

Introduced 01/05/09
Public hearing 01/21/09
Council action 03/02/09
Executive action 03/05/09
Effective date 05/06/09

County Council of Howard County, Maryland

2009 Legislative Session

Legislative day # 1

BILL NO. 6 - 2009 (ZRA - 107)

**Introduced by: The Chair
at the request of Robert and Maxine Walker**

AN ACT amending the Howard County Zoning Regulations' Limited Outdoor Social Assemblies conditional use to alter the road access requirement for Limited Outdoor Social Assemblies; and generally relating to the Limited Outdoor Social Assemblies conditional use.

Introduced and read first time Jan 05, 2009. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver (SML)
Sheila M. Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Jan. 21, 2009 and concluded on Jan. 21, 2009.

Tabled 02-02-09

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time March 2, 2009 and Passed ✓, Passed with amendments ✓, Failed ✓.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator to the County Council

Scaled with the County Seal and presented to the County Executive for approval this 3rd day of March, 2009 at 12:00 p.m.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator to the County Council

Approved vetoed by the County Executive on March 5, 2009.

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. Strikethrough 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 Number 32*
2 *"Limited Outdoor Social Assemblies", of Subsection N "Conditional Uses and Permissible*
3 *Zoning Districts", of Section 131 "Conditional Uses" of the Howard County Zoning*
4 *Regulations is hereby amended to read as follows:*

5
6
7 **Howard County Zoning Regulations**

8
9 **SECTION 131: Conditional Uses**

10
11 **N. Conditional Uses and Permissible Zoning Districts**

12
13 **32. Limited Outdoor Social Assemblies**

14
15 A conditional use may be granted for limited outdoor social assemblies in the RC District,
16 provided that:

- 17
18 a. The lot is the site of a historic structure as defined in these regulations.
19 b. The minimum lot size is 5 acres or greater.
20 c. [[The lot has direct access to and frontage on a collector or arterial road designated in the
21 general plan.]] IF THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE IS SHARED WITH
22 OTHER PROPERTIES OR HAS DIRECT ACCESS TO AND FRONTAGE ON A LOCAL ROAD, THE
23 PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT RESULT IN DAMAGE TO OR
24 DETERIORATION OF THE SHARED DRIVEWAY OR IN INCREASED HAZARDS TO OTHER USERS OF THE
25 DRIVEWAY OR LOCAL ROAD. THE HEARING AUTHORITY SHALL PRESCRIBE APPROPRIATE
26 CONDITIONS AND SAFEGUARDS TO ENSURE THE CONDITIONAL USE OPERATOR'S
27 RESPONSIBILITY FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED
28 DRIVEWAY CAUSED BY THE CONDITIONAL USE, INCLUDING REQUIREMENTS FOR SURFACING
29 OF ACCESS DRIVEWAYS.
30 d. The limited outdoor social assemblies are the following private functions: Picnics,
31 weddings, anniversary/retirement parties, bridal or baby showers, not for profit
32 organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other
33 similar events.

1 e. No permanent structures, including catering or restaurant facilities shall be constructed on
2 site.

3 f. The outdoor assembly area is located and designed to shield residential property from
4 noise or nuisance and screened from adjacent residential properties.

5 g. Limited social assembly events shall have the following limitations:

6 (1) Maximum capacity is not to exceed 150 attendees;

7 (2) No more than 25 of these events shall be held within a one year period.

8 (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday
9 thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and
10 between 12:00 p.m. and 10:00 p.m., Sunday.

11 h. All event activities occur outdoors.

12 i. Special events with catered food or food prepared on-site are subject to review by the
13 food protection program of the Howard County Department of Health and may require a
14 special events permit. The conditional use may not commence until the applicant has
15 obtained approval of all necessary permits for its operation. Tents, spot-a-pots or other
16 temporary uses associated with the event shall be removed from the site within 3 days
17 after the event.

18
19 ***Section 2. And be it further enacted by the County Council of Howard County, Maryland, that***
20 ***the provisions of this act shall become effective 61 days after enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 5, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Amendment to Council Bill 6-2009

**BY: Mary Kay Sigaty
Greg Fox
Jennifer Terrasa**

**Legislative Day No: 3
Date: March 2, 2009**

Amendment No. 1

(This amendment would specify that the Hearing Authority has the authority to ensure that the conditional use operator is responsible for any shared driveway damage or deterioration of the shared driveway caused by an approved conditional use).

On page 1, in line 25, after the period, insert :

"THE HEARING AUTHORITY SHALL PRESCRIBE APPROPRIATE CONDITIONS AND SAFEGUARDS TO ENSURE THE CONDITIONAL USE OPERATOR'S RESPONSIBILITY FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED DRIVEWAY CAUSED BY THE CONDITIONAL USE, INCLUDING REQUIREMENTS FOR SURFACING OF ACCESS DRIVEWAYS."

ADOPTED March 2, 2009

FAILED _____

SIGNATURE Greg Fox