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

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

ACTION: Recommended approval; Vote 3-1.

RECOMMENDATION

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

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

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

Board Discussion and Recommendation

In work session, one Board member opposed the amendment stating that the County needs to keep some zoning districts for retail/commercial sales only rather than allowing residential buildings in business
districts. Three members unanimously supported the amendment, stating that they see no reason to prohibit nursing homes and residential care facilities in the Planned Service Area.

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

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

Howard County Planning Board

Phillips Strickler, Chair
Absent

Erica Roberts, Vice-Chair

Delphine Adler
Ed Coleman

Kevin McAliley

ATTEST:

Valdis Lazdi

Valdis Lazdis, Executive Secretary