



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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November 18, 2015

TECHNICAL STAFF REPORT

*Petition Accepted on September 28, 2015
Planning Board Meeting to be scheduled
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA - 161 – Timothy Martins

Request: To amend Section 131.0.N.31. of the Conditional Use section of the Zoning Regulations to allow certain properties (0.5 acres or larger) located in the R-20 District to be eligible to apply for conditional use approval of a pet grooming establishment, provided that all business activities are located entirely within the residence.

Department of Planning and Zoning Recommendation:

DENIAL

I. DESCRIPTION OF PROPOSAL

The Petitioner proposes to amend Section 131.0.N.31. of the Zoning Regulations, which outlines the minimum criteria for the Hearing Authority to grant conditional use approval of a pet grooming establishment. The proposed amendment would decrease the minimum lot size from 1.0 acre to 0.5 acre for pet grooming establishments in which all business activities take place within a residence. The Petitioner's complete proposed amendment text is attached to this Technical Staff Report as Exhibit A (Petitioner's Proposed Text).

II. EXISTING REGULATIONS

- The use category for pet grooming establishments was added as a Special Exception use to the Howard County Zoning Regulations during the 1993 Comprehensive Zoning effort, and adopted on October 18, 1993.
- Currently, Section 131.0.N.31.c. of the Howard County Zoning Regulations requires a minimum lot size of 1.0 acre for pet grooming establishments in which all business activities take place within a residence.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

The proposed amendment could apply to any property within the County zoned R-20 (Residential: Single), and at least 0.5 acres in size. Currently, 8,336 lots exist within the County which are zoned R-20 (Residential: Single), and are at least 0.5 acres in size. Of these lots, 1,370 are zoned at least 1.0 acre in size. Therefore, the proposed ZRA applies to 6,966, lots in the R-20 zoning district, which are between .5 and 1 acre.

R-20 Zoned Lots/Parcels

Lot/Parcel Size (Acres)	Number of Lots/Parcels
1/2 Acre to < 1.0 Acres	6,966
1.0 Acre Or Larger	1,370
1/2 Acre Or Larger	8,336

Source: 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.

B. Agency Comments

Comments from all applicable agencies have not yet been received. Any substantive comments received from these agencies will be forwarded to the Planning Board members before the hearing date.

IV. EVALUATIONS AND CONCLUSIONS

Section 131.0.N.31.c. of the Howard County Zoning Regulations (Exhibit B) allows the Hearing Authority to grant conditional use approval of a pet grooming establishment in the R-20 zoning district if the property is at least 1.0 acre.

The Petitioner claims that the requested ZRA will provide “location efficiencies,” for smaller pet grooming operations (under 1 acre) in the R-20 zone which “must lease or purchase separate property large enough or zoned differently in order to operate his or her pet grooming business.” The Petitioner further claims that while a 1 acre minimum lot size is “certainly appropriate for larger grooming establishments; it is both unnecessary and overly burdensome for smaller and lower intensity businesses engaged in pet grooming only and conducting all of their pet grooming business activities entirely within their residence.”

Pet grooming establishments are also currently permitted as a matter of right in the TNC (Traditional Neighborhood Center), CAC (Corridor Activity Center), CE (Corridor Employment), M-1 (Manufacturing: Light), SC (Shopping Center), B-1 (Business: Local), B-2 (Business: General), BRX (Business Rural Crossroads), PEC (Planned Employment Center), and POR (Planned Office Research) zoning districts. The ten zoning districts listed above are zoning districts that are, in many cases, located in close proximity to residential zoning districts. However, such commercial, mixed use, and light industrial districts tend to be more amenable to a pet grooming establishment given the loud noises from pets and traffic volumes associated with these operations.

Pet grooming establishments are also currently permitted as a Conditional Use in the RC (Rural: Conservation) and RR (Rural: Residential) zoning districts, as long as certain minimum criteria are met.

Given the number zoning districts which allow pet grooming operations, sufficient

opportunities are currently available to establish these businesses in a variety of locations. While some residential districts allow pet grooming as a Conditional Use, DPZ does not generally consider residential areas to be appropriate for this use type unless a minimum lot size is established to buffer sound and other adverse impacts. In the R-20 zone, the existing 1 acre minimum lot size requirement for a conditional pet grooming use provides a minimum level of buffering necessary to address the impacts of commercial activity within a residential community. Reduction of the 1 acre minimum lot size reduces buffering capability which could result in compatibility issues, as well as jeopardize neighborhood character. The proposed ZRA could allow for pet grooming businesses on nearly 7,000 lots between .5 and 1 acre. However, this figure does not take into consideration any private covenants restrictions associated with these lots.

In addition to compatibility issues, the proposed ZRA is not in harmony with Policy 6.4 in Plan HOWARD 2030 (General Plan). This policy states that the County should "Establish policies to protect and promote commercially and industrially zoned land for future job and business growth opportunities." Increasing the availability of residential land for commercial activity does not support this policy goal, as it could direct commercial opportunities away from industrial and commercial zoned areas where this type of use is intended.

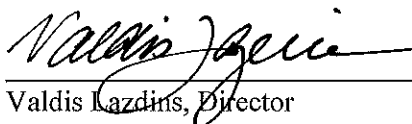
VI. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-161 be **DENIED**.

Report drafted by:

 12/3/15
John E. Hartner, Jr., Planning Specialist I Date

Approved by:

 12-3-15
Valdis Lazdins, Director Date

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

ZRA 151 – Exhibit A

Petitioner’s Proposed Text

(CAPITALS indicate text to be added; [[brackets indicate text to be deleted]].)

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria.

31. Kennels and Pet Grooming Establishments

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

- a. For kennels housing or training eleven or more animals at one time, the following requirements shall apply:
 - (1) Minimum lot size5 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line200 feet
 - (3) Minimum structure setback
 - (a) From public street right-of-way100 feet
 - (b) From any other lot line200 feet
 - (3) The Hearing Authority may reduce the 200 foot setback from lot lines for structures and outdoor training and exercise areas and outside pens or runs to a distance no less than 150 feet if it finds that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes, and that the outdoor training area, pen, run or structure will be located at least 200 feet from existing dwellings on different lots. Outside pens and runs and outdoor training and exercise 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]]~~ ONE HALF (0.5) acre.
- 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.

ZRA 151 – Exhibit B

Section 131.0:-Conditional Uses

N. Conditional Uses and Permissible Zoning Districts

31. Kennels and Pet Grooming Establishments

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

Howard County

M A R Y L A N D

R-20 Zoned Lots/Parcels

