

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

County Council of Howard County, Maryland

2017 Legislative Session

Legislative day # 14

BILL NO. 80 - 2017 (ZRA - 178)

Introduced by: The Chairperson
at the request of
K2 Properties, LLC

AN ACT amending the Howard County Zoning Regulations to permit hotels, motels, country inns and conference center as a matter of right in the B-1 zoning district and amend the definition of "Hotel or Motel" to allow for extended stays, up to six months, under certain circumstances; and generally relating to hotels, motels, country inns and conference centers.

Introduced and read first time _____, 2017. 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 _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 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 _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

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 *Section 103.0: "Definitions"*

6 *Letter H. "Hotel or Motel"*

7 *and*

8 *By Adding:*

9 *Section 118.0: "B-1 (Business: Local) District"*

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

11 *Number 29. "Hotels, motels, country inns and conference centers"*

12
13
14 **HOWARD COUNTY ZONING REGULATIONS**

15
16 **SECTION 103.0: Definitions**

17
18 **H**

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

22
23 **SECTION 118.0: B-1 (Business: Local) District**

24
25 **B. Uses Permitted as a Matter of Right**

- 26
27 1. Adult book or video stores, subject to the requirements of Section 128.0.H
28 2. Ambulatory health care facilities.
29 3. Animal hospitals, completely enclosed.
30 4. Antique shops, art galleries, craft shops.
31 5. Bakeries, provided all goods baked on the premises shall be sold at retail from the
32 premises.
33 6. Banks, savings and loan associations, investment companies, credit unions, brokers,
34 and similar financial institutions.
35 7. Bicycle repair shops.

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

1 29. HOTELS, MOTELS, COUNTRY INNS AND CONFERENCE CENTERS, ON PARCELS AT LEAST
2 1.5 ACRES IN AREA.

3 [[29]]30. Laundry and/or dry cleaning establishments, except that pickup and delivery
4 services shall not be provided.

5

6 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that items 29*
7 *through 53 of the Section 118.0 B of the Zoning Regulations are hereby renumbered to be items 30*
8 *through 54, respectively.*

9

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

12

13

14



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

DPZ Office Use Only:
Case No. ZRA-178
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: Add "Hotels, motels, country inns and conference centers" as a use permitted as a matter of right in the B-1 (Business: Local) District. Also amends definition of "Hotel or Motel" to allow for extended stays, not to exceed six (6) months.

[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 K2 Properties, LLC

Address 10328 Baltimore National Pike, Ellicott City, MD 21042

Phone No. (W) _____ (H) _____

Email Address _____

3. Counsel for Petitioner Thomas G. Coale, Talkin & Oh, LLP

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042

Counsel's Phone No. (410) 964-0300

Email Address tcoale@talkin-oh.com

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

See attached Supplemental Statement.

HOWARD COUNTY COUNCIL
RECEIVED
2017 FEB 28 PM 1:06

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County_____

See attached Supplemental Statement.

[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.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.A._____

See attached Supplemental Statement.

[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 Section 6.

[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 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.

This amendment would permit hotels, motels, country inns and conference centers in all B-1 properties and also modify the definition for hotels and motels for all districts that permit such uses. In light of the other uses allowed in B-1, allowing this as a new by-right use will not have a noticeable impact in the B-1 zone. Amending the definition of "Hotel and Motel" will bring it into accordance with the common understanding of an extended stay hotel. As referenced in the attached supplement, extended stay is only permitted in residential zones under the current Howard County Zoning Regulations.

[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.


[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.

K2 Properties LLC
Petitioner's name (Printed or typed)


Petitioner's Signature

2/22/17
Date


Thomas G. Coale, Counsel for Petitioner

[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 four (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

Revised:07/12

T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- 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.

ZONING MATTER: K2 Properties, LLC

AFFIDAVIT AS TO CONTRIBUTION

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

I, K2 Properties, LLC, the applicant in the above zoning matter
_____, 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: Kim B. Kim

Signature: 

Date: 2/25/2017

ZONING MATTER: K2 Properties, LLC

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.

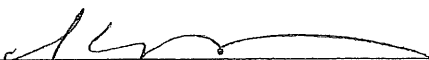
APPLICANT OR
PARTY OF RECORD: K2 Properties, LLC

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>None</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></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: Kim B. Kim

Signature: 

Date: 2/25/2017

ZONING MATTER: K2 Properties, LLC

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**

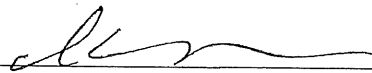
I, K2 Properties, LLC, the applicant in the above zoning matter
_____, AM AM NOT

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: Kim B. Kim

Signature: 

Date: 2/29/2017

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

K2 Properties, LLC Petitioner

Petitioner, K2 Properties, LLC, by and through its attorneys, Thomas G. Coale and Talkin & Oh, LLP, submit this Supplement in support of its Petition to Amend the Zoning Regulations of Howard County.

The Petitioner requests the addition of “Hotels, motels, country inns and conference centers” (hereinafter referred to as “Hotels”) to the uses allowed as a matter of right in the Business: Local (“B-1”) District, Section 118.0.B. of the Zoning Regulations. Petitioner also requests an amendment to the definition of “Hotel or Motel” to provide for extended stay hotels, not to exceed six (6) months. The details of these amendments are shown on the attached Proposed Text Amendment (the “Amendment”). A brief statement concerning the reason(s) for proposing the requested amendments to the Zoning Regulations are as follows:

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

The Amendment proposes to include Hotels as a use allowed as a matter of right in the B-1 District and modify the definition of “Hotels and Motels” to include extended stay hotels. The Purpose Statement of the B-1 District is “to provide areas of local business that can directly serve the general public with retail sales and services.” B-1 uses include, *inter alia*, colleges and universities, museums, libraries, nursing homes, office space, and private swimming pools. The inclusion of Hotels in the B-1 would be entirely consistent with the purpose of B-1 and the uses allowed therein. Hotels serve the local community and facilitate local business. The uses noted above are of the same, if not greater, intensity than what may be expected from a Hotel use. Furthermore, Hotels are already permitted by-right in lower intensity commercial districts such as the Planned Office Research (POR) and Historic: Commercial (HC) Districts.

The amended definition of “Hotel or Motel” brings current usage into accordance with the language of the Zoning Regulations. While extended stay hotels are branded as “hotels”, owned by hotel chains, and

are managed in a similar fashion to Hotels, for purposes of zoning they have existed in a gray area between residential and commercial uses. The existing definition of “Hotel or Motel” purportedly limits this use to weekly rentals, while the proliferation of extended stay hotels suggests that this limitation may be honored in the breach. Similarly, the definition of “Dwelling” does not permit, and expressly disallows, the type of use customary for an extended stay hotel: “ A building, or portion thereof, which provides living facilities for one family. As used herein, the term ‘dwelling,’ or any combination thereof, shall not be deemed to include a hotel, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.” By amending the definition of “Hotels or Motels” to permit monthly rentals limited to six months, the Regulations may be brought into accordance with common usage and current application of the law.

The amended definition also provides a six month demarcation point between “Hotel or Motel” and residential uses. The current definition for “Hotel or Motel” leaves the two types of uses ambiguously intertwined and states only that “lodging will be provided to transient guests on a daily, weekly, or similar short term basis.” While the Department of Planning and Zoning (“DPZ”) has interpreted this provision to mean less than 30 days, this interpretation is not codified in the regulations and left ambiguous to those unfamiliar with DPZ’s interpretation. Lodging provided on a weekly basis could mean one week or it could mean a year-long rental paid on a weekly basis. The proposed amended definition would provide certainty to DPZ and the public at large regarding what makes a “Hotel or Motel” versus residential dwelling units. Six months is an appropriate term that allows for extended stay guests, but prevents the use from crossing into a period of residency for purposes of school registration, taxation, voting, etc.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with the current General Plan for Howard County.

While Hotels are not explicitly addressed in Plan Howard 2030, the Amendment is in harmony with numerous policy goals from the General Plan. First, in light of the fact that significant portions of the Route 40 Corridor are zoned B-1, the Amendment will directly contribute to Policy 5.9 (“Continue to enhance the vitality of the Route 40 Corridor”) and 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”). Allowing Hotels in B-1 will support the commercial districts along Route 40 and encourage economic growth in this area of the county.

The Amendment will also support Policy 6.4, which prompts County lawmakers to “[e]nsure that the County continues to capture future job and business growth opportunities.” Policy 6.4 recommends updating the zoning regulations to address evolving commercial and development trends and growth opportunities. As commerce continues to discard geographic limitations, the demand for Hotels in commercial zones will increase. Local businesses are not limited by their geography either in terms of those they consult or those they serve. Moreover, extended stay hotels will become necessary as businesses bring in consultants or clients for longer term collaboration. This commercial trend is already shown by the proliferation of extended stay hotels across the County.

6. The Legislative Intent of the Zoning Regulations in Section 100.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.A.

The Amendment will preserve and promote the health, safety and welfare of the community because it would allow a common and necessary commercial use in more commercial zones across Howard County. As stated above, the 21st Century economy requires businesses to be able to refer clients, consultants, and business partners to local accommodations that provide temporary lodging.

Moreover, Hotels provide tax revenue in excess of that normally derived from commercial properties. Any visitor to Howard County who rents a Hotel room for 30 days or less must pay a county room rental tax equal to seven percent (7%) of the rental charge. By allowing Hotels in B-1, Howard County will have the opportunity for additional tax revenue that is distinct from other commercial enterprises. This revenue is levied on visitors to the county and will serve to preserve and promote the health, safety, and welfare of county residents.

Petitioner's Proposed Text
B-1 (Business: Local) District ZRA

First, amend the definition of "Hotel or Motel" in Section 103.0:

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.

Example of How Text Would Appear if Adopted:

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 monthly basis, not to exceed six months.

Second, add to Section 118.0.B.:

29. HOTELS, MOTELS, COUNTRY INNS AND CONFERENCE CENTERS.

Example of How Text Would Appear if Adopted:

29. Hotels, motels, country inns and conference centers.

RENUMBER SUBSEQUENT USES ACCORDINGLY

1 **K2 PROPERTIES, LLC,** * **BEFORE THE**
2 **PETITIONER** * **PLANNING BOARD OF**
3 **ZRA-178** * **HOWARD COUNTY, MARYLAND**

4 * * * * *

5 **MOTION:** *To recommend approval of ZRA-178 with the revision recommended by*
6 *DPZ.*

7 **ACTION:** *Recommended Approval; Vote 3 to 0.*

8 * * * * *

9 **RECOMMENDATION**

10
11 On August 3, 2017, the Planning Board of Howard County, Maryland, considered the petition of K2
12 Properties, LLC to amend Section 103.0 of the Howard County Zoning regulations to revise the definition for
13 "Hotel or Motel" to allow extended-stay lodging for up to six months, and Section 118.0.B., Uses Permitted
14 as a Matter of Right, to establish "Hotels, Motels, Country Inns and Conference Centers" as a permitted use
15 category.

16 The Planning Board considered the petition, the Department of Planning and Zoning (DPZ) Technical
17 Staff Report and Recommendation, and reviewing agency comments.

18 DPZ staff recommended a minimum lot size requirement of 1.5 acres for the Hotels, Motels, Country
19 Inns and Conference Centers land use category in the B-1 District. DPZ staff explained that there are small
20 properties in B-1 zoned areas and in Employment Center-Commercial sites in Columbia adjacent to
21 residential properties that would not be appropriate for hotels or motels. DPZ recommended approval of
22 ZRA-178 with this added revision.

23 Testimony

24 The Petitioner was represented by Thomas Coale. Mr. Coale stated that the Petitioner agrees with the
25 Technical Staff Report, and accepts DPZ's recommended revision. Mr. Coale added that the proposed
26 definition will bring the use category for hotels and motels up-to-date. There was no testimony in opposition
27 to the petition.

28 Board Discussion and Recommendation

29 In work session, the Board concurred with the findings and recommendations in the Technical Staff
30 Report, as well as the requirement for a 1.5 acre minimum lot size in B-1.

Motion and Vote

Ms. Adler made the motion to recommend approval of ZRA-178 with the revision recommended by DPZ. Mr. Coleman seconded the motion. The motion passed by a vote of 3 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 7th day of September, 2017, recommends that ZRA-178, as described above, be APPROVED, with the revision recommended by DPZ.

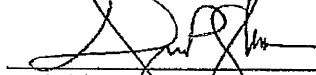
HOWARD COUNTY PLANNING BOARD

ABSENT

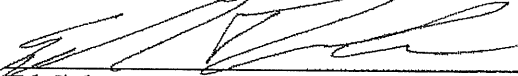
Phillips Engelke, Chair



Erica Roberts, Vice chair

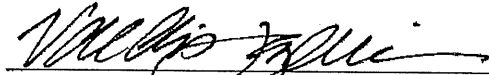


Delphine Adler



Ed Coleman

ATTEST:



Valdis Lazdins, Executive Secretary



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

■ Ellicott City, Maryland 21043

■ 410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

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 Laidins, 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}



Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 20 November 2017

Subject: HCCA Testimony on CB80-2017

Good evening Council chair and members of the council. Tonight, I am speaking on behalf of the Howard County Citizens Association, HCCA. We are not in favor of this proposed ZRA - Bill which would amend all of B1 zoned parcels in the county allowing Hotels, Motels, Inns or the like on these parcels.

If the Council votes in favor of this Bill then what is the maximum height of such Motel or Hotel structures. We ask, because currently the "Bulk Regulations" under B1 states - "Maximum height for a structure with a pitched roof is 48 feet. The code also states a "Maximum height of 40 feet." Is this intended for a structure with a flat roof?

Reviewing the GIS map of zoning there are many parcels zoned B1 across the entire county. We simply ask why whenever existing zoning does not fit a given situation that the effective zoning begins a process of legislation and code change to affect parcels across the entire county. This is not right!

Why do we continue to entertain these requests? The petitioner should be directed to ask for a change in the zoning via a Change and Mistake Hearing. The public should have the opportunity to ask direct questions and cross examine the petitioner to understand the rationale for such a change. Why not ask for PEC or POR zoning for a particular B1 parcel in question?

What are the points of having a Masterplan, corridor manuals or comprehensive zoning to enact a plan if we continue to erode the work and plan established by so many stakeholders across the county? We ask what the Vision is for our County. This bill does address the Master Plan but was this consideration for one parcel or all areas zoned B1? How many parcels in B1 does the petitioner own and how many of these parcels are hotels or motels to be constructed? The citizens should have a right to know. One has to wonder after all this time why this proposal is even before you to allow such facilities in B1.

We ask the Council to consider other appropriate zoning options for the petitioner before going down a path of legislation and zoning code changes to eliminate potential unfavorable outcomes with all parcels affected by the passage of CB80-2017.

Sincerely,

Howard Johnson / Stu Kohn
HCCA, Board of Directors / President