

roduced 4/4/16
Public hearing 4/18/16
Council action 5/2/16
Executive action 5/5/16
Effective date 7/5/16

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 4

BILL NO. 22 - 2016 (ZRA - 161)

**Introduced by:
Mary Kay Sigaty, Councilperson
at the request of Timothy Martins**

AN ACT amending the Howard County Zoning Regulations' Kennels and Pet Grooming Establishments conditional use to permit the use on 40,000 square-foot residential lots under specified conditions; and generally relating to Kennels and Pet Grooming Establishments.

Introduced and read first time April 4, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, 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 April 18, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time May 2, 2016 and Passed Passed with amendments, Failed

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 4th day of May, 2016 at 4 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Approved vetoed by the County Executive on May 5, 2016.

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE; [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. Strikeout indicates material deleted by amendment; Underlining indicates material added by amendment.

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

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4 By amending:

5 Section 131.0: "Conditional Uses"

6 Subsection N. 31 "Kennels and Pet Grooming Establishments"

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Howard County Zoning Regulations

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SECTION 131.0: CONDITIONAL USES

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N. Conditional Uses and Permissible Zoning Districts

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31. Kennels and Pet Grooming Establishments

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A Conditional Use may be granted in the RC, RR or R-20 Districts for kennels
17 or pet grooming establishments, and in the B-1 District for kennels, provided
18 that:

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- a. For kennels housing or training eleven or more animals at one time, the
20 following requirements shall apply:

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(1) Minimum lot size5 acres

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(2) Minimum setback for outdoor training and exercise areas and outside pens
23 and runs from any lot line200 feet

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(3) Minimum structure setback

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(a) From public street right-of-way100 feet

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(b) From any other lot line200 feet

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(4) The Hearing Authority may reduce the 200 foot setback from lot lines for
28 structures and outdoor training and exercise areas and outside pens or runs
29 to a distance no less than 150 feet if it finds that the setback reduction will
30 not adversely affect neighboring properties due to visual impact, noise,
31 dust, odors or other causes, and that the outdoor training area, pen, run or
32 structure will be located at least 200 feet from existing dwellings on
33 different lots. Outside pens and runs and outdoor training and exercise

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areas for which this setback reduction is approved shall be enclosed by solid fences or walls.

b. For pet grooming establishments not located completely within a residence, or for kennels housing or training no more than eight animals at any one time, the following requirements shall apply:

- (1) Minimum lot size3 acres
- (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line150 feet
- (3) Minimum structure setback:
 - (a) From public street right-of-way75 feet
 - (b) From any other lot line100 feet

c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be [[one acre]] 40,000 SQUARE-FEET.

d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.

e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;

f. The lot shall have frontage on and direct access to a collector or arterial road designated in the General Plan.

g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:

- (1) The use shall not interfere with farming operation or limit future farming production.
- (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

1 **Section 2. Be it further enacted** by the County Council of Howard County, Maryland, that the
2 publisher of the Howard County Zoning Regulations is authorized hereby to amend the Conditional
3 Uses and Permissible Zoning Districts chart attached to Section 131 of the Zoning Regulations in
4 order to reflect the substantive changes made by this Act.

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6 **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland, that this Act
7 shall become effective 61 days after its enactment.

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BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 5, 2016.

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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

Jessica Feldmark, Administrator to the County Council



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

March 22, 2016

To: Members of the Howard County Council

From: Valdis Lazdins, Director, Department of Planning and Zoning

Re: ZRA-161 – Timothy Martins

The Department of Planning and Zoning (DPZ) is providing the following information as a supplement to the November 18, 2015 Technical Staff Report for Zoning Regulation Amendment (ZRA) 161- Pet Grooming.

ZRA 161 submitted by Petitioner Timothy Martins proposed to reduce the minimum lot size to grant conditional use approval of a pet grooming establishment in the R-20 Zoning District from 1.0 acre to .5 acres. As proposed in the ZRA, pet grooming businesses could potentially be allowed on an additional 6,966 lots between .5 and 1 acre. In the November 18, 2015 Technical Staff Report, DPZ recommended Denial of ZRA 161 citing issues concerning adequate buffering and compatibility of commercial uses in residential neighborhoods.

As an alternative to this proposal, DPZ conducted the same analysis using a 40,000 square foot (0.92 acre) minimum lot size requirement, the results of which are provided in the chart below and the attached map.

R-20 Zoned Lots/Parcels

Lot/Parcel Size (Acres)	Number of Lots/Parcels
40,000 sq. ft. (.92 Acres) to < 1.0 Acre	307
1.0 Acre Or Larger	1,370
40,000 sq. ft. (.92 Acres) Or Larger	1,677

Source: Land Use Database

Notes:

Includes R-20 residentially used land. (Parks and institutional uses are excluded.)

Lots/Parcels in the subdivison process are counted as one lot/parcel.

According to the data above, a 40,000 square foot minimum lot size significantly decreases the number of properties affected from nearly 7,000 lots to 307 lots between 40,000 square feet and 1 acre. This alternative proposal would slightly increase the number of parcels in the R-20 Zoning District that could apply for a conditional use for a pet grooming establishment from 1,370 to 1,677 parcels. This figure does not consider any private covenant restrictions associated with these lots.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

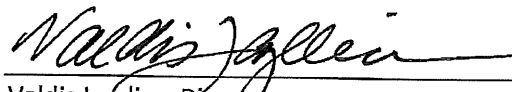
410-313-2350

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Valdis Lazdins, Director

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A reduction in the minimum lot size from 1.0 acre to 40,000 square feet (0.92 acre) would allow for adequate buffering necessary to address the impacts of commercial activity within a residential community. Further, this reduction would not result in any additional impacts to neighborhood character beyond a 1.0 acre minimum lot size. For the reasons stated above, the Department of Planning and Zoning supports a 40,000 square foot minimum lot size requirement for pet grooming establishments in the R-20 Zoning District.


Valdis Lazdins, Director

3-23-16

Date

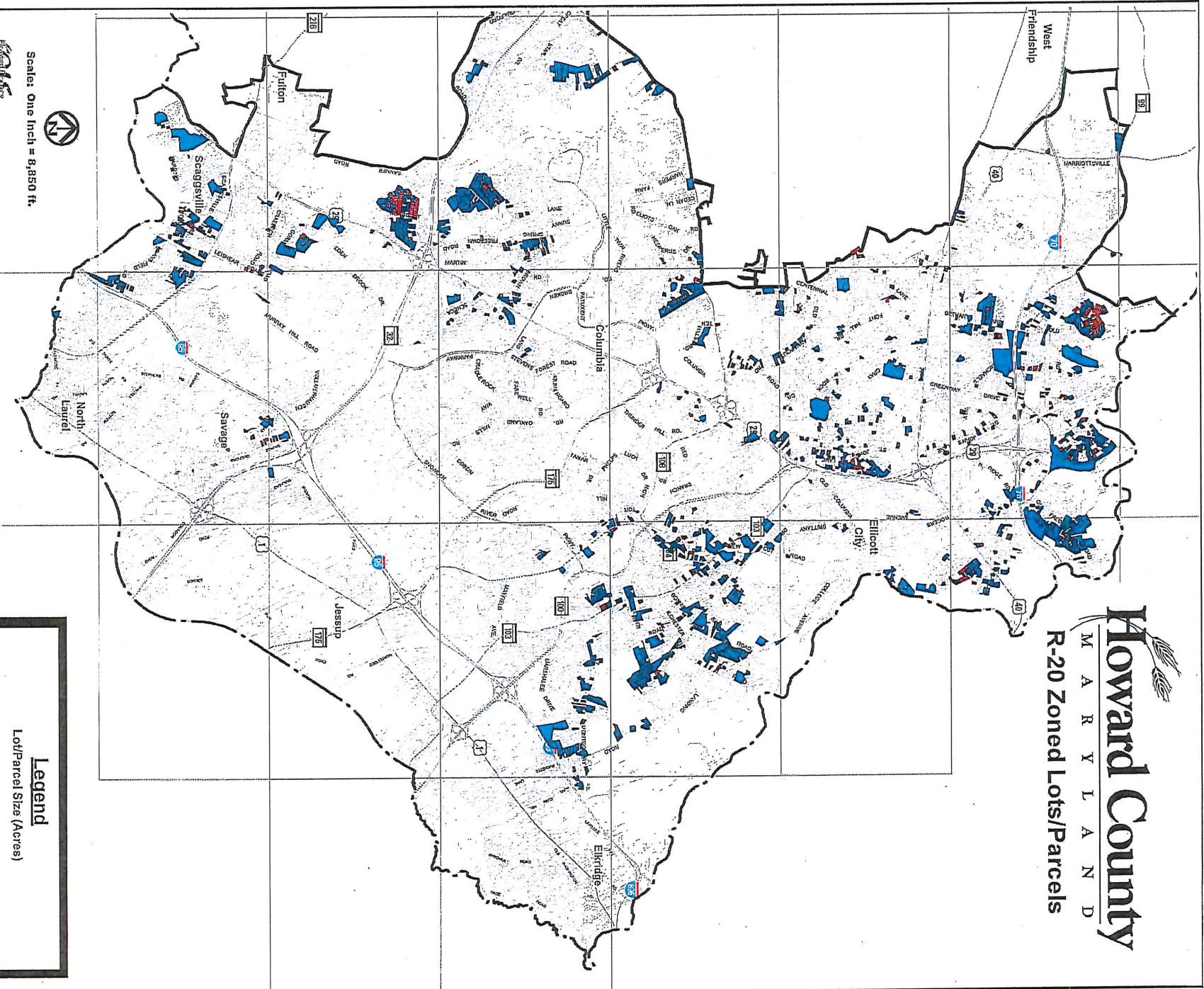
Attachment:

- 1) *Revised parcel map – R-20 Zoned Parcels greater than 0.92 acre*

Howard County

M A R Y L A N D

R-20 Zoned Lots/Parcels



Scale: One Inch = 8,850 ft.



Source: Howard County DPZ, Land Use Database

Notes:
Includes R-20 residentially used land. (Parks and Institutional uses are excluded.)
Lots/Parcels in the subdivision process are counted as one lot/parcel.

Legend

Lots/Parcel Size (Acres)

	Lots/Parcels 40,000 sq. ft. (.92 Acres) To Less Than One Acre
	Lots/Parcels One Acre Or Larger