Introduced 5/7/18
Public hearing 5/21/18
Council action 6/4/18
Executive action 6/8/18
Effective date 8/8/18

County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 5

BILL NO. 38 – 2018 (ZRA – 182)

Introduced by: The Chairperson
at the request of David Moxley

AN ACT amending the Howard County Zoning Regulations to permit nursing homes and residential care facilities as a matter of right in the Planned Service Area for Water and Sewage area of the B-2 zoning district; and generally relating to nursing homes and residential care facilities.

Introduced and read first time May 7, 2018. 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 May 21, 2018.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on June 4, 2018 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 7th day of June, 2018 at 5 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive June 8, 2018

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

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

Number 61. "Nursing homes and residential care facilities, in the Non-Planned Service Area for Water and Sewerage"

HOWARD COUNTY ZONING REGULATIONS

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

B. Uses Permitted as a Matter of Right

61. Nursing homes and residential care facilities[[, in the Non-Planned Service Area for Water and Sewerage]].

Section 2. 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 June 8, 2018.

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 _____, 2018.

_____

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 _____, 2018.

_____

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 _____, 2018.

_____

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 _____, 2018.

_____

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 _____, 2018.

_____

Jessica Feldmark, Administrator to the County Council

CB 38 · 2018

Sayers, Margery

From: LisaMarkovitz <lmarkovitz@comcast.net>
Sent: Monday, May 07, 2018 5:41 PM
To: CouncilMail
Subject: ZRA 182

Dear Council Members,

ZRA 182 which is now Council Bill 38-2018, seeks to add two new uses by matter of right to the B-2 Zone, if in the PSA. Currently, those uses are allowed in current B2 Zones, only in the non-psa. The new proposed uses are Nursing Homes and Residential Care Facilities, defined in the Zoning Regulations as:

Nursing Home: Nursing Home : Any facility for the treatment and care of two or more persons suffering from illnesses, diseases, disabilities, or injuries not requiring the intensive care that is normally provided by hospitals; but who do require medical, nursing, convalescent or chronic care rendered by or under the supervision of a nurse.

Residential Care Facility: Residential Care Facility : A residential facility that provides housing and supportive services to at least nine persons who are members of a population needing the services provided due to age or emotional, mental, physical, familial or social conditions. This term includes "assisted living facilities" as defined in these Zoning Regulations. Residential care facilities provide group housing in which capacity is measured in terms of the number of beds, rather than individual dwelling units equipped with living, sleeping, and full kitchen facilities.

Normandy Shopping Center, which has B2 zoning, with TNC overlay, which you may know, is directly behind my home, will have the ability to utilize these new uses if this Bill is passed.

I am just letting you know that we both DO NOT oppose ZRA 182, Council Bill 38-2018.

Lisa and Paul Markovitz

CB38

PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:
Case No. ZRA-182
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: To amend Section 119.0.B.61 to eliminate the requirement that nursing homes and residential care facilities be limited to sites located in the Non-Planned Service Area for Water and Sewerage.

[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** David Moxley

Address 3820 Championship Drive, Glenwood, Maryland 21739

Phone No. (W) 410-465-4242 (H) 410-370-8529

Email Address dmoxleyb1@gmail.com

3. **Counsel for Petitioner** William E. Erskine, Esq.

Counsel's Address 8171 Maple Lawn Boulevard, Suite 200, Fulton, Maryland 20759

Counsel's Phone No. 301-575-0363

Email Address werskine@offitkurman.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed As set forth in greater detail in Section 5 hereinbelow, the County has experienced, and is projected to continue to experience, a dramatic growth in the number of senior residents desiring to age in place in the County; and as such residents' ability to live independently diminishes, there is and will continue to be a need to secure housing with supportive services. Nursing homes and residential care facilities provide such supportive services and in order to accommodate the projected growth in the County's senior population, the County must support minor revisions to existing Regulations to ensure a healthy supply of nursing homes and residential care facilities for the future.

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 Supplemental Responses attached hereto.

[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 100.0.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 100.0.A. See Responses to Sections 4 and 5 above. The proposed ZRA will eliminate an unnecessary limitation to the permitted nursing home and residential care facility use in the B-2 (Business: General) Zoning District and, thus, provide greater flexibility under the Regulations to allow increased opportunities to fulfill the documented and pressing need within the County for expanded supportive housing options for the County's senior population.

[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 Sections 4-6 above.

[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.

The proposed ZRA removes a limitation affecting the nursing home and residential care facility permitted use in the B-2 (Business: General) Zoning District. As such, the ZRA has the potential to affect all properties located within such Zoning District.

[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. See Sections 4 and 6 above.

[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.

David Moxley		8-30-17
Petitioner's name (Printed or typed)	Petitioner's Signature	Date
Petitioner's name (Printed or typed)	Petitioner's Signature	Date
Petitioner's name (Printed or typed)	Petitioner's Signature	Date

William C. Erlein

Counsel for Petitioner's Signature

[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 (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.

PETITIONER: David Moxley

AFFIDAVIT AS TO CONTRIBUTION

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

I, David Moxley, 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.

Susan M. King

Printed Name: David Moxley

Signature: [signature]

Date: 8-30-17

PETITIONER: David Moxley

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: David Moxley via Eco Development, Inc., Sole Stockholder

RECIPIENTS OF CONTRIBUTIONS:

Name	Date of Contribution	Amount
The Calvin Ball Team	October 21, 2014	$300.00
Friends of Courtney Watson	October 28, 2013	$75.00
Friends of Courtney Watson	April 15, 2013	$500.00

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: David Moxley

Signature: [signature]

Date: 8-30-17

PETITIONER: David Moxley

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, David Moxley, 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: David Moxley

Signature:

Date: 8-30-17

Supplemental Responses
to
Petition to Amend the Zoning Regulations of
Howard County, Maryland

Response to Section 5:

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

The removal of the "Non-Planned Service Area" limitation from the nursing home and residential care facility permitted use in the B-2 (Business: General) Zoning District Regulations under the Petitioner's the proposed ZRA fulfills a number of stated land use policies within the General Plan and satisfies a growing and documented need for supportive housing options for the County's growing senior population. Specifically,

Chapter 6 (Growth) of the Howard County General Plan notes the following:

> [w]hereas the total U.S. population grew by 9.7% from 2000 to 2010, those entering the 45 to 64 year age cohort, the approximate ages of the baby boomers, increased by 31.5% during that time period. Baby boomers currently make up about 29% of the countywide population and are starting to move into the 65-plus age cohort.

PlanHoward, Chapter 6 (Growth), pg. 66

Furthermore, the Howard County General Plan makes the pertinent finding that

> [w]hereas the overall County population increased by 16%, those 65 and over increased by 57%. There are now 10,577 more residents 65 and older compared to ten years ago – 29,045 total in 2010 compared to 18,468 in 2000. Almost 27% of the total increase of 39,243 residents over the decade was comprised of those aged 65 and older. The very old, 85 and over, increased by 47%. This trend will continue as the baby boomers continue to age.

PlanHoward, Chapter 6 (Growth), pg. 66

As such, Policy 9.4 of the Howard County General Plan aims to "expand housing options to accommodate the County's senior population who prefer to age in place and people with special needs." In support of that Policy Goal, the Howard County General Plan finds that the

> County's housing stock should support the aging population and will need to continue General Plan 2000 policies to promote diverse senior housing for those that wish or need to downsize to more easily

maintained units as they age. The policies should also continue to support seniors who choose to age in place in their own homes or in their own communities…**The County also recognizes that as older residents' ability to live independently diminishes, they often need to move to housing that provides support services. There are both nursing and assisted living options for seniors in the County, offering a continuum of services, from acute care to congregate and group housing to in-home services. In order to accommodate the projected 19% of residents age 65 or older by 2030, the County's support of continuing care housing and services must be maintained.**

PlanHoward, Chapter 9 (Housing), pp. 130-131

PETITIONER'S PROPOSED TEXT

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

***

B. Uses Permitted as a Matter of Right

***

61. Nursing homes and residential care facilities[[, in the Non-Planned Service Area for Water and Sewerage]].

PETITIONER'S PROPOSED TEXT
[AS REVISED]

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

***

B. Uses Permitted as a Matter of Right

***

61. Nursing homes and residential care facilities.

CB38

DAVID MOXLEY,	*	**BEFORE THE**
PETITIONER	*	**PLANNING BOARD OF**
ZRA-182	*	**HOWARD COUNTY, MARYLAND**

* * * * * * * * * * * * * *

MOTION: ***Amend Section 119.0.B.61 to eliminate the requirement that nursing homes and residential care facilities be limited to sites located in the Non-Planned Service Area for Water and Sewerage.***

ACTION: ***Recommended approval; Vote 3-1.***

* * * * * * * * * * * * *

RECOMMENDATION

On January 25, 2018, the Planning Board of Howard County, Maryland, considered the petition of David Moxley, to amend Section 119.0.B.61 to eliminate the requirement that nursing homes and residential care facilities be limited to sites located in the Non-Planned Service Area for Water and Sewerage.

The Planning Board considered the petition, the Department of Planning and Zoning (DPZ) Technical Staff Report and Recommendation, and comments of reviewing agencies. DPZ recommended approval, citing that the petition is consistent with the Zoning Regulation's intent to "provide adequate housing choices in a suitable living environment within the economic reach of all citizens", the B-2 zoning district's purpose to "provide services to the general public", similar commercial/service zoning districts found in the PSA, and applicable General Plan policies.

Bill Erskine represented the Petitioner and testified in support stating that nursing homes and residential care facilities should be allowed as a matter of right in the B-2 zoning district within the Planned Service Area because similar uses, like convents, are currently allowed. He also stated that more intensive uses like funeral homes are allowed as a matter of right without the need for a Conditional Use. He further asserted that the restriction to the Non-Planned Service must have been an error, considering the compatibility of nursing homes and residential care facilities to other uses in the B-2 zoning district. Ms. Lisa Markovitz testified in opposition, stating that nursing homes and residential care facilities should only be allowed in the B-2 zoning district in the PSA as a Conditional Use to control their location.

Board Discussion and Recommendation

In work session, one Board member opposed the amendment stating that the County needs to keep some zoning districts for retail/commercial sales only rather than allowing residential buildings in business

districts. Three members unanimously supported the amendment, stating that they see no reason to prohibit nursing homes and residential care facilities in the Planned Service Area.

Mr. McAliley made the motion to recommend approval of the petition. Tudy Aldler seconded the motion. The motion passed by a vote 3 to 1. Mr. Coleman cast the dissenting vote.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this ~~15th~~ 1st day of ~~February~~ March 2018, recommends that ZRA-182, as described above, be **APPROVED**.

HOWARD COUNTY PLANNING BOARD

Phillips Engelke, Chair

Absent

Erica Roberts, Vice-chair

Delphine Adler

- OPPOSED

Ed Coleman

Kevin McAliley

ATTEST:

Valdis Lazdins, Executive Secretary

CB3B

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

January 9, 2018

TECHNICAL STAFF REPORT

Planning Board Meeting on January 25, 2018

Case No./Petitioner: ZRA-182 – David Moxley

Request: Zoning Regulation Amendment to Section 119.0 B-2 (Business: General)

Amend Section 119.0.B.61 to eliminate the requirement that nursing homes and residential care facilities be limited to sites located in the Non-Planned Service Area for Water and Sewerage.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

The B-2 zoning district was established in the 1954 Zoning regulations and permitted nursing homes as a matter of right. The use was eliminated from B-2 in the 1961 Zoning Regulations, which only permitted Home-aging, Convalescent, Nursing, Children's and Shelter Housing through a Board of Appeals "Special Permit" in the R-20 and R-90 zoning districts.

The 1977 Zoning Regulations permitted Homes-Aging, Convalescent, Nursing, Children's and Sheltered Housing as a Special Exception, but only in the R, R-20, R-12, R-SC, RA-1, R-ED, R-HR, R-VH and RMH zoning districts. Nursing homes and residential care type use categories continued as Conditional Uses mainly in residential zoning districts. However, in the 2013 Comprehensive Zoning Plan, they were added back to the B-1 and B-2 zoning districts as a matter of right, but were restricted to the Non-Planned Service Area for Water and Sewerage (PSA).

II. DESCRIPTION AND EVALUATION OF PROPOSAL

This section contains DPZ's technical evaluation of ZRA-182. The Petitioner's proposed amendment text is attached to this Technical Staff Report as Exhibit A, Petitioner's Proposed Text.

SECTION 119.0 B-2 (Business: General) District

Section 119.0.B.61 – Eliminate the requirement that Nursing Homes and Residential Care Facilities be limited to the Non-Planned Service Area for Water and Sewerage in B-2.

<u>DPZ recommends approval</u>

Sec. 119.0.B allows nursing homes and residential care facilities as a matter of right in B-2, but only in the Non-Planned Service Area. The Petitioner proposes to eliminate this restriction to

allow them in the PSA.

The proposed amendment is consitent with the the Zoning Regulation's intent to "provide adequate housing choices in a suitable living environment within the economic reach of all citizens", the B-2 zoning district's purpose to "provide services to the general public", and similar commercial/service zoning districts found in the PSA. The PSA covers the eastern portion of the County and allows many services by-right that support nursing home/residential care facility residents such as public transportation, healthcare, community and government facilities. Allowing these facilities in B-2 within the PSA will locate housing facilities near services. Furthermore, nursing homes and residential care facilities are currently permitted in similar commercial/service zoning districts found within the PSA, such as POR (Planned Office Research) and CCT (Community Center Transition). Finally, B-2 allows other similar residential uses, including age restricted adult housing and residential/commercial buildings, through the Conditional Use process.

III. GENERAL PLAN

The proposed amendment is in harmony with the following General Plan policies that encourage new development in designated growth/revitalization areas and housing options for the County's aging population. The B-2 zoning district is typically located in growth and revitalization areas in the PSA, such as Route 1 and Route 40. The proposed amendment will encourage infill development in these areas and reduce competition for land in the rural west.

Policy 6.1

"Maintain adequate facilities and services to accommodate growth."

Implementing Action e.

"**Zoning.** Reduce competition for land resources by promoting more compact development in appropriate targeted growth and revitalization areas."

Targeted Growth and Revitalization Designation

"These areas include the Route 1 Corridor, the Snowden River Parkway area, Maple Lawn, Emerson, Turf Valley, Waverly Woods, Columbia Village Centers, nodes along the Route 40 Corridor, and other locations. These are areas where current policies, zoning, and other regulations, as well as policies suggested in PlanHoward 2030, seek to focus most future County growth."

Policy 9.4

"Expand housing options to accommodate the County's senior population who prefer to age in place and people with special needs."

IV. AGENCY COMMENTS

Agency comments are attached.

V. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that the ZRA-182 be **APPROVED**.

Approved by: 1-9-18

Valdis Lazdins, Director Date

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

Exhibit A – Petitioner's Proposed Text

CAPITALS indicates text to be added. [[Text in double brackets]] indicates text to be deleted.

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

A. Purpose

The B-2 District is established to provide for commercial sales and services that directly serve the general public.

B. Uses Permitted as a Matter of Right

1. Adult entertainment business (including adult book or video stores, movie theaters and live entertainment establishments), subject to the requirements of Section 128.0.H.
2. Ambulance services.
3. Ambulatory health care facilities.
4. Amusement facilities.
5. Animal hospitals, completely enclosed.
6. Antique shops, art galleries, craft shops.
7. Athletic Facilities, Commercial.
8. Auction facilities.
9. Bakeries.
10. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions.
11. Bicycle repair shops.
12. Blueprinting, printing, duplicating or engraving services.
13. Building cleaning, painting, roofing, exterminating and similar establishments, provided that all supplies and equipment are enclosed within a building.
14. Bulk retail stores.
15. Bus terminals.
16. Business machine sales, rental and service establishments.
17. Car wash facilities.
18. 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.
19. Carpet and floor covering stores.
20. Carpet and rug cleaning.
21. Catering establishments and banquet facilities.
22. Child day care centers and nursery schools.
23. Clothing and apparel stores with goods for sale or rent.
24. Commercial communication antennas.
25. 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.
26. Concert halls.

27. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
28. Convents and monasteries used for residential purposes.
29. Convenience stores.
30. Day treatment or care facilities.
31. Department stores, appliance stores.
32. Drug and cosmetic stores.
33. Fairgrounds.
34. Farmers markets and farm produce stands.
35. Farm supply stores.
36. 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.
37. Firewood sales.
38. Flea markets, indoor.
39. Food stores.
40. Funeral homes and mortuaries.
41. Furniture stores.
42. Furniture, appliance and business machine repair, furniture upholstering, and similar services.
43. Government structures, facilities and uses, including public schools and colleges.
44. Hardware stores.
45. 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.
46. Hotels, motels, country inns and conference centers.
47. Kennels.
48. Laundry and/or dry-cleaning establishments.
49. Lawn and garden sheds and equipment sales, maintenance and repair.
50. Liquor stores.
51. Livestock sales and auction markets.
52. Lumber yard for the retail sale of lumber and other building materials and supplies.
53. Mobile home and modular home sales and rentals, but not including occupancy.
54. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repairs and incidental sales of parts.
55. Motor vehicle, construction equipment and farm equipment sales and rentals.
56. Motor vehicle inspections stations.
57. Motor vehicle parts or tire store, including installation facilities.
58. Movie theaters, legitimate theaters, dinner theaters.
59. Museums and libraries.
60. Nonprofit clubs, lodges, community halls.
61. Nursing homes and residential care facilities, [[IN THE NON-PLANNED SERVICE AREA FOR WATER AND SEWERAGE]].
62. Offices, professional and business.

63. One square foot of residential space is permitted for each square foot of commercial space and must be located within the same structure.
64. Personal service establishments.
65. Pet grooming establishments and daycare, completely enclosed.
66. Pizza delivery service and other services for off-site delivery of prepared food.
67. Recreation Facilities, Commercial.
68. Recreational vehicle, marine equipment and boat sales, maintenance and repair facilities.
69. Recycling collection facilities.
70. Religious facilities, structures and land used primarily for religious activities.
71. Rental centers which rent a variety of goods including equipment and tools.
72. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
73. Restaurants, carryout.
74. Restaurants, fast food.
75. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
76. Retail greenhouses, garden centers and nurseries.
77. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
78. Schools, commercial.
79. Schools, private academic, including colleges and universities.
80. Service agencies.
81. Specialty stores.
82. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.
83. Taxidermies.
84. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
85. Volunteer fire departments.
86. Wholesale sales, made from retail sales establishments and limited to products permitted to be sold at retail in this district, provided sales and storage incidental to the sales use are conducted wholly within an enclosed building and all loading and unloading of merchandise is conducted on private property.

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0.E.3.
3. Retail sale of propane on the site of a principal retail business.
4. Snowball stands, subject to the requirements of Section 128.0.D.5.
5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.

6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
7. Accessory Solar Collectors.
8. Accessory storage buildings and shipping containers, as accessory storage structures, subject to the requirements in Section 128.0.D.

D. Bulk Regulations

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum height for structures shall be observed:
   a. Maximum height ..... 40 feet
   b. Maximum height for a structure with a pitched roof ..... 48 feet
2. The following minimum structure and use setback requirements shall be observed:
   a. From public street right-of-way ..... 30 feet
      Except for parking uses ..... 10 feet
      Except for the display of for-sale passenger cars, pick-up trucks, and passenger vans from the right-of-way of a local road ..... 10 feet

   b. From residential districts other than public street right-of-way ..... 30 feet

E. Conditional Uses

Conditional Uses in the B-2 District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: October 5, 2017

Hearing Examiner _____

Planning Board. TBD Board of Appeals _____ Zoning Board _____

Petition No. ZRA-182 Map No. _____ Block _____ Parcel ____ Lot _____

Petitioner: David Moxley

Petitioner's Address: _____

Address of Property: _____

Return Comments by November 6, 2017 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

****

To:

- ____ MD Department of Education – Office of Child Care 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
- ____ Bureau of Environmental Health
- ____ Development Engineering Division
- ____ Department of Inspections, Licenses and Permits
- ____ Department of Recreation and Parks
- X Department of Fire and Rescue Services
- ____ State Highway Administration
- ____ Sgt. Karen Shinham, Howard County Police Dept.
- ____ James Irvin, Department of Public Works
- ____ Office on Aging, Terri Hansen (senior assisted living)
- ____ Police Dept., Animal Control, Deborah Baracco, (kennels)
- ____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
- ____ Land Development - (Religious Facility & Age-Restricted Adult Housing)
- ____ Housing and Community Development
- ____ Resource Conservation Division – Beth Burgess
- ____ Route 1 Cases – DCCP – Kristen O'Connor
- ____ Telecommunication Towers – (Comm. Dept.)
- ____ Division of Transportation – Dave Cookson

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By

COMMENTS: None

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Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: October 5, 2017

Hearing Examiner _____

Planning Board. TBD Board of Appeals _____ Zoning Board _____

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- _____ Route 1 Cases – DCCP – Kristen O'Connor
- _____ Telecommunication Towers – (Comm. Dept.)
- _____ Division of Transportation – Dave Cookson

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NOV 13 2017

COMMENTS: No Comments

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Howard County Health Department

Bureau of Environmental Health
8930 Stanford Boulevard, Columbia, MD 21045
Main: 410-313-2640 | Fax: 410-313-2648
TDD 410-313-2323 | Toll Free 1-866-313-6300
www.hchealth.org
Facebook: www.facebook.com/hocohealth
Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Geoff Goins
Division of Zoning Administration and Public Service

FROM: Jeff Williams
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

RE: **ZRA-182**

DATE: November 8, 2017

The Health Department has reviewed the above referenced petition and has the following comments:

- The Health Department has no objection. All Health Department requirements such as food licensing and usage limitations for properties served by private water/sewer must be met prior to Health approval of any building permits.

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: October 5, 2017

Hearing Examiner _____

.Planning Board. ~~TBD~~ 2/1/18 Board of Appeals _____ Zoning Board _____

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Petition:. SEE APPLICATION

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X	Department of Recreation and Parks
X	Department of Fire and Rescue Services
	State Highway Administration
	Sgt. Karen Shinham, Howard County Police Dept.
	James Irvin, Department of Public Works
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	Police Dept., Animal Control, Deborah Baracco, (kennels)
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	Housing and Community Development
	Resource Conservation Division – Beth Burgess
	Route 1 Cases – DCCP – Kristen O'Connor
	Telecommunication Towers – (Comm. Dept.)
	Division of Transportation – Dave Cookson

COMMENTS:

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Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: October 5, 2017

Hearing Examiner _____

Planning Board. TBD Board of Appeals _____ Zoning Board _____

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Petition:. SEE APPLICATION

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- ____ Division of Transportation – Dave Cookson

COMMENTS:
WE HAVE NO COMMENTS

Paul Walsh
SIGNATURE

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