



June 1, 2017

## TECHNICAL STAFF REPORT

*Planning Board Meeting on June 15, 2017*

**Case No./Petitioner: ZRA-181 – John Weinstein, Councilperson**

**Request:** To amend Section 131.0.N.17 in the Conditional Use section of the Howard County Zoning Regulations to allow Country Inns as a Conditional Use in the R-VH District, under certain circumstances.

### **I. BACKGROUND**

The RVH (Residential Village Housing) zoning district was created in 1982 through ZB762, the Comprehensive Rezoning Plan for the Ellicott City Planning Area, which included zoning regulation amendments and district boundary maps.

The district was established to permit infill development compatible with the historic lot patterns within an Historic District and to encourage the use and redevelopment of residential enclaves consistent with the character of existing development. Single Family Detached, Single Family Attached, Apartment Units, and institutional/government land uses were permitted as a matter of right. Boarding Houses, Cemeteries/Mausoleums/Crematoriums, Daycare centers, Group/Nursing Homes, and Schools/Colleges were permitted as Special Exceptions.

Minor amendments have been applied to the district since initially adopted. Modifications include the addition of the Bed and Breakfast Inn and Religious Facility land uses allowed through the Conditional Use process and the removal of the Boarding House land use, which was removed from the Zoning Regulations entirely during the 2013 Comprehensive Zoning.

The Country Inn land use was created in 1982 through ZB766, which created a definition, permitted it by Special Exception in some residential zoning districts, and permitted it as a matter of right in the POR, M-1, and M-2 zoning districts. The original definition allowed lodging as a principal use and various accessory uses such as restaurants, retail shops, and cultural/recreation. Banquet facilities and catering services were added as accessory uses during the 1993 Comprehensive Zoning. The definition was subsequently expanded through amendments to include restaurants, banquet facilities, catering, and meeting rooms as principal uses.

A Country Inn is currently defined as:

An historic building in which one or more of the following services is offered: lodging for transient guests on a daily, weekly or similar short term basis; a standard restaurant as defined in these Zoning Regulations; a banquet facility or catering service; or meeting rooms. A country inn may include related accessory uses such as:

- a. Antique shop, gift shop, Christmas shop, book, candle, card and similar specialty shops;
- b. Bakery, provided such use is limited to the retail sale from the premises of goods baked on the premises only;
- c. Arts and crafts exhibits and sale of products;
- d. Sale of packaged or canned food products special to the establishment;
- e. Museums and cultural exhibits;
- f. Recreational uses for the sole use of overnight guests or guests attending meetings or catered events at the inn;
- g. Any other uses similar to the foregoing and any use normally and customarily incidental to a country inn.

For the purpose of this definition, no boarding house, fast food restaurant, dormitory, fraternity or sorority house shall be considered a country inn.

During the 2004 Comprehensive Zoning, the Country Inn land use was included as matter of right use in the CE (Corridor Employment), CAC (Corridor Activity Center), and TOD (Transit Oriented Development) zoning districts.

During the 2013 Comprehensive Zoning, the County Inn Conditional Use category was amended as follows:

- Removed from the R-SA-8, R-A-15, R-MH and HO zoning districts.
- A 5 acre minimum lot size was established for properties in RC and RR.
- A 3 acre minimum lot size was established for properties in R-ED, R-20, R-12, and R-SC zoning districts.
- The minimum lot size for a public restaurant part of the country inn was increased from 3 to 10 acres in the RC AND RR zoning districts and to 5 acres in the R-ED, R-20, R-12 and R-SC zoning districts.
- A traffic study requirement was added for public restaurants.
- A requirement for Historic Preservation Commission approval of exterior alteration prior to Conditional Use approval was added.

## II. DESCRIPTION AND EVALUATION OF PROPOSAL

The Howard County Zoning Regulations (HCZR) permit conversion of historic structure to a Country Inn through a Conditional Use in the RC, RR, R-ED, R-20, R-12 and R-SC Districts on properties not encumbered with an Agricultural Land Preservation Program (ALPP) easement. The Petitioner proposes to add the R-VH (Residential: Village Housing) District as an eligible zoning district for a Country Inn use. The use would be allowed on properties over 1 acre or over 0.75 acres if approved by the Hearing Authority.

The Petitioner states that “The proposed changes to the Zoning Regulations would expand the economic viability of the County's historic districts by increasing land use opportunities in the R-VH district by allowing compatible uses such as Country Inns as a Conditional Use.”

Additionally, the Petitioner suggests the public benefit to be gained by the proposed amendment is that it “would encourage a greater level of historic preservation by increasing the use options for historic structures” and would provide greater economic options to incentivize preservation.

The following evaluation of ZRA-181 provides technical recommendations for each proposed text amendment. The Petitioner's proposed amendment text is attached to this Technical Staff Report as Exhibit A (Petitioner's Proposed Text). The Department of Planning and Zoning's (DPZ) recommended text is attached to this report as Exhibit B (DPZ's Recommended Text).

## **1. SECTION 131.0: CONDITIONAL USES**

### **Section 131.0.N.17 – Add new text**

#### DPZ recommends approval of the amendment with minor revisions

This section identifies the zoning districts and property characteristics that qualify for the Country Inn Conditional Use category and the criteria for approval. The proposal allows properties with a historic structure in the R-VH District to qualify for the use. Section 131.0.N.17.c. contains minimum lot size criterion. The proposed amendment establishes a one acre minimum lot size in the R-VH District. However, there is also a provision that allows the Hearing Authority to reduce this minimum lot size to 0.75 acre upon a finding that this reduction will be compatible in scale and character with neighboring properties. In this same subsection, the proposal establishes a requirement that a Country Inn in the R-VH District cannot include a public restaurant.

DPZ reviewed the properties in the R-VH district and concluded that approximately three properties could qualify for the Country Inn Conditional Use according to the proposed minimum lot size requirements. DPZ concurs that the reuse of historic structures as Country Inns enhances preservation opportunities. Further, given the limited number of impacted properties, the prohibition on restaurants, and compatibility criteria, the proposed amendments are unlikely to adversely impact neighboring residents. However, the text change associated with the "compatibility test" used by the Hearing Authority to reduce the minimum lot size should be revised to be consistent with other Conditional Use categories in the HCZR. DPZ support the Petitioner's proposed amendments to Section 131.0.N.17 with the minor revision mentioned above.

## **III. GENERAL PLAN**

The Petitioner asserts that ZRA-181 is in harmony with the following PlanHoward 2030 (General Plan) policy:

### **Policy 4.10**

"Expand on existing programs to enhance historic preservation and create an historic preservation plan."

#### **Implementation Action b.**

"Programs and Laws. Strengthen historic preservation programs and laws both to prevent demolition and incentivize restoration and adaptive reuse."

The Petitioner states that "Allowing Country Inns as a Conditional Use in the R-VH district could potentially create reuse opportunities for historic structures."

DPZ concurs that amending this section to allow Country Inns in the R-VH district creates reuse opportunities. Additionally, the prohibition on public restaurants mitigates potential adverse impacts associated with commercial uses in residential neighborhoods. The nonresidential reuse of historic buildings has been a viable option to prevent demolition and incentivize restoration, as it provides additional revenue that can be invested into the building and the property. Therefore, DPZ concurs that ZRA-181 is in harmony with Policy 4.10 and Implementing Action b.

**IV. AGENCY COMMENTS**

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

**V. RECOMMENDATION**

**APPROVAL WITH REVISIONS**

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-181 be **APPROVED**, with the revisions noted in Exhibit B – DPS’s Recommended Text.

Approved by:

  
fuk: Valdis Lazdins, Director 6-1-17  
Date

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

## ZRA-181 - Exhibit A (Petitioner's Proposed Text)

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

### 17. Country Inn

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, [[and]] R-SC, AND R-VH Districts for the conversion of an historic structure to a country inn, provided that:

- a. The building is a historic structure as defined in these Regulations;
- b. Principal and accessory uses shall be identified on the site plan submitted with the application. Accessory uses, not including outdoor recreational areas for use by guests of the inn, shall be limited to an area no greater than 25% of the total floor area of all buildings;
- c. The minimum lot size shall be 5 acres in the RC and RR districts, [[and]] 3 acres in the R-ED, R-20, R-12, and R-SC Districts, AND AT LEAST 1 ACRE IN THE R-VH DISTRICT. If a public restaurant is part of the country inn, the minimum lot size shall be 10 acres in the RC and RR Districts, and 5 acres in the R-ED, R-20, R-12 and R-SC Districts. REGARDLESS OF THE LOT SIZE, A COUNTRY INN IN THE R-VH DISTRICT SHALL NOT INCLUDE A PUBLIC RESTAURANT. THE HEARING AUTHORITY MAY REDUCE THE 1 ACRE MINIMUM LOT SIZE REQUIREMENT FOR STRUCTURES IN THE R-VH TO  $\frac{3}{4}$  OF AN ACRE IF THE HEARING AUTHORITY FINDS THAT THE REDUCED SIZE OF THE LOT WILL BE COMPATIBLE IN SCALE AND CHARACTER WITH RESIDENTIAL DEVELOPMENT AND NEIGHBORING PROPERTIES.
- d. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on February 8, 1982, when the category for country inns was added to these Regulations.
- e. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.
- f. Outdoor uses, including loading and refuse storage areas and outdoor reception or restaurant areas, will be located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- g. For properties not served by public water and/or sewer, the petitioner shall demonstrate that the well and/or septic facilities will be sufficient to serve the facility.
- h. Proposals for a use with a public restaurant shall include a traffic study.
- i. An existing Country Inn use approved prior to October 6, 2013, Shall be considered conforming under the conditions of the original approval. Enlargements and/or extensions to this previously approved Country Inn shall not be subject to Section C above.

## ZRA-181 - Exhibit B (DPZ's Recommended Text)

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

### 17. Country Inn

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, ~~[[and]]~~ R-SC, AND R-VH Districts for the conversion of an historic structure to a country inn, provided that:

- a. The building is a historic structure as defined in these Regulations;
- b. Principal and accessory uses shall be identified on the site plan submitted with the application. Accessory uses, not including outdoor recreational areas for use by guests of the inn, shall be limited to an area no greater than 25% of the total floor area of all buildings;
- c. The minimum lot size shall be 5 acres in the RC and RR districts, ~~[[and]]~~ 3 acres in the R-ED, R-20, R-12, and R-SC Districts, AND AT LEAST 1 ACRE IN THE R-VH DISTRICT. THE HEARING AUTHORITY MAY REDUCE THE 1 ACRE MINIMUM LOT SIZE REQUIREMENT FOR STRUCTURES IN THE R-VH TO  $\frac{3}{4}$  OF AN ACRE IF THE HEARING AUTHORITY FINDS THAT ~~[[THE REDUCED SIZE OF THE LOT WILL BE COMPATIBLE IN SCALE AND CHARACTER WITH RESIDENTIAL DEVELOPMENT OF NEIGHBORING PROPERITES]]~~ THAT THE USE WILL STILL BE COMPATIBLE IN SCALE AND CHARACTER WITH THE RESIDENTIAL USES IN THE VICINITY WITH THE REDUCED LOT SIZE.

If a public restaurant is part of the country inn, the minimum lot size shall be 10 acres in the RC and RR Districts, and 5 acres in the R-ED, R-20, R-12 and R-SC Districts. REGARDLESS OF THE LOT SIZE, A COUNTRY INN IN THE R-VH DISTRICT SHALL NOT INCLUDE A PUBLIC RESTAURANT.

- d. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on February 8, 1982, when the category for country inns was added to these Regulations.
- e. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.
- f. Outdoor uses, including loading and refuse storage areas and outdoor reception or restaurant areas, will be located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- g. For properties not served by public water and/or sewer, the petitioner shall demonstrate that the well and/or septic facilities will be sufficient to serve the facility.
- h. Proposals for a use with a public restaurant shall include a traffic study.
- i. An existing Country Inn use approved prior to October 6, 2013, Shall be considered conforming under the conditions of the original approval. Enlargements and/or extensions to this previously approved Country Inn shall not be subject to Section C above.