

Introduced 02.03.2025
Public hearing 02.18+19.2025
Council action 03.03.2025
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2025 Legislative Session

Legislative day # 2

BILL NO. 11 – 2025 (ZRA – 211)

Introduced by: Deb Jung

At the request of Anwer Hasan

~~**SHORT TITLE:** Addition of certain research and development laboratories as a permitted use in the Planned Employment Center (PEC) zoning district.~~

~~**AN ACT** amending the Howard County Zoning Regulations to add the Research and Development Laboratory use to the Planned Employment Center (PEC) zoning district and prohibiting such research and development uses that involve commercial plastic pellets or feedstock which produces flue gas and requires a permit from the state of Maryland; and generally relating to research and development laboratory uses in the PEC zoning district.~~

~~**SHORT TITLE:** Nonconforming Uses – Enlargement~~

AN ACT amending the Howard County Zoning Regulations to amend the definition of “Enlargement” within the Nonconforming Uses Section and clarifying a factor the Hearing Authority must consider when authorizing an enlargement of a nonconforming use; and generally relating to nonconforming uses.

Introduced and read first time Feb 3, 2025. Ordered posted and hearing scheduled.
By order Michelle Harrod
Michelle Harrod, 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 Feb 18+19, 2025.
By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on March 3, 2025 and Passed , Passed with amendments , Failed .
By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4 day of March, 2025 at 2⁰⁰ a.m. (p.m.).
By order Michelle Harrod
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2025

Calvin Ball, 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.

CB11-2025 Failed Michelle Harrod

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

3
4 ~~By Adding:~~

5 ~~—Section 116.0: “PEC (Planned Employment Center) District”~~

6 ~~—Subsection B: “Uses Permitted as a Matter of Right”~~

7 ~~—Number 26: “Research and Development Laboratory”.~~

8 —

9 **HOWARD COUNTY ZONING REGULATIONS**

10
11 **SECTION 116.0: PEC (Planned Employment Campus) District**

12
13 **A. Purpose**

14 ~~The PEC District is established to provide for comprehensively planned employment centers~~
15 ~~combining research and development, office, light manufacturing and assembly, limited~~
16 ~~commercial and other enumerated uses. It is intended that this district provide higher~~
17 ~~standards of development and a more flexible approach to design and development than could~~
18 ~~be achieved under conventional zoning districts. It is further the purpose of this district to:~~

19 ~~1. Provide for orderly development of large-scale, comprehensively planned employment~~
20 ~~centers;~~

21 ~~2. Provide for open areas to act as buffers between incompatible uses and as design elements~~
22 ~~which will achieve the physical and aesthetic integration of the uses and activities within each~~
23 ~~development; and~~

24 ~~3. Provide a landscaped, campus-like setting for employment in which the various uses relate~~
25 ~~compatibly with one another according to a comprehensive plan of development for an entire~~
26 ~~district.~~

27 **B. Uses Permitted as a Matter of Right**

28 ~~1. Ambulatory health care facilities, including pharmacies incidental to these uses.~~

29 ~~2. Athletic Facilities, Commercial.~~

- 1 ~~3. Banks, savings and loan associations, investment companies, credit unions, brokers, and~~
2 ~~similar financial institutions.~~
- 3 ~~4. Biomedical laboratories.~~
- 4 ~~5. Blueprinting, printing, duplicating or engraving services.~~
- 5 ~~6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of~~
6 ~~charitable, social, civic or educational organizations, subject to the requirements of Section~~
7 ~~128.0.D.~~
- 8 ~~7. Catering establishments and banquet facilities.~~
- 9 ~~8. Child day care centers and nursery schools.~~
- 10 ~~9. Commercial communication antennas.~~
- 11 ~~10. Commercial communication towers with a height of less than 200 feet measured from~~
12 ~~ground level, subject to the requirements of Section 128.0.E.~~
- 13 ~~11. Conservation areas, including wildlife and forest preserves, environmental management~~
14 ~~areas, reforestation areas, and similar uses.~~
- 15 ~~12. Data processing and telecommunication centers.~~
- 16 ~~13. Day treatment or care facilities.~~
- 17 ~~14. Executive golf training and recreation centers.~~
- 18 ~~15. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no~~
19 ~~livestock shall be permitted. However, residential chicken keeping is allowed as noted in~~
20 ~~Section 128.0.~~
- 21 ~~16. Flex space, provided that light manufacturing uses are limited to uses permitted in this~~
22 ~~district.~~
- 23 ~~17. Golf courses.~~

- 1 ~~18. Government structures, facilities and uses, including public schools and colleges.~~
- 2 ~~19. Hospitals.~~
- 3 ~~20. Hotels, motels, country inns and conference centers.~~
- 4 ~~21. Housing Commission Housing Developments, subject to the requirements of Section~~
- 5 ~~128.0.J.~~
- 6 ~~22. Light Industrial Uses.~~
- 7 ~~23. Museums, art galleries, and libraries.~~
- 8 ~~24. Printing, lithography, bookbinding or publishing plants.~~
- 9 ~~25. Radio and television broadcasting facilities and studios.~~
- 10 ~~26. RESEARCH AND DEVELOPMENT LABORATORY, PROVIDED THAT TESTING INVOLVING~~
- 11 ~~COMMERCIAL PLASTIC PELLETS AND FEEDSTOCK WHICH PRODUCES FLUE GAS AND REQUIRES A~~
- 12 ~~PERMIT FROM THE STATE OF MARYLAND SHALL NOT BE PERMITTED UNDER THIS SECTION.~~
- 13 ~~[[26]]27. Restaurants, standard, and beverage establishments, including those serving beer,~~
- 14 ~~wine and liquor for consumption on premises only;~~
- 15 ~~[[27]]28. Riding academies and stables.~~
- 16 ~~[[28]]29. Rooftop solar collectors and ground mount solar collectors.~~
- 17 ~~[[29]]30. Schools, commercial.~~
- 18 ~~[[30]]31. Schools, private academic, including colleges and universities.~~
- 19 ~~[[31]]32. Service agencies.~~
- 20 ~~[[32]]33. Underground pipelines; electric transmission and distribution lines; telephone,~~
- 21 ~~telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other~~
- 22 ~~similar public utility uses not requiring a Conditional Use.~~

1 ~~[[33]]~~34. Volunteer fire departments.

2 *By amending:*

3 Section 129.0:- "Nonconforming Uses."

4 Subsection A: "General."

5 Subsection E: "Extension, Enlargement or Alteration of Nonconforming
6 Uses."

7
8 **HOWARD COUNTY ZONING REGULATIONS**

9
10 **SECTION 129.0:- Nonconforming Uses**

11
12 **A. General**

13 A nonconforming use is any lawful existing use, whether of a structure or a tract of land,
14 which does not conform to the use regulations of the zoning district in which it is located,
15 either on the effective date of these Regulations or as a result of any subsequent amendment
16 thereto. A structure that is conforming in use but which does not conform to the height,
17 setback, land coverage, parking, loading space or other bulk requirements of these
18 Regulations, shall not be considered to be nonconforming within the meaning of these
19 Regulations. No existing use shall be deemed nonconforming solely because of the existence
20 of nonconforming accessory signs. The casual, temporary or illegal use of land is insufficient
21 to establish the existence of a nonconforming use.

22 For the purposes of these Regulations, "enlargement" shall mean the increase in size of any
23 structure containing a nonconforming use, the construction of an additional structure on the
24 same lot, A DECREASE IN THE NUMBER OR SIZE OF ALL COMMONLY OWNED LOTS ADJOINING AND
25 OCCUPIED BY THE NONCONFORMING USE, or an increase in the land area occupied by a
26 nonconforming use. "Extension" shall mean any change in the types of activities taking place
27 in connection with the nonconforming use.

1
2 **E. Extension, Enlargement or Alteration of Nonconforming Uses**

3 1. The Hearing Authority may authorize the extension or enlargement of a
4 nonconforming use or the alteration of outdoor use areas or of a structure
5 containing a nonconforming use, with or without conditions, provided:

6 a. That any changes or additions to the activities taking place in connection with
7 the nonconforming use will not change the use in any substantial way;

8 b. That an enlargement may not exceed 100% of the gross floor area of
9 structures or 100% of the gross acreage in the case of nonconforming land,
10 above that which legally existed at the time the use first became
11 nonconforming;

12 c. That the boundaries of a nonconforming use may be enlarged only to provide
13 additional parking area;

14 d. That an enlargement would not cause a violation of the bulk regulations for
15 the zoning district in which the property is located;

16 e. That the extension, enlargement or structural alteration would not cause an
17 adverse effect on vicinal properties. AN ENLARGEMENT THAT REDUCES BY
18 MORE THAN 40% OPEN AREAS ACTING AS BUFFERS AS OF THE DATE THE USE
19 BECAME NONCONFORMING SHALL BE DEEMED TO ADVERSELY AFFECT VICINAL
20 PROPERTIES.

21 2. A Decision and Order approving an extension or enlargement of a nonconforming
22 use shall become void unless a building permit conforming to the plans for which
23 the approval was granted is obtained within two years, and substantial
24 construction in accordance therewith is completed within three years from the date
25 of the decision. An approval for which a building permit is not required shall
26 become void unless the extension or enlargement is implemented within two years
27 from the date of the decision. If a decision is appealed, the time period shall be
28 measured from the date of the last decision.

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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.

Amendment 1 to Council Bill No. 11-2025

BY: Liz Walsh

Legislative Day 3
Date: March 3, 2025

Amendment No. 1

(This Amendment strikes the proposed language of the bill as introduced and substitutes new language in Section 129.0:- Nonconforming Uses which amends the definition of "Enlargement" and clarifying a factor the Hearing Authority must consider when authorizing an enlargement of a nonconforming use.)

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On the Title page, strike both the Short Title and the Title, in their entirety, and substitute the following:

"SHORT TITLE: Nonconforming Uses – Enlargement.

AN ACT amending the Howard County Zoning Regulations to amend the definition of "Enlargement" within the Nonconforming Uses Section and clarifying a factor the Hearing Authority must consider when authorizing an enlargement of a nonconforming use; and generally relating to nonconforming uses."

Strike beginning with line 4, on page 1, through line 1, on page 4, in its entirety, and substitute the following:

By amending:

Section 129.0:- "Nonconforming Uses".

Subsection A: "General".

Subsection E: "Extension, Enlargement or Alteration of Nonconforming Uses".

I certify that this a true copy of
Am1 to CB11-2025
passed on March 3, 2025
Michelle Warren
Council Administrator

1 HOWARD COUNTY ZONING REGULATIONS

2
3 SECTION 129.0:- Nonconforming Uses

4
5 A. General

6 A nonconforming use is any lawful existing use, whether of a structure or a tract of land, which
7 does not conform to the use regulations of the zoning district in which it is located, either on the
8 effective date of these Regulations or as a result of any subsequent amendment thereto. A
9 structure that is conforming in use but which does not conform to the height, setback, land
10 coverage, parking, loading space or other bulk requirements of these Regulations, shall not be
11 considered to be nonconforming within the meaning of these Regulations. No existing use shall
12 be deemed nonconforming solely because of the existence of nonconforming accessory signs.
13 The casual, temporary or illegal use of land is insufficient to establish the existence of a
14 nonconforming use.

15 For the purposes of these Regulations, "enlargement" shall mean the increase in size of any
16 structure containing a nonconforming use, the construction of an additional structure on the same
17 lot, A DECREASE IN THE NUMBER OR SIZE OF ALL COMMONLY OWNED LOTS ADJOINING AND
18 OCCUPIED BY THE NONCONFORMING USE, or an increase in the land area occupied by a
19 nonconforming use. "Extension" shall mean any change in the types of activities taking place in
20 connection with the nonconforming use.

21
22 E. Extension, Enlargement or Alteration of Nonconforming Uses

23 1. The Hearing Authority may authorize the extension or enlargement of a
24 nonconforming use or the alteration of outdoor use areas or of a structure containing
25 a nonconforming use, with or without conditions, provided:

26 a. That any changes or additions to the activities taking place in connection with
27 the nonconforming use will not change the use in any substantial way;

28 b. That an enlargement may not exceed 100% of the gross floor area of structures
29 or 100% of the gross acreage in the case of nonconforming land, above that
30 which legally existed at the time the use first became nonconforming;

1 c. That the boundaries of a nonconforming use may be enlarged only to provide
2 additional parking area;

3 d. That an enlargement would not cause a violation of the bulk regulations for the
4 zoning district in which the property is located;

5 e. That the extension, enlargement or structural alteration would not cause an
6 adverse effect on vicinal properties. AN ENLARGEMENT THAT REDUCES BY MORE
7 THAN 40% OPEN AREAS ACTING AS BUFFERS AS OF THE DATE THE USE BECAME
8 NONCONFORMING SHALL BE DEEMED TO ADVERSELY AFFECT VICINAL
9 PROPERTIES.

10 2. A Decision and Order approving an extension or enlargement of a nonconforming
11 use shall become void unless a building permit conforming to the plans for which the
12 approval was granted is obtained within two years, and substantial construction in
13 accordance therewith is completed within three years from the date of the decision.
14 An approval for which a building permit is not required shall become void unless the
15 extension or enlargement is implemented within two years from the date of the
16 decision. If a decision is appealed, the time period shall be measured from the date
17 of the last decision.”.

Amendment 2 to Council Bill No. 11-2025

BY: Deb Jung

**Legislative Day 3
Date: March 3, 2025**

Amendment No. 2

(This Amendment adds several recitals to the bill; amends the “Biomedical laboratories” permitted use category; and amends the proposed “Research and Development Laboratory” use category within the PEC District)

1 On the title page in line four of the Title strike “commercial plastic pellets or feedstock which
2 produces flue gas and requires”, and substitute “catalytic conversion of plastics requiring”.

3

4 On page 1, immediately above line, 1 insert the following”

5 “WHEREAS, The Howard County Council is vested with the law-making power of the County,
6 including the power to enact local laws on all matters covered by the express power granted by
7 the General Assembly of Maryland; and

8

9 WHEREAS, The Express Powers Act authorizes a Charter county to “enact local laws relating
10 to zoning and planning to protect and promote public safety, health, morals, and welfare.” The
11 Express Powers Act further provides that “it is the policy of the State that the orderly
12 development and use of land and structures requires comprehensive regulation through the
13 implementation of planning and zoning controls” and that “planning and zoning controls shall be
14 implemented by local government”; and

15

16 WHEREAS, The Howard County Zoning Regulations are enacted for the purpose of preserving
17 and promoting the health, safety, and welfare of the community; and

18

19 WHEREAS, Under the zoning authority vested, the County Council of Howard County
20 determines what uses qualify as a “Research and Development Laboratory” and where such uses
21 are to be most appropriately located; and

22

I certify that this a true copy of

Am 2 to CB11-2025

passed on March 3, 2025

FAILED

Michelle Darrow

Council Administrator

1 WHEREAS, The County Council of Howard County determines that catalytic conversion of
2 plastics at a scale large enough to require an air permit from the Maryland Department of
3 Environment is not compatible with the research and development use in the Planned
4 Employment Center (“PEC”) District and such activities are more appropriate in a manufacturing
5 zoning district; and

6
7 WHEREAS, The regulation of air emissions is a Federal and State government responsibility,
8 and the County Council of Howard County is empowered to determine the compatibility of uses
9 in zoning districts; and

10
11 WHEREAS, The County Council of Howard County, determines that “Research and
12 Development Laboratory” uses are compatible with the Planned Employment Center (“PEC”)
13 District under certain conditions; and

14
15 WHEREAS, The County Council of Howard County, determines that “federally funded
16 research and development centers and university affiliated research centers” should be included
17 as a permitted use in the Planned Employment Center (“PEC”) District in or to achieve
18 regulatory compliance.

19
20 NOW THEREFORE,”.

21
22 On page 1, in line 8, insert the following:

23 “BY AMENDING:

24
25 SECTION 116.0: “PEC (PLANNED EMPLOYMENT CENTER) DISTRICT”

26 SUBSECTION B: “USES PERMITTED AS A MATTER OF RIGHT”

27 NUMBER 4. “BIOMEDICAL LABORATORIES””.

1 On page 2, in line 3, immediately after “laboratories” insert “AND FEDERALLY FUNDED RESEARCH
2 AND DEVELOPMENT CENTERS AND UNIVERSITY AFFILIATED RESEARCH CENTERS”.

3

4 On page 3 in line 11, strike “COMMERCIAL PLASTIC PELLETS AND FEEDSTOCK WHICH PRODUCES
5 FLUE GAS AND REQUIRES ” and substitute “CATALYTIC CONVERSION OF PLASTICS REQUIRING”.

6

7



DPZ Office Use only:
 Case No ZRA- 211
 Date Filed 8/12/2024

Zoning Regulation Amendment Petition

Zoning Regulation Amendment Request:

Amendment Background

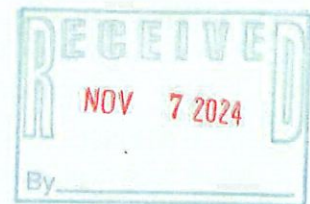
Amend Section 116 P.E.C. Bulk regulations to provide greater setbacks for research activities that require MDE air emission permits.

The General Plan emphasizes health and safety of Howard County residents. PEC Zoned businesses are engaged in chemical testing and/or research which may produce Carcinogenic emission harmful to residences in close proximity. A buffer is needed between the chemical testing and/or research facility and residences to protect the health of children and adults. A minimum setback of 1,800 feet or greater is needed between the chemical testing and/or research location and residences to minimize Health, Safety and Operational Risks from toxic fumes, fire, explosion and excursion.

Proposed Amendment -116.D.3.b. **THE RESEARCH AND DEVELOPMENT USE THAT WAS PERMITTED AS A MATTER RIGHT WAS DELETED AS OF THE OCTOBER 6, 2013 ZONING REGULATIONS. NOTWITHSTANDING, CONTINUATION OF THESE USES AS NON-CONFORMING IN STRUCTURES WHERE RESEARCH AND DEVELOPMENT IS CONDUCTED WHICH REQUIRES AN AIR PERMIT FROM MARYLAND DEPARTMENT OF ENVIRONMENT SHALL BE AT LEAST 1800 FEET FROM THE LOT LINE OF ANY RESIDENCE.**

Petitioner Information

Name: Anwer Hasan
 Trading As:
 Address: 7651 Cross Creek Drive, Columbia, MD 21044
 Phone:: 443-324-1287
 Email: anwerhasan@hotmail.com
 Petitioner's Interest in the Property: Joint Owner



Representative Information

Name: Anwer Hasan
 Address: 7651 Cross Creek Drive, Columbia, MD 21044
 Phone: 443-324-1287
 Email: anwerhasan@hotmail.com
 Profession: Engineer



Property Information

Property Address: 7500 Grace Drive, Columbia MD 21044
 Total Site Area: 75 acres Tax Map: 35 Grid: 22 Parcel: 145
 County Council District: 4 Zoning District: PEC

Zoning Regulation Amendment Information

1. Explain the reason the requested amendment is being proposed.

The General Plan emphasizes health and safety of Howard County residents. PEC Zoned businesses are engaged in chemical testing and/or research which may produce Carcinogenic emission harmful to residences in close proximity. A buffer is needed between the research location and residences to protect the health of children and adults. A minimum of 1800 feet or greater set back is needed between the chemical testing and/or research location and residences to minimize Health, Safety and operational risk from toxic fumes, fire, explosion and leaks from the plant.

2. 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. Provide a detailed justification statement demonstrating how the proposed amendment will be in harmony with this purpose and the other issues in Section 100.0.A.

The proposed amendment not only preserve and promote but minimizes Health, Safety and Operation risks as explained above from potential toxic fumes, fire, explosion, and leaks from the Chemical Facility. The amendment has no impact on the orderly growth and development of the County. It protects and conserves the value of land and structures. The amendment encourages private enterprises to be more responsible in undertaking research of chemical recycling plant and minimize impact to the health and safety of the residents. Howard County, Maryland, and in particular, Columbia, Maryland, is touted as one of the "Best Cities to Raise a Family in America" and "Best Cities to Live in America." Among the accolades awarded to Columbia, Maryland for these honors is that Columbia, Maryland has high quality of safety, health, and care for residents. In order to maintain the safety, health, welfare, and care for Columbia, Maryland residents, no company with MDE-approved air permits should be allowed to conduct any type of chemical testing and/or research within 1,800 feet of residential homes. Taxpayers in Columbia, Maryland should feel safe in their homes and they should not have to worry about their children having health issues, feeling the negative side effects of safety issues, and having to bear the brunt of operational shortcomings. For example, companies who are seeking to perform catalytic chemical conversion process using a flame-less electric oxidizer.

HEALTH ISSUES- The Docket 16-23 permit application which involves the catalytic chemical conversion of plastics process will potentially yield benzene, and ethanol and the Department of Health and Human Services has determined that benzene is a known carcinogen (can cause cancer). In addition, both the International Agency for Cancer Research and the US EPA have determined that benzene is carcinogenic to humans.

SAFETY RISKS- Frequency of accidents in pilot plants are more significant than in production plants. Fires, explosions, and chemical leaks (often in R&D pilots) will be catastrophic for a community 230 feet away. Thermal oxidizer may result in explosions and fire. Thermal oxidizers in at least 4 other

(October 2023) Source: Thermal Oxidizer Fire & Explosion Hazard, IChemE, Symposium Series No. 148 (2001).

OPERATIONAL RISKS- Could result accident, No plan for accidents, how to informed the community next door, noise pollution and many other issues. The risk associated with the project and no risk mitigation plan submitted with the application.

3. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property?

If the number of impacted 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. If the number of properties is greater than 12, explain the impact in general terms.

There are 3 other areas zoned PEC in the County, Montpelier and Emerson in the Southeast planning area and Lyndwood in the Elkridge Planning area. These properties are not involved in the Chemical Testing and /or Research and will not be requiring the greater setback

4. Provide the address, Tax Map, and Parcel Number for any parcel of land known to be affected by the amendment that the Petitioner owns or has a legal or equitable interest in.

7500 GRACE DR COLUMBIA MD 21044-4098. Map 35 Parcel 145-A. Petitioner is a successor in interest located on Map 35 Parcel 145 B Lot 12

Zoning Regulation Amendment Criteria

1. The compatibility, including potential adverse impacts and consequences, of the proposed zoning regulation amendment with the existing and potential land uses of the surrounding areas and within the same zoning district.

This ZRA will make the P.E.C. uses more compatible with the adjacent residences. It will limit the commercial uses such as chemical research requiring MDE Air Permit uses on P.E.C. land, requiring a buffer between the Location of Chemical Research Facility and the adjacent residences. It is a win win situation for the businesses and the residents.

2. The properties to which the zoning regulation amendment could apply and, if feasible, a map of the impacted properties.

7500 Grace Dr. Columbia, MD 21044

7450 Grace Dr. Columbia, MD 21044

7440 Grace Dr. Columbia, MD 21044

3. Conflicts in the Howard County Zoning Regulations as a result of the zoning regulation amendment.

None

4. The compatibility of the proposed zoning regulation amendment with the policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.

The Howard County General plan (PlanHoward 2030) emphasizes that the high quality of life is achieved through universal stewardship of land, water and air resulting in sustainable communities and protection of environment. The Chapter 11 Implementation clearly illustrates that it supports efforts to

improve air quality with an emphasis on communities and population most threatened by elevated level of pollution. The Implementation plan in the Plan Howard 2030 identify how air quality will be improved for the residents of Howard County. This Amendment will improve the quality of life of the Cedar Creek, Village of River Hill and Robinson communities.

5. If the zoning regulation text amendment would impact eight (8) parcels of land or less:

- (i) A list of those impacted parcels;
- (ii) The address of each impacted parcel;
- (iii) The ownership of each impacted parcel; and
- (iv) The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.

7450 Grace Dr. Columbia, MD 21044

3) W.R. Grace

7440 Grace Dr.

Columbia, MD 21044

Robinson Overlook LLC

4) 7410 Grace Dr.

Columbia, MD 21044

5) Jeff and Holly Eng

7420 Grace Dr.

Columbia, MD 21044

6) Howard County Recs and Parks

Route 32, Columbia

7) Cedar Creek Community

8) River Hill Community

Signatures

The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct.

Petitioner's Signature Hasan, Anwer (USAH177040) Digitally signed by Hasan, Anwer (USAH177040)
DN: cn=Hasan, Anwer (USAH177040), ou=Active, email=anwer.hasan@wsp.com
Date: 2024.11.07 22:00:53 -0500 **Date** 09/17/2024

Property Owner's Signature Hasan, Anwer (USAH177040) Digitally signed by Hasan, Anwer (USAH177040)
DN: cn=Hasan, Anwer (USAH177040), ou=Active, email=anwer.hasan@wsp.com
Date: 2024.11.07 22:01:04 -0500 **Date** 09/17/2024

Process information and submittal requirements can be found on the [ProjectDox website](#)

Petitioner	ZRA	Applicant	Form	Name	Date / Fiscal	Have	Have Not	Recipients of Cont	Date of Contribution	Amount	Am	Am Not
Anwer Hasan	211	Anwer Hasan	Affidavit of Contribution	Anwer Hasan	9/9/2024	X						
Anwer Hasan	211	Anwer Hasan	Affidavit Engaging in Business	Anwer Hasan	9/9/2024			Wes Moore for Maryl	12/29/2023	500		X
Anwer Hasan	211	Anwer Hasan	Disclosure of Contribution	Anwer Hasan	9/10/2024			Wes Moore for Maryl	10/10/2023	1,000		
								Wes Moore for Maryl	7/30/2023	250		
								Moore Miller Inaugural Co	12/22/2022	134.10		
								Friends of Steuart Pitt	12/12/2022	250		
								Brooke Lierman for Mar	11/4/2022	250		
								Friends of Steuart Pitt	10/6/2022	103.45		
								Wes Moore for Maryl	9/25/2022	250		
								Wes Moore for Maryl	8/11/2022	25		
								Wes Moore for Maryl	6/29/2022	100		
								Wes Moore for Maryl	6/7/2022	500		
								The Calvin Ball Team	1/12/2022	100		
								Katie Curran (Catherine O'Malle	1/11/2022	1,000		
								Wes Moore for Maryl	11/9/2021	500		
								Friends of John Oliszewski	10/12/2021	40		
								Wes Moore for Maryl	9/25/2021	508.80		
								Friends of Steuart Pitt	9/19/2021	50		
								Citizens for Brian Fro	1/7/2021	200		
								Democratic State Central Commit	7/28/2020	40		
								Committee to Elect Catharin	3/6/2019	150		
								The Calvin Ball Team	9/29/2018	500		
								The Calvin Ball Team	8/21/2018	250		
								Friends of John Oliszewski	8/20/2018	500		
								Friends of John Oliszewski	5/6/2018	2,000		
								The Calvin Ball Team	1/10/2018	375		
								Friends of Marilyn Mc	1/4/2018	250		
								Friends of Sabrina T	1/3/2018	100		



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Lynda D. Eisenberg, AICP, Director FAX 410-313-3467

TECHNICAL STAFF REPORT

Planning Board Meeting of November 14, 2024

Case No./Petitioner: ZRA-211 – Anwer Hasan

Request: To amend Section 116.0.D.3.b of the Planned Employment Center (PEC) zoning district to require structures where research and development require an air permit from the Maryland Department of the Environment (MDE) is conducted to be 1,800 feet from a residential lot line.
1) amend Section 116.0.D.3.b. to establish additional setbacks for Research and Development Facilities to be a minimum of 1,800 feet from a residence.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

Planned Employment Center Zoning District:

In 1985, the Planned Employment Center (PEC) Zoning District was added to the Zoning Regulations with the purpose to "...provide for comprehensively planned employment centers combining research and development, office, light manufacturing and assembly, limited commercial and other enumerated uses." During this time, the use of *engineering and scientific research or development facilities* was permitted as a matter of right.

The PEC zoning district has been amended as described below:

In 1997, ZRA-15 (CB65-1997) permitted the use of certain adult entertainment businesses.

During the 1993 Comprehensive Zoning Plan, the list of permitted uses was amended. This included the removal of the *engineering and scientific research or development facilities* use which was replaced with "Research and development establishments or professional and business offices which may include manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products incidental to the principal use and located on the same lot as the principal use. Manufacturing uses permitted only in the M-2 district are prohibited."

In 1998, ZRA-18 (CB8-1998) established that certain commercial service uses that were originally permitted under a floor area and lot coverage limitation, are now permitted as a matter of right with no area limitations. This ZRA also established other commercial and light industrial uses as permitted as a matter of right in the district.

In 2003, ZRA-45 (CB50-2004) permitted adult book or video stores, subject to the requirements of Section 128.H.

In 2008, ZRA-88 (CB27-2008) permitted certain retail and personal service uses within the B-1 zoning district by right in certain circumstances.

In 2007, ZRA-90 (CB72-2007) permitted the use of Housing Commission Housing Developments, subject to the requirements of 128.K.

During the 2013 Comprehensive Zoning Plan (CZP), several permitted by right uses were removed from the PEC district including "Research and development establishments or professional and

business offices which may include manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products incidental to the principal use and located on the same lot as the principal use. Manufacturing uses permitted only in the M-2 district are prohibited.”

The removal made existing legally established research and development facilities nonconforming, which is described in further detail below.

In 2021, ZRA-197 (CB17-2021) added the uses of rooftop solar collectors and ground-mount solar collectors.

Nonconforming Uses

Pursuant to Section 129.0, a nonconforming use is any lawful existing use, whether of a structure or a tract of land, which does not conform to the use regulations of the zoning district in which it is located, either on the effective date of these Regulations or as a result of any subsequent amendment thereto. This may occur through Zoning Map and Zoning Text Amendments that impact the types of uses permitted.

A nonconforming use may continue to operate unless it ceases for any reason for a period of more than two years, or is changed to a conforming use, then any future use of such land or structures shall be in conformity with the standards specified by these Regulations for the zoning district in which such land or structure is located.

II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner’s proposed amendment. The Petitioner’s proposed amendment text is attached as Exhibit A.

The Petitioner asserts that “PEC zoned businesses are engaging in chemical testing and/or research which is producing carcinogenic emission harmful to residences in close proximity. A buffer is needed between the chemical testing and/or research facility and residences to protect the health of children and adults. A minimum setback of 1,800 feet or greater is needed between the chemical testing and/or research location and residences to minimize Health, Safety and Operational Risks from toxic fumes, fire, explosion and excursion.”

Section 116.0.D.3.b:

This section contains the structure and use setbacks in the PEC zoning district. The Petitioner is proposing an 1,800-foot distance separation between residential properties and nonconforming research and development uses in the PEC zoning district that require an air permit from MDE.

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-211 in accordance with Section 16.208.(d) of the Howard County Code.

- 1. The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.**

The PEC district was established to provide comprehensively planned employment centers that combine research and development, office, light manufacturing and assembly, limited commercial and other enumerated uses. The Future Land Use Map classifies the PEC zoning district as Suburban Commercial.

Setbacks are tools used in zoning to separate incompatible uses. Typically, the greater the distance, the less likely the use impacts to the surrounding communities because it provides sight, smell and noise separation. Existing nonconforming facilities can currently seek expansion through the Hearing Authority subject to the criteria in Section 129.0.E. One of the criteria requires compliance with bulk regulations, which includes setbacks.

Although unlikely to meet requirements for physical expansion of their facilities, legally established nonconforming research and development uses occurring in existing structures, including those which require an MDE air permit, would not be subject to this requirement.

2. The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties

The proposed amendment will apply to the entire PEC district and will impact 185 parcels. A map and list of the impacted properties is provided in Attachment A.

3. Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.

If adopted as written, this proposed ZRA would establish a setback for a use that is no longer permitted within the PEC zoning district, since the research and development facility use was removed from the permitted use section during the 2013 Comprehensive Zoning Plan as explained above.

The proposed 1,800 ft setback is inconsistent with setbacks required for research and development facilities permitted in other zoning districts including Transit Oriented Development (TOD) Section 127.4, Corridor Employment (CE) Section 127.2, Planned Office Research (POR) Section 115.0, Manufacturing – Light (M-1) Section 122.0, and Manufacturing – Heavy (M-2) Section 123.0. These districts all require a minimum structure and use setback of at least 100 feet from any residential zoning district for any permitted use including research and development facilities.

Additionally, the 1,800 ft setback is inconsistent with setbacks required for more intense land uses such as Rubble Landfill and Land Clearing Debris Landfill Facilities, Sawmills, Bulk Firewood Processing, Mulch Manufacturing, and Soil Processing that are allowed through the Conditional Use process. These uses require a minimum setback of 500 feet to the nearest residential structure on an adjacent lot.

4. The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.

HoCo By Design, the County’s recently adopted general plan, identifies the PEC district as a Suburban Commercial area that is created to contribute to the County’s office employment base and serve the daily retail needs of office users and surrounding residential neighborhoods.

While the General Plan does not specifically address recommendations for the PEC district, the proposed ZRA may be consistent with the Policy Statements and Implementing Actions of the General Plan. While this amendment does not appear to conflict with the General Plan and may be aligned with policies to support increased environmental protections, there are policies that are also supportive of providing opportunities for innovative technologies that support the broader economic goals of the region. Relevant polices include:

Policy EH-1 recommends that the County “Continue to support the County’s ecological health.” **Implementing Action: 1** “Integrate the goals of protecting and restoring the County’s ecological health when updating county programs, regulations, and policies”

Policy EP-4 recommends that the County “Support and diversify the local job market to maximize opportunities to grow regional employment.” **Implementing Action: 2** “Promote green industries by creating incentives to attract new businesses demonstrating sustainable practices or developing sustainable technologies, materials, and products.”

Policy EP-7 recommends that the County “Monitor economic disrupters, such as new technologies, autonomous vehicles, teleworking, and e-commerce, and employ adaptive and innovative strategies to meet emerging economic shifts.” **Implementing Action: 1** “Assess and adapt the Zoning Regulations to provide greater flexibility under broader use categories and respond to changing industries and technologies.”

Environmental Policies and Objectives

The proposed ZRA 211 is not in conflict with the environmental policies and objectives in HoCo By Design, the County’s General Plan. The proposed ZRA 211 would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

- 5. **If the zoning regulation text amendment would impact eight parcels of land or less: (i) A list of those impacted parcels; (ii) The address of each impacted parcel; (iii) The ownership of each impacted parcel; and (iv) The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.**

The zoning regulation text amendment will impact 185 parcels. Therefore, this criterion does not apply.

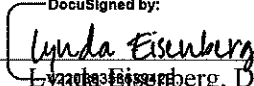
DocuSigned by:

Lynda Eisenberg, Director
10/31/2024
Date

Exhibit A

Petitioner's Proposed Text

Section 116.0.D:

1. At least 25% of the gross area of the PEC District shall be open space.
2. The following maximum height limitations shall apply:
 - a. Structure with minimum setback from a public street80 feet
 - b. Structure with minimum setback from a residential district50 feet
 - c. Structure with an additional one foot in height for every 2 feet of setback above the minimum from a residential district80 feet
3. The following minimum requirements shall be observed:
 - a. District size50 contiguous acres
 - (1) Development projects of less than 50 acres permitted if contiguous to an existing Planned Employment Center.
 - (2) For the purposes of this section, lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, or rights-of-way in fee or by easement, owned by third parties, shall be considered to be contiguous, but such items shall not be included in determining the minimum area of the district.
 - b. Setbacks—structures and uses
 - (1) From residential districts, except for residential districts within a site plan approved under Section 100.0.G.275 feet
 - (2) From all other districts, except non-residential districts within same project30 feet
 - (3) From a public street right-of-way30 feet
Except for parking uses10 feet
 - (4) If a residential district is separated from the PEC District by a public street right-of-way, only the setback from the public street right-of-way shall apply.
 - (5) THE RESEARCH AND DEVELOPMENT USE THAT WAS PERMITTED AS A MATTER OF RIGHT WAS DELETED AS OF THE OCTOBER 6, 2013, ZONING REGULATIONS. NOTWITHSTANDING, CONTINUATION OF THESE USES AS NON-CONFORMING IN STRUCTURES WHERE RESEARCH AND DEVELOPMENT IS CONDUCTED WHICH REQUIRES AN AIR PERMIT FROM MARYLAND DEPARTMENT OF THE ENVIRONMENT SHALL BE AT LEAST 1,800 FEET FROM THE LOT LINE OF ANY RESIDENCE.

Example of how the text would appear normally if adopted:

Section 116.0.D:

1. At least 25% of the gross area of the PEC District shall be open space.
2. The following maximum height limitations shall apply:
 - a. Structure with minimum setback from a public street80 feet
 - b. Structure with minimum setback from a residential district50 feet
 - c. Structure with an additional one foot in height for every 2 feet of setback above the minimum from a residential district80 feet

3. The following minimum requirements shall be observed:

a. District size50 contiguous acres

(1) Development projects of less than 50 acres permitted if contiguous to an existing Planned Employment Center.

(2) For the purposes of this section, lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, or rights-of-way in fee or by easement, owned by third parties, shall be considered to be contiguous, but such items shall not be included in determining the minimum area of the district.

c. Setbacks—structures and uses

(1) From residential districts, except for residential districts within a site plan approved under Section 100.0.G.275 feet

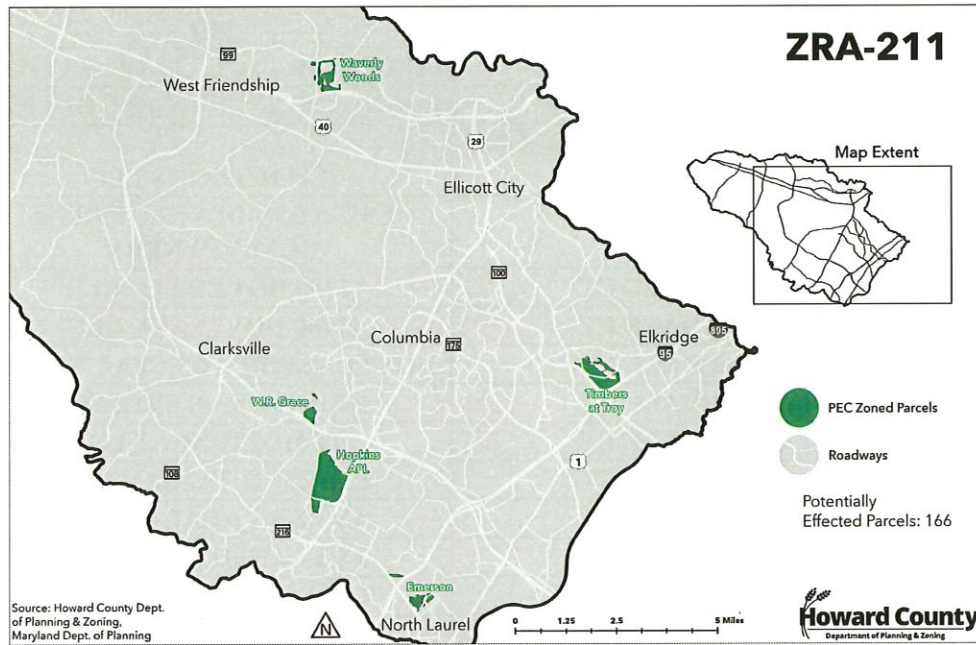
(2) From all other districts, except non-residential districts within same project30 feet

(3) From a public street right-of-way30 feet
Except for parking uses10 feet

(4) If a residential district is separated from the PEC District by a public street right-of-way, only the setback from the public street right-of-way shall apply.

(5) The research and development use that was permitted as a matter of right was deleted as of the October 6, 2013, zoning regulations. Notwithstanding, continuation of these uses as nonconforming in structures where research and development is conducted which requires an air permit from Maryland department of the Environment shall be at least 1,800 feet from the lot line of any residence.

Attachment A



Potentially Impacted Properties (Source: SDAT Records)

ACCTID	ADDRESS	OWNER	ACRES
1401275046	6030 MARSHALEE DR	LW REALTY LLC	1.821
1406572308		HOWARD COUNTY MD	3.48
1403327434	2201 WARWICK WAY	JCH WAVERLY WOODS 2201-2205 LLC	4.04
1406572278		HOWARD COUNTY MD	5.76
1405375827	11100 JOHNS HOPKINS RD	JOHNS HOPKINS UNIV	99.42
1403344126	2500 WALLINGTON WAY SUITE D08	SURREY HOLDINGS LTD LLC	0.871
1403344045	2500 WALLINGTON WAY SUITE D02	SURREY HOLDINGS LTD LLC	0.871
1403344088	2500 WALLINGTON WAY SUITE D05	SURREY HOLDINGS LTD LLC	0.871
1403344096	2500 WALLINGTON WAY SUITE D06	SURREY HOLDINGS LTD LLC	0.871
1403344118	2500 WALLINGTON WAY SUITE D07	SURREY HOLDINGS LTD LLC	0.871
1403344134	2500 WALLINGTON WAY SUITE D09	SURREY HOLDINGS LTD LLC	0.871
1403344169	2500 WALLINGTON WAY SUITE D12	SURREY HOLDINGS LTD LLC	0.871
1403344177	2500 WALLINGTON WAY SUITE D13	SURREY HOLDINGS LTD LLC	0.871
1403344207	2500 WALLINGTON WAY SUITE D16	SURREY HOLDINGS LTD LLC	0.871

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1403597663	11100 BARNSELY WAY	ELLCOTT CITY LAND HOLDING INC	2.84
1406572243	9025 STERLING DR	EMERSON DEVELOPMENT VI LLC	9.7
1406450288		STATE ROADS COMMISSION OF MD	4
1403338835	10707 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0.18
1403338827	10709 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0.18
1405433746	7700 MONTPELIER RD ALSO 7702 THRU 7710	7700 HOPKINS LLC	4.87
1406572316		EMERSON DEVELOPMENT HOMEOWNERS	2.48
1403341720	11090 DOVEDALE CT	11100 DOVEDALE LLC	1.02
1403341712	11100 DOVEDALE CT	11100 DOVESALE LLC	1.02
1403341704	11110 DOVEDALE CT	DOVEDALE REAL ESTAT TRUST	1.02
1403341690	11120 DOVEDALE CT	NARAYANAN SRIHARI	1.02
1403341682	11130 DOVEDALE CT	IT HOLDINGS LLC	1.02
1403341089	11215 DOVEDALE CT	TEDESCO FAMILY LLC	1.15
1403341070	11225 DOVEDALE CT	AVYAAN REALTY LLC	1.15
1403341062	11235 DOVEDALE CT	AVYAAN REALTY LLC	1.15
1403341054	11245 DOVEDALE CT	TEDESCO FAMILY LLC	1.15
1403341046	11255 DOVEDALE CT	WINNIE CLASS C LLC	1.15
1403341038	11265 DOVEDALE CT	KEY WEST INVESTORS LLC	1.15
1403341011	11275 DOVEDALE CT	BAF PROPERTIES LLC	1.15
1403341003	11285 DOVEDALE CT	LONGFIELD PROPERTIES LLC	1.15
1405431239		HOWARD COUNTY MARYLAND	4.17
1405433428	7701 MONTPELIER RD ALSO 7703 THRU 7707	THE JOHNS HOPKINS UNIVERSITY	12.32
1405435056	7710 MONTPELIER RD	MOR MONTPELIER 3 LLC	2.22
1403344037	2500 WALLINGTON WAY SUITE D01	SURREY HOLDINGS LTD LLC	0.871
1403344053	2500 WALLINGTON WAY SUITE D03	SURREY HOLDINGS LTD LLC	0.871
1403344061	2500 WALLINGTON WAY SUITE D04	SURREY HOLDINGS LTD LLC	0.871
1403344142	2500 WALLINGTON WAY SUITE D10	SURREY HOLDINGS LTD LLC	0.871
1403344150	2500 WALLINGTON WAY SUITE D11	SURREY HOLDINGS LTD LLC	0.871
1403344185	2500 WALLINGTON WAY SUITE D14	SURREY HOLDINGS LTD LLC	0.871
1403344193	2500 WALLINGTON WAY SUITE D15	SURREY HOLDINGS LTD LLC	0.871
1403341674	11140 DOVEDALE CT	IT HOLDINGS LLC	1.02
1405434858	7760 MONTPELIER RD	MP BUSINESS PARK LLC	5.32
1405434807	7750 MONTPELIER RD	MP BUSINESS PARK LLC	4.69
1405432588	7531 MONTPELIER RD	HOPKINS HOSPITALITY INVESTORS LLC	3.19
1405428246	7600 MONTPELIER RD	TC MONTPELIER LLC	13.24

1405428289		HOWARD COUNTY MD	19.27
1405432561	7601 MONTPELIER RD	LAUREL MARYLAND ASSOCIATES LLC	1.81
1403596396		WAVERLY WOODS DEVELOPMENT CORP	14.286
1405432596	7740 MONTPELIER RD	MP BUSINESS PARK LLC	2.43
1405439000	7500 MONTPELIER RD	CASCADE MONTPELIER LLC	1.63
1405428238	7651 MONTPELIER RD	MONTPELIER III LLC	12
1405432626		HOWARD COUNTY MARYLAND	1.38
1406572251	9005 STEPHENS RD	EMERSON DEVELOPMENT IV LLC	2.09
1403303438	2300 WAVERLY MANSION DR	HOWARD COUNTY MARYLAND	3.44
1403595995	11203 OLD FREDERICK RD	FARDA ENTERPRISES	0
1406450318		STATE ROADS COMMISSION OF MD	6.5
1406572235	9055 STERLING DR	EMERSON DEVELOPMENT VII LLC	10.41
1403595996	2020 MARRIOTTSVILLE RD SUITE C	MORRA MARRIOTTSVILLE LLC	0
1403595997	2020 MARRIOTTSVILLE RD SUITE D	Z & Y INVESTMENT LLC	0
1403595998	2020 MARRIOTTSVILLE RD SUITE E	KYLE BENJAMIN LLC	0
1403595999	2020 MARRIOTTSVILLE RD SUITE G	PROSPERITY INVESTMENT COMPANY LLC	0
1401275070	6085 MARSHALEE DR	MERRITT CPTF LYNDWOOD LLC	13.37
1405438993	7570 JOHNS HOPKINS RD	JH REALTY LLC	1.51
1403595994	2020 MARRIOTTSVILLE RD SUITE A	FARDA ENTERPRISES	0
1403342786		WAVERLY WOODS DEVELOPMENT	51.39
1405351251	7500 GRACE DR	GRACE CO W R	54.8
1405439019	7530 MONTPELIER RD	CASCADE MONTPELIER II LLC	1.36
1403327450	2100 WARWICK WAY	WAVERLY WOODS DEVELOPMENT CORP	5.12
1403316750		WAVERLY WOODS DEVELOPMENT	1.57
1401275054	6080 MARSHALEE DR	GREENWAY VILLAGE LLC	1.89
1406572227	9090 STERLING DR	EMERSON DEVELOPMENT II LLC	4.765
1406572197	8935 STEPHENS RD ALSO 8937 THRU 8955	EMERSON DEVELOPMENT LLC	10.1
1403342743		WAVERLY WOODS DEVELOPMENT	17.23
1406572189	8920 STEPHENS RD	EMERSON DEVELOPMENT XIII LLC	2.83
1403340813	2200 BRIGHTON RUN CT	BONNIE BRANCH CORPORATION	1.12

1406572219	9070 STERLING DR	EMERSON DEVELOPMENT VIII LLC	10.612
1405355370		JOHNS HOPKINS UNIVERSITY	258.54
1405371767	11101 JOHNS HOPKINS RD	11101 JOHNS HOPKINS ROAD	35.09
1403327418	2301 WARWICK WAY	TAYLOR TOWER LLC	1.4
1403345882	11055 STRATFIELD CT 1ST FLOOR	ALPHA RIDGE HOLDINGS LLC	1.33
1403345890	11065 STRATFIELD CT	ALPHA RIDGE HOLDINGS LLC	1.33
1403345904	11075 STRATFIELD CT 1ST FLOOR	ALPHA RIDGE HOLDINGS LLC	1.33
1403345912	11085 STRATFIELD CT	ALPHA RIDGE HOLDINGS LLC	1.33
1403345920	11055 STRATFIELD CT 2ND FLOOR	ALPHA RIDGE HOLDINGS LLC	1.33
1403345939	11075 STRATFIELD CT 2ND FLOOR	ALPHA RIDGE HOLDINGS LLC	1.33
1403346056	11116 DOVEDALE CT	BRUBAKER PHILIP A	1.02
1403327426	2251 WARWICK WAY	LAKE ROLAND RECREATION LLC	5.56
1403348229	11115 STRATFIELD CT 1ST FLOOR	MKW PROPERTIES LLC	0.7
1403348261	11115 STRATFIELD CT 2ND FLOOR	MKW PROPERTIES LLC	0.7
1403332195	10721 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332411	10721 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403332233	10725 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332462	10725 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403332284	10729 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332500	10729 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403332322	10733 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332543	10733 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403332594	10741 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332802	10741 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403332632	10745 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332845	10745 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403332675	10749 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332896	10749 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403332713	10753 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332942	10753 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403332764	10757 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332985	10757 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403345815	11015 STRATFIELD CT 1ST FLOOR	PROVERBS 31 16 LLC	1.33
1403345866	11015 STRATFIELD CT 2ND FLOOR	MALCOLM ELLIS ENTERPRISES LLC	1.33
1403345823	11025 STRATFIELD CT	WPI PROPERTY LLC	1.33
1403345831	11035 STRATFIELD CT 1ST FLOOR	WPI PROPERTY LLC	1.33
1403345874	11035 STRATFIELD CT 2ND FLOOR	SPB PROPERTIES LLC	1.33
1403345858	11045 STRATFIELD CT	WPI PROPERTY LLC	1.33

1403348245	11135 STRATFIELD CT 1ST FLOOR	MKW PROPERTIES LLC	0.7
1403348288	11135 STRATFIELD CT 2ND FLOOR	MKW PROPERTIES LLC	0.7
1403348296	11155 STRATFIELD CT 1ST FLOOR	WPI PROPERTY LLC	0.021
1403348342	11155 STRATFIELD CT 2ND FLOOR	WPI PROPERTY LLC	0.041
1403348326	11175 STRATFIELD CT 1ST FLOOR	WPI PROPERTY LLC	0.38
1403348350	11175 STRATFIELD CT 2ND FLOOR	WPI PROPERTY LLC	0.041
1403348334	11185 STRATFIELD CT	M& J TRINITY LLC	0.033
1403348237	11125 STRATFIELD CT	MKW PROPERTIES LLC	0.7
1403348253	11145 STRATFIELD CT	MKW PROPERTIES LLC	0.7
1403348318	11165 STRATFIELD CT	VAZHAYIL LLC	0.026
1401291459	6064 MARSHALEE DR	SARBHAN REALTY ELKRIDGE LLC	3.46
1403287076	11203 OLD FREDERICK RD	WAVERLY WOODS DEVELOPMENT CORP	5.932
1401274813	6100 MARSHALEE DR	HOWARD COUNTY MARYLAND	206.39
1406420818	9805 WHISKEY BOTTOM RD	EMERSON DEVELOPMENT HOMEOWNERS	14.53
1405432618		MONTPELIER OWNERS ASSOCIATION INC	5.46
1403335380	10711 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0.141
1403335402	10711 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0.141
1403335372	10713 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0.141
1403335399	10713 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0.141
1403335351	10717 BIRMINGHAM WAY	BONNIE BRANCH CORPORATION	0
1403332365	10717 BIRMINGHAM WAY SUITE A	BONNIE BRANCH CORPORATION	0
1403346706	2400 LONGSTONE LN SUITE C01	LONGSTONE LLC	1.38
1403346714	2400 LONGSTONE LN SUITE C02	LONGSTONE LLC	1.38
1403346722	2400 LONGSTONE LN SUITE C03	LONGSTONE LLC	1.38
1403346803	2400 LONGSTONE LN SUITE C09	LONGSTONE LLC	1.38
1403347370	2600 LONGSTONE LN SUITE B07	EMERALD SEA LLC	0.947
1403347443	2600 LONGSTONE LN SUITE B14	LONGSTONE INVESTMENTS LLC	0.947
1403347389	2600 LONGSTONE LN SUITE B06	OVERSEEK 102 LLC	0.947
1403347451	2600 LONGSTONE LN SUITE B13	LONGSTONE INVESTMENTS LLC	0.947
1403347397	2600 LONGSTONE LN SUITE B05	OVERSEEK 102 LLC	0.947
1403347478	2600 LONGSTONE LN SUITE B12	LONGSTONE INVESTMENTS LLC	0.947
1403347400	2600 LONGSTONE LN SUITE B04	G & P PROPERTIES LLC	0.947
1403347486	2600 LONGSTONE LN SUITE B11	LONGSTONE INVESTMENTS LLC	0.947
1403347419	2600 LONGSTONE LN SUITE B03	G & P PROPERTIES LLC	0.947
1403347494	2600 LONGSTONE LN SUITE B10	456 MAIN STREET LLC	0.947
1403347427	2600 LONGSTONE LN SUITE B02	G & P PROPERTIES LLC	0.947

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1403347508	2600 LONGSTONE LN SUITE B07	456 MAIN STREET LLC	0.947
1403347435	2600 LONGSTONE LN SUITE B03	G & P PROPERTIES LLC	0.947
1403347516	2600 LONGSTONE LN SUITE B07	456 MAIN STREET LLC	0.947
1403346730	2400 LONGSTONE LN SUITE C04	LONGSTONE LLC	1.38
1403346749	2400 LONGSTONE LN SUITE C05	LONGSTONE LLC	1.38
1403346757	2400 LONGSTONE LN SUITE C06	LONGSTONE LLC	1.38
1403346765	2400 LONGSTONE LN SUITE C07	LONGSTONE LLC	1.38
1403346773	2400 LONGSTONE LN SUITE C08	LONGSTONE LLC	1.38
1403346811	2400 LONGSTONE LN SUITE C10	LONGSTONE LLC	1.38
1403346838	2400 LONGSTONE LN SUITE C11	LONGSTONE LLC	1.38
1403346846	2400 LONGSTONE LN SUITE C12	LONGSTONE LLC	1.38
1403327396		HOWARD COUNTY MD	1.24
1403349055	2470 LONGSTONE LN	TAYLOR FAMILY LP B	2.1

1 **MR. ANWER HASAN** * **BEFORE THE**
 2 **PETITIONER** * **PLANNING BOARD OF**
 3 **ZRA-211** * **HOWARD COUNTY, MARYLAND**

4
 5 * * * * *
 6 **MOTION: Recommend approval with amendments.**
 7 **ACTION: *Approved with amendments; Vote 3-0.***
 8 * * * * *

9 RECOMMENDATION

10 On November 14, 2024, and November 21, 2024, the Planning Board of Howard County, Maryland
 11 considered the petition of Mr. Anwer Hasan (Petitioner) to amend the Planned Employment Center (PEC)
 12 zoning district (Section 116.0) as follows:

- 13 • To require structures where research and development is conducted that requires an air permit from
 14 the Maryland Department of the Environment (MDE) to be a minimum of 1,800 feet from a
 15 residential lot line.

16 The Planning Board considered the petition and the Department of Planning and Zoning’s (DPZ)
 17 Technical Staff Report.

18 Testimony

19 Mr. Anwer Hasan, the Petitioner, stated that the purpose of the proposed text amendment is to require
 20 an 1,800-foot setback for research and development uses in the PEC Zoning District that require an air permit
 21 from MDE. He asserted that this setback will allow for an increase in health and safety protection from any
 22 proposed or existing uses taking place at the W.R. Grace property located at 7500 Grace Drive. He maintained
 23 that Section 116.0.A.2 of the zoning regulations requires open areas to act as buffers between incompatible
 24 uses, and that the 25% open space requirement outlined in Section 116.0.D.1. should be used as an
 25 environmental buffer around the research and development facility. Mr. Hasan stated that the policies in the
 26 Howard County General Plan advocate for a healthy and safe community, and that this proposed text
 27 amendment would improve the well-being of the community.

28 Mr. Hasan explained that during the 2013 Comprehensive Zoning, the research and development use
 29 was removed from the list of permitted uses within the PEC zoning district. He stated that the proposed text
 30 amendment would only impact two (2) PEC zoned parcels; the John’s Hopkins University Applied Physics
 31 Laboratory and W.R. Grace. Both facilities currently have active air permits from MDE. Mr. Hasan asserted
 32 that the proposed text amendment is in harmony with the environmental policies and objectives of the Howard
 33 County General Plan. Mr. Hasan stated that the proposed text amendment will ensure the safety of the
 34 community if there is a disaster at the W.R. Grace facility.

1 During testimony, Planning Board member Ms. Barabara Mosier, asked how an 1,800-foot setback
2 would impact the W.R. Grace facility. Mr. Geoff Goins, Zoning Division Chief, demonstrated the setback
3 using the Howard County Interactive GIS map explaining that the proposed buffer would encompass the entire
4 property. Ms. Lynda Eisenberg, Director of DPZ, clarified that the 25% open space requirement in PEC is for
5 the entire property is not required to be used as buffers. Ms. Mosier asked how much open space was currently
6 on the parcel. Mr. Goins indicated that based on the approved site plan, the open space is currently 30%. Ms.
7 Mosier inquired about the potential application of this change to the nonconforming use of the parcel. Mr. Goins
8 stated that a new setback would not apply to any existing nonconforming uses/structures. Ms. Mosier further
9 inquired as to how the proposed buffer might have impacted the development of the neighborhood. Mr. Goins
10 said that if the proposed 1,800-foot setback was in place at that time, the neighborhood could not have been
11 created.

12 Planning Board member Mr. James Cecil asked when the land for the neighborhood was sold. Mr.
13 Goins indicated it was rezoned in 2015. Ms. Eisenberg stated that the developers of the neighborhood requested
14 the CEF (Community Enhancement Floating) zoning district.

15 Public Testimony

16 Residents from the adjacent Cross Creek neighborhood testified in support of the proposed text
17 amendment. Numerous residents testified that the proposed 1,800-foot setback would mitigate their concerns
18 about health and safety risks resulting from possible exposure to dangerous emissions from research and
19 development activities. Several concerned citizens testified about the different types of possible pollutants that
20 could emanate from research and development establishments, including benzyne and other polyfluoroalkyl
21 substances (PFAs). Several students from the nearby neighborhood spoke in support of the proposed text
22 amendment stating the need for the additional setback for protection of their health and safety.

23 President Neil Tilva, and Board Member Sara Dwyer, of the Cross Creek Homeowners Association,
24 testified in support of the proposed text amendment stating their concern about future health and safety risks to
25 the community and that the 1,800-foot setback would protect the health of the community and its residents.
26 Howard County Councilmember Deb Jung testified in support of the proposed text amendment arguing for an
27 increased separation between incompatible uses. Maryland Senator Clarence Lam testified that the State does
28 not have any jurisdiction over county zoning, but recognizes the concerns of the community. He noted that there
29 needs to be better protection between adjacent land uses and asked that the Planning Board take proposed text
30 amendment very seriously.

31 Howard County Councilmember Ms. Liz Walsh testified on behalf of a concerned citizen who was in
32 support of the proposed text amendment. She indicated that the resident was concerned about the potential
33 pollutants that could be released and that the 1,800-foot setback would provide protection from the existing and
34 future emissions at W.R. Grace. Ms. Emily Ranson from Clean Water Action testified in support of the proposed

1 text amendment stating that the proposed waste to energy facility should not be considered a recycling facility
2 and that the 1,800-foot buffer is necessary to give the community increased environmental protection.

3 A concerned County resident testified that the M-2 (Manufacturing: Heavy) zoning district was a more
4 appropriate zoning district for uses that require an air permit from MDE. Another resident testified that W.R.
5 Grace is proposing a manufacturing use and it should have an increased setback from residential uses. The
6 following also testified in support of the proposed amendment: Mr. Alan Schneider from the Howard County
7 Citizens Association, Ms. Carolyn Parsa from Less Plastic Please, Ms. Christina Dubin from Beyond Plastics,
8 Ms. Jane Williams from the Sierra Club, Mr. Dave Arndt from the Maryland Legislative Coalition, and Ms.
9 Erin Taylor from Climate Reality.

10 During testimony, several community members testified in opposition to the proposed text amendment.
11 Mr. Tom Coale an attorney with Perry, White, Ross and Jacobson testified that the proposed text amendment
12 targets W.R. Grace the proposed 1,800-foot buffer would not allow for any more usable space on their property.
13 He suggested that the Planning Board should evaluate the applicability of the proposed text amendment with
14 the nonconforming use section of the Zoning Regulations. Mr. Coale stated that this proposed text amendment
15 would potentially have an impact on the John's Hopkins Applied Physics Lab, another PEC zoned parcel. Ms.
16 Sharyn Nerenberg, from W.R. Grace, testified in opposition stating that W.R. Grace is developing beneficial
17 products. She explained that the proposed research and development activities will not be a detriment to the
18 adjacent community and will occur within an existing structure at the facility. Another county resident testified
19 in opposition to the proposed text amendment stating that W.R. Grace has conducted research and development
20 activities since 1959. He stated that the trigger for the MDE air permit is for the pollution control device being
21 proposed and not for an incinerator or other potentially harmful activities. Overall, there were 44 individuals
22 who spoke for the amendment and five who spoke against.

23 Planning Board Chair Mr. Kevin McAliley motioned that the Board move to the Work Session. Ms.
24 Mosier motioned for a continuance of the hearing to a future date to allow sufficient time for the work session.
25 Mr. Cecil seconded the motion. The work session was continued to November 21, 2024.

26 Board Discussion and Recommendation

27 During work session, Mr. McAliley suggested going to a closed session for legal guidance; Mr. James
28 Cecil motioned to go to closed session and Ms. Barbara Mosier seconded the motion. The Planning Board
29 participated in a closed work session from 7:24 p.m. to 7:39 p.m. When the Planning Board returned, Ms.
30 Mosier stated that she understood the concerns of the community, but reiterated that the proposed text
31 amendment will not restrict the research and development as it is a nonconforming use. Board members agreed
32 that is it not their role to determine what constitutes research and development. Then Mr. Cecil stated that he
33 researched the MDE Air permit process and explained that the process does include upfront public engagement.
34 He suggested that the proposed text amendment is in harmony with some policies of the General Plan, but is

1 also inconsistent with others. Mr. Cecil indicated he was unsure of the impact of the text amendment. Mr.
2 McAliley stated that the proposed text amendment was complex and impacted more than the W.R. Grace
3 property. Ms. Mosier further maintained that the proposed text amendment would not address the underlying
4 concerns and that the County Council should consider other general changes to the Zoning Regulations to
5 establish buffers between research and development facilities, specifically those requiring an air permit from
6 MDE, and residential properties. Mr. Cecil recommended that this should be forwarded to the County Council,
7 and that the Council should analyze the sufficiency of the text amendment and facilitate discussion with the
8 MDE to see what actionable legislation would look like. Mr. McAliley indicated he was in favor of this
9 recommendation.

10 Mr. Cecil motioned to recommend approval of ZRA-211 with an amendment. Ms. Mosier seconded
11 the motion. The motion passed 3-0.

12 The amendment is:

- 13 1. To encourage County Council to analyze the sufficiency of the proposed text amendment and to have
14 discussions with MDE to determine the best approach for actionable legislation.
15

16 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 9th day of
17 December 2024, recommends that ZRA-211, as described above, be APPROVED WITH
18 RECOMMENDED AMENDMENTS.

20 HOWARD COUNTY PLANNING BOARD

Signed by:

Kevin McAliley

21 Kevin McAliley, Chair

James Cecil

22 James Cecil, Vice-Chair

Barbara Mosier

23 Barbara Mosier

24 ABSENT

25 Mason Godsey (Absent)

26 Vacant

27 ATTEST:

DocuSigned by:

Lynda Eisenberg

28 Lynda Eisenberg, AICP, Executive Secretary

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

County Council of Howard County, Maryland

2025 Legislative Session

Legislative day # 2

BILL NO. 11 – 2025 (ZRA – 211)

Introduced by: Deb Jung

At the request of Anwer Hasan

SHORT TITLE: Addition of certain research and development laboratories as a permitted use in the Planned Employment Center (PEC) zoning district.

AN ACT amending the Howard County Zoning Regulations to add the Research and Development Laboratory use to the Planned Employment Center (PEC) zoning district and prohibiting such research and development uses that involve commercial plastic pellets or feedstock which produces flue gas and requires a permit from the state of Maryland; and generally relating to research and development laboratory uses in the PEC zoning district.

Introduced and read first time _____, 2025. Ordered posted and hearing scheduled.

By order _____

Michelle Harrod, 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 _____, 2025.

By order _____

Michelle Harrod, Administrator

This Bill was read the third time on _____, 2025 and Passed _____, Passed with amendments _____, Failed _____.

By order _____

Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2025 at _____ a.m./p.m.

By order _____

Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2025

Calvin Ball, 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
2 *Howard County Zoning Regulations are hereby amended as follows:*

3
4 *By Adding:*

5 *Section 116.0: "PEC (Planned Employment Center) District"*

6 *Subsection B: "Uses Permitted as a Matter of Right"*

7 *Number 26: "Research and Development Laboratory".*

8
9 **HOWARD COUNTY ZONING REGULATIONS**

10
11 **SECTION 116.0: PEC (Planned Employment Campus) District**

12
13 **A. Purpose**

14 The PEC District is established to provide for comprehensively planned employment centers
15 combining research and development, office, light manufacturing and assembly, limited
16 commercial and other enumerated uses. It is intended that this district provide higher
17 standards of development and a more flexible approach to design and development than could
18 be achieved under conventional zoning districts. It is further the purpose of this district to:

- 19 1. Provide for orderly development of large-scale, comprehensively planned employment
20 centers;
- 21 2. Provide for open areas to act as buffers between incompatible uses and as design elements
22 which will achieve the physical and aesthetic integration of the uses and activities within each
23 development; and
- 24 3. Provide a landscaped, campus-like setting for employment in which the various uses relate
25 compatibly with one another according to a comprehensive plan of development for an entire
26 district.

27 **B. Uses Permitted as a Matter of Right**

- 28 1. Ambulatory health care facilities, including pharmacies incidental to these uses.
- 29 2. Athletic Facilities, Commercial.

- 1 3. Banks, savings and loan associations, investment companies, credit unions, brokers, and
2 similar financial institutions.
- 3 4. Biomedical laboratories.
- 4 5. Blueprinting, printing, duplicating or engraving services.
- 5 6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
6 charitable, social, civic or educational organizations, subject to the requirements of Section
7 128.0.D.
- 8 7. Catering establishments and banquet facilities.
- 9 8. Child day care centers and nursery schools.
- 10 9. Commercial communication antennas.
- 11 10. Commercial communication towers with a height of less than 200 feet measured from
12 ground level, subject to the requirements of Section 128.0.E.
- 13 11. Conservation areas, including wildlife and forest preserves, environmental management
14 areas, reforestation areas, and similar uses.
- 15 12. Data processing and telecommunication centers.
- 16 13. Day treatment or care facilities.
- 17 14. Executive golf training and recreation centers.
- 18 15. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no
19 livestock shall be permitted. However, residential chicken keeping is allowed as noted in
20 Section 128.0.
- 21 16. Flex space, provided that light manufacturing uses are limited to uses permitted in this
22 district.
- 23 17. Golf courses.

- 1 18. Government structures, facilities and uses, including public schools and colleges.
- 2 19. Hospitals.
- 3 20. Hotels, motels, country inns and conference centers.
- 4 21. Housing Commission Housing Developments, subject to the requirements of Section
5 128.0.J.
- 6 22. Light Industrial Uses.
- 7 23. Museums, art galleries, and libraries.
- 8 24. Printing, lithography, bookbinding or publishing plants.
- 9 25. Radio and television broadcasting facilities and studios.
- 10 26. RESEARCH AND DEVELOPMENT LABORATORY, PROVIDED THAT TESTING INVOLVING
11 COMMERCIAL PLASTIC PELLETS AND FEEDSTOCK WHICH PRODUCES FLUE GAS AND REQUIRES A
12 PERMIT FROM THE STATE OF MARYLAND SHALL NOT BE PERMITTED UNDER THIS SECTION.
- 13 [[26]]27. Restaurants, standard, and beverage establishments, including those serving beer,
14 wine and liquor for consumption on premises only;
- 15 [[27]]28. Riding academies and stable.
- 16 [[28]]29. Rooftop solar collectors and ground-mount solar collectors.
- 17 [[29]]30. Schools, commercial.
- 18 [[30]]31. Schools, private academic, including colleges and universities.
- 19 [[31]]32. Service agencies.
- 20 [[32]]33. Underground pipelines; electric transmission and distribution lines; telephone,
21 telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other
22 similar public utility uses not requiring a Conditional Use.

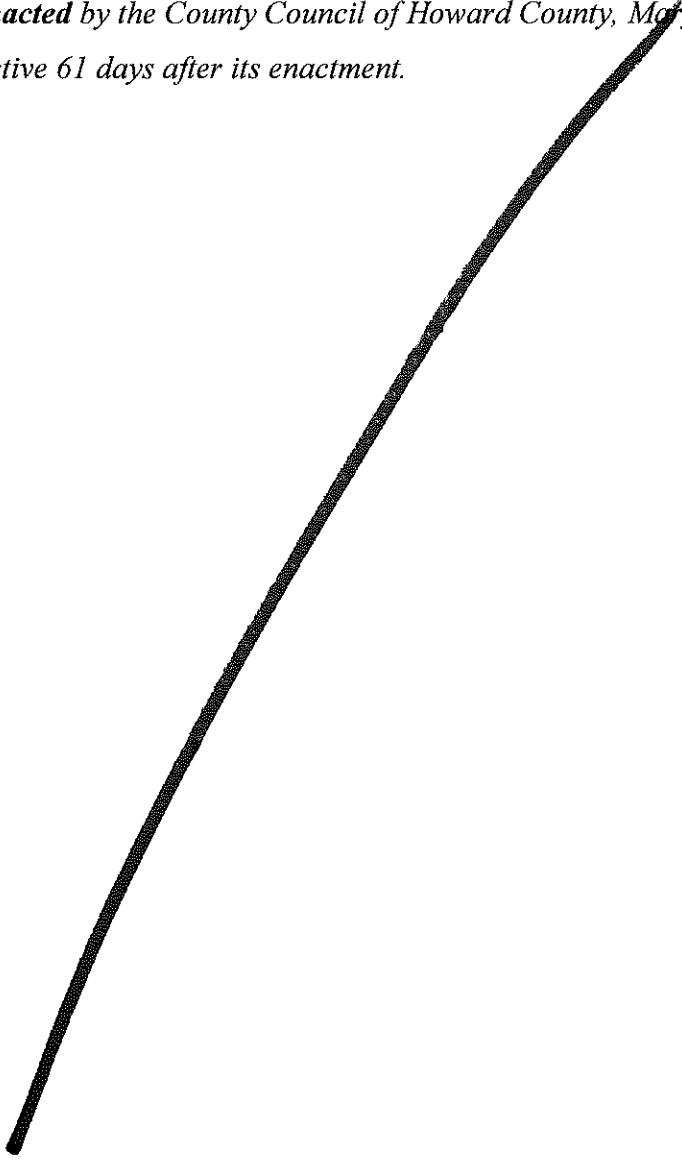
1 [[33]]34. Volunteer fire departments.

2

3 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that*
4 *this Act shall become effective 61 days after its enactment.*

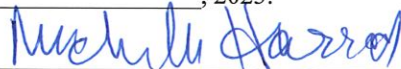
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6



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 2025.



Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, Administrator to the County Council