEMENTARY ZONING DISTRICT REGULATIONS

D. Temporary, Seasonal and Other Uses

3. ACCESSORY STORAGE BUILDINGS AND OTHER ACCESSORY STORAGE STRUCTURES.

A. EXCEPT AS PROVIDED BELOW, OR OTHERWISE PROVIDED IN THE REGULATIONS, ONLY ACCESSORY STORAGE BUILDINGS ARE PERMITTED TO BE USED AS SHELTERS FOR ACCESSORY STORAGE PURPOSES, AND CONVERTED OR REPURPOSED STRUCTURES SUCH AS SHIPPING CONTAINERS OR TRAILERS SHALL NOT BE USED FOR ACCESSORY STORAGE.

B. IN THE M-1 AND M-2 DISTRICTS, BUT NOT IN OTHER DISTRICTS THAT PERMIT M-1 USES, THE USE OF SHIPPING CONTAINERS AS ACCESSORY STORAGE STRUCTURES MAY BE PERMITTED IF GRANTED ZONING PERMIT APPROVAL BASED UPON COMPLIANCE WITH THE FOLLOWING CRITERIA:

(1) THE SHIPPING CONTAINERS SHALL NOT BE LOCATED IN THE SETBACK FROM A PUBLIC STREET RIGHT-OF-WAY.

(2) THE SHIPPING CONTAINERS SHALL BE LOCATED OR SCREENED SO THAT THEY ARE NOT VISIBLE FROM THE PUBLIC STREET RIGHT-OF-WAY OR FROM ANY EXISTING RESIDENTIAL USES IN THE VICINITY.

C. IN THE RC, RR, AND R-ED DISTRICTS, THE USE OF STORAGE BINS, SHIPPING CONTAINERS, TRAILERS AND SIMILAR STORAGE FACILITIES MAY BE PERMITTED AS ACCESSORY STORAGE STRUCTURES TO A PRINCIPAL FARMING USE.

SECTION 131.0: - Conditional Uses

O. **New Conditional Use Categories**

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

4. STORAGE OR USE OF TRAILERS, MODULAR OFFICES, SHIPPING CONTAINERS, OR REFUSE CONTAINERS.

A CONDITIONAL USE, OR AN ENLARGEMENT OR ALTERATION OF AN EXISTING CONDITIONAL USE, MAY BE GRANTED FOR THE STORAGE OR USE OF TRAILERS, MODULAR OFFICES, SHIPPING CONTAINERS, OR REFUSE CONTAINERS IN THE RC OR RR DISTRICTS, PROVIDED THAT:

A. THE USE IS LOCATED ON A LOT OR PARCEL THAT IS THREE ACRES OR LARGER.

B. THE USE SHALL BE SCREENED AND NOT VISIBLE FROM ADJOINING PROPERTY LINES OR FROM THE PUBLIC STREET RIGHT-OF-WAY.

C. THE USE SHALL COMPLY WITH THE STRUCTURE AND USE SETBACKS.

Section 2. Be it further enacted *by the County Council of Howard County, Maryland, that Section 128.0.D of the County Zoning Regulations are hereby renumbered accordingly.*

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

Section 4. Be it further enacted *by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 53-2017

BY: Greg Fox and
Mary Kay Sigaty

Legislative Day No. 12

Date: September 5, 2017

Amendment No. 1

(This amendment provides for the accessory use in additional districts, amends a definition, and amends the supplementary zoning district regulations.)

On page 1, at line 8, insert:

"Section 104.0: - RC (Rural Conservation) District

Subsection C. Accessory Uses

Section 105.0: - RR (Rural Residential) District

Subsection C. Accessory Uses

Section 107.0: R-ED (Residential Environmental Development) District

Subsection C. Accessory Uses

Section 118:0: - B-1 (Business Local) District

Subsection C. Accessory Uses

Subsection119.0: - B-2 (Business General) District

Subsection C. Accessory Uses".

On page 2, strike line 9 in its entirety and substitute: "AND BUILT FOR TRANSPORTING FREIGHT OR SIMILAR ITEMS.".

Also on page 2, after line 14 insert:

"Section 104.0: - RC (Rural Conservation) District

C. Accessory Uses

25. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

Section 105.0: - RR (Rural Residential) District

C. Accessory Uses

24. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

Section 107.0: R-ED (Residential Environmental Development) District

C. Accessory Uses

17. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINER, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

Section 118.0: - B-1 (Business: Local) District

C. Accessory Uses

8. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.

Section 119.0: - B-2 (Business: General) District

C. Accessory Uses

8. ACCESSORY STORAGE BUILDINGS AND SHIPPING CONTAINERS, AS ACCESSORY STORAGE STRUCTURES, SUBJECT TO THE REQUIREMENTS IN SECTION 128.0.D.".

On page 2, at the end of line 21 and at the end of line 29, in each case, insert before the final period ".D".

On page 3, after line 2, insert:

"A. Supplementary Bulk Regulations

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

(1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:

(a) 600 square feet for a lot in the planned public water and sewer service area.

(b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less

(c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres.

(2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", SHIPPING CONTAINERS USED AS ACCESSORY STORAGE STRUCTURES, and swimming pools. Farm structures, SHIPPING CONTAINERS USED AS ACCESSORY STORAGE STRUCTURES, and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.

b. Restrictions for accessory structures

Full baths, full kitchens, residential habitation and commercial uses are not permitted in accessory structures.".

Also on page 3, strike lines 12 through 22 in their entirety and substitute:

"B. THE DEPARTMENT OF PLANNING AND ZONING MAY APPROVE A PERMIT FOR THE USE OF A SHIPPING CONTAINER AS AN ACCESSORY STORAGE STRUCTURE ONLY IN THE ZONING DISTRICTS LISTED UNDER 128.0.D.3.B.2.A, B, AND C BELOW UNLESS OTHERWISE PERMITTED UNDER 128.0.D.3.D BELOW.

1. GENERAL CRITERIA

A. SHIPPING CONTAINERS SHALL NOT BE LOCATED IN AN AREA REQUIRED BY SITE FEATURES SUCH AS: PARKING, LANDSCAPING, STORMWATER MANAGEMENT, FIRE LANES, OPEN SPACE, OR SIMILAR REQUIREMENTS. .

B. STACKING OF SHIPPING CONTAINERS IS PROHIBITED.

C. THE STORAGE OF MATERIAL DESIGNATED AS HIGH HAZARD IN THE INTERNATIONAL BUILDING CODE IS NOT PERMITTED. THE DEPARTMENT OF LICENSES AND PERMITS SHALL REVIEW AND APPROVE ALL PERMIT REQUEST FOR COMPLIANCE WITH THIS CONDITION.

D. SHIPPING CONTAINERS SHALL COMPLY WITH ALL BULK REGULATIONS FOR THE ZONING DISTRICT.

2. ZONING DISTRICT CRITERIA

A. IN THE M-1 AND M-2 DISTRICTS, BUT NOT IN OTHER DISTRICTS THAT REFERENCE M-1 FOR PERMITTED USES:

I. THE SHIPPING CONTAINERS SHALL BE LOCATED OR SCREENED SO THAT THEY ARE NOT VISIBLE FROM THE PUBLIC STREET RIGHT-OF-WAY OR FROM ANY EXISTING RESIDENTIAL USES IN THE VICINITY.

B. IN THE B-1 AND B-2 DISTRICTS BETWEEN NORTH AVENUE AND SOUTH ALLEY, BEGINNING AT THE CENTER LINE OF MD 94 AND EXTENDING 1850 FEET TO THE EAST ON THE NORTH SIDE OF MD 144; EXTENDING 1,350 FEET TO THE EAST ON THE SOUTH SIDE OF MD

144; AND EXTENDING 225 FEET TO THE WEST ON THE SOUTH SIDE OF MD 144:

I. FOR PROPERTIES THAT FRONT A PUBLIC RIGHT-OF-WAY, SHIPPING CONTAINERS SHALL BE LOCATED BEHIND THE FRONT FAÇADE OF THE PRINCIPAL STRUCTURE.

II. THE NUMBER OF SHIPPING CONTAINERS PER LOT SHALL NOT EXCEED TWO IN B-1 AND THREE IN B-2.

C. IN THE RC AND RR DISTRICTS, EXCLUDING FARMS:

I. THE MINIMUM LOT SIZE SHALL BE 5 ACRES.

II. SHIPPING CONTAINERS SHALL BE SCREENED FROM THE PUBLIC RIGHT OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL, TOPOGRAPHICAL OR VEGETATIVE MEANS.

III. THE NUMBER OF SHIPPING CONTAINERS ALLOWED PER LOT SHALL NOT EXCEED TWO.".

Also on page 3, at line 23, strike "C." and substitute "D.".

On page 4, in line 7, after "OFFICES," insert "OFFICE TRAILERS,".