



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

Planning Board Meeting of December 15, 2022

Case No./Petitioner: ZRA-202 - BFEA-Curtis Farm, LLC

Request: To amend Section 131.0.N.27-Historic Building Uses of the Howard County Zoning Regulations to allow Historic Venue Uses, including weddings, parties, and similar assembly events, in the R-20 District as a conditional use, under certain conditions.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

In 1985, Zoning Board case ZB-804 (1985 Comprehensive Zoning Plan) added “Historic Building Uses” to the Zoning Regulations as a special exception. This new Special Exception allowed the conversion of a historic building in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, POR, B-1, B-2, M-1, and M-2 districts to apartments and community meeting houses and in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, and R-A-15 districts for business and professional offices. This use was created to incentivize the adaptive reuse of historic structures. Historic Structure was defined as “a structure or cluster of structures situated within the County which, together with its appurtenances and environmental setting, have significant historic or architectural value, and have been designated as such by resolution of the County Council.”

This Special Exception set specific standards that set the maximum number of dwelling units on residentially and non-residentially zoned parcels, prohibit new exterior construction and allow for conversion into a community meeting house or offices.

In 1989, ZB 882R modified the “Historic Building Uses” Special Exception criteria as follows:

- (a) Amended the provision that limits the number of apartments that can be created in historic buildings, from 150 percent of the number permitted as a matter of right to a sliding scale ranging from one (1) dwelling unit per gross acre maximum in the RC, RR or R Districts to 22 per gross acre in the RA-15 District. This amendment was proposed to make the maximum density more compatible for less dense zoning categories; and
- (b) Added business and professional offices to the uses permitted under this special exception provision, subject to additional criteria regarding outside storage of material or equipment, parking and public road access requirements, to provide additional opportunities for the re-use of historic buildings.

In 1993, through ZB 941R&M, (1993 Comprehensive Zoning Plan) the Special Exceptions section for “Historic Building Uses” was amended to include the R-MH district and allow for extension or enlargement of the principal historical structure.

In 2001, CB11-2001 (ZRA-30) clarified the legislative intent of special exceptions (131.0.A) and replaced the term “special exception” with the term “conditional use”. The “Historic Building Uses” Conditional Use criteria were amended to require approval by the Historic District Commission (now the Historic Preservation Commission) for changes to the historic site and to limit expansion of the structure to 50 percent of the existing floor area.

In 2013, CB 32-2013 (Comprehensive Zoning Plan) added specialty stores, standard restaurants, arts and crafts classes to the list of uses.

II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner’s proposed amendment. The Petitioner’s proposed amendment text is attached as Exhibit A. The Petitioner states that the intent of the proposed amendment is to allow additional adaptive reuse options for historic properties, such as indoor and outdoor assembly events, to promote and encourage preservation.

Sec. 131.0.N.27

This section establishes the zoning districts and uses permitted for a Historic Building Use conversion through a conditional use.

The Petitioner proposes adding Historic Venue uses to the R-20 Zoning District with specific criteria in a new subsection “f.” Historic venue uses are proposed to include weddings, anniversary/retirement parties, bridal or baby showers, picnics, rehearsal dinners, philanthropic events, company retreats or other similar uses.

Sec. 131.0.N.27.f

The new subsection “f” establishes the following standards for the conversion of a historic building to Historic Venue Uses:

A historic building that is converted for historic venue uses shall be subject to the following standards:

- (1) The property is in an R-20 zoning district.
- (2) The minimum lot size shall be 7 acres.
- (3) The use shall not share a driveway with another residential lot.
- (4) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way and adequately screened to minimize visibility from the roadway and adjacent properties.
- (5) The site shall have frontage on and direct access onto a collector or arterial road designated in the General Plan.
- (6) Outdoor use is permitted provided that any outdoor use area is located and screened to adequately shield adjacent residential lots from noise and nuisance.

- (7) All outdoor uses shall be located within 500 feet of the principal historic structure on the property.
- (8) Petitioner shall submit a Sound Management Plan demonstrating how sound from outdoor uses will be managed to minimize adverse impacts on surrounding residential properties.
- (9) The Hearing Authority may set the days, hours of operation, and maximum number of guests for historic venue uses.

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-202 in accordance with Section 16.208.(d) of the Howard County Code. The Petitioner's proposed amendment text is attached as Exhibit A.

1. **The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.**

Sec. 131.0.N.27

This section establishes the zoning districts and uses permitted for the Historic Building Use conditional use.

In the R-20 District, the following uses are allowed through the Historic Building Uses conditional use: business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on the premises shall be sold at retail from the premises); furniture upholstery, and similar services; personal service establishments; seasonal sale of Christmas trees or other decorative plant materials, service agencies; or community meeting halls.

The proposed Historic Venue Uses allow indoor and outdoor assembly events. In the R-20 zone, many historic sites are adjacent to residential properties with much smaller lot sizes and lower required setbacks. The proposed Historic Venue Uses will likely have more visitors than the uses currently allowed under the Historic Buildings Use, especially outside the building. While a sound management plan is proposed in association with the Historic Venue Uses in this amendment, it is unclear what analysis would be required in this plan. The additional visitors and outdoor activities may result in additional adverse impacts on adjoining residential properties, if not adequately mitigated.

2. **The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties.**

The proposed Zoning Regulation Amendment may apply to an estimated six (6) properties based on the following:

- (1) Properties with historic buildings;

- (2) Eligible zones limited to the R-20 Zoning Districts;
- (3) A minimum lot size of 7 acres; and
- (4) Properties that have frontage on and direct access onto a collector or arterial road designated in the general plan.

(See attached map Exhibit C).

3. Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.

While there are no direct conflicts within the Howard County Zoning Regulations, the following items may warrant further consideration for consistency and historic preservation purposes.

The Zoning Regulations contain a Limited Social Assemblies conditional use category (Section 131.0.N.33), which currently allows outdoor events, similar to the proposed Historic Venue Uses, but only in the RC zoning district where the lot is the site of a historic structure. The Limited Social Assemblies use includes the following criteria not proposed in this ZRA, which are more stringent and intended to mitigate adverse impacts with surrounding residential properties:

1. A traffic management plan;
2. Limits the number of attendees to 150;
3. Limits the number of events per year to 25; and
4. Restricts the hours of operation.

Additionally, the Department of Fire and Rescue Services commented that most, if not all, historic buildings were not designed for the uses that are proposed for Historic Venue Uses. Those building that were intended for venue uses at that time, most likely were not designed for today's life safety requirements. The structures typically lack sprinklers and fire protection in general, are smaller in size, have fewer means of egress, and present other life safety issues. The structural changes required to address these concerns often come into conflict with historic preservation goals.

4. The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.

The intent of the proposed amendment is to allow additional adaptive reuse options for historic properties, such as indoor and outdoor assembly events, to encourage their preservation/restoration and prevent potential demolition.

PlanHoward 2030 supports efforts to strengthen historic preservation in Howard County through the following policy. Policy 4.10 and its Implementing Actions b and h state the following on page 41:

Policy 4.10: *Expand on existing programs to enhance historic preservation.*

Implementing Action b: *Programs and Laws. Strengthen historic preservation programs and laws both to prevent demolition and incentivize restoration and adaptive reuse.*

Implementing Action h: *Public Awareness. Increase public awareness of historic preservation by expanding and promoting educational opportunities for residents to learn about the County's history and historic sites.*

Creating economically viable use opportunities for historic renovation encourages historic buildings to be preserved rather than risking demolition or disrepair if left vacant. According to PlanHoward 2030, the County currently does not have regulations to prevent demolition of historic buildings outside of the local historic districts. There are currently no protections for buildings listed on the Historic Sites Inventory or for other historic buildings in the County outside of local historic districts. While this ZRA does not prevent demolition, it creates an incentive to restore and reuse these buildings as outlined in Implementing Action b.

Additionally, as outlined in Implementing Action h, this proposed amendment could also expand public awareness about the County's history by increasing the number of visitors and guests to historic sites for a historic venue use.

While the proposed ZRA is found to be consistent with the policies in PlanHoward 2030, there could be unintended consequences that result from an adaptive reuse of a historic structure. Some historic structures were not built for large gatherings or assembly purposes and could therefore require significant interior alterations to comply with ADA and fire code requirements. These alterations, such as door widening to meet egress and ingress, installing elevators, commercial kitchens, additional restrooms or large assembly spaces, and general building code requirements could alter the historic integrity of the structure.

While these assembly uses may require interior alterations that are not historically appropriate, ZRA 202 is generally consistent with the policies and objectives in PlanHoward 2030 since it supports historic preservation efforts, including building restoration and adaptive reuse and provide opportunities to increase public awareness of the historic structures in the County.

Environmental Policies and Objectives

The proposed ZRA 202 is not in conflict with the environmental policies and objectives in PlanHoward 2030, the County's general plan. The proposed ZRA 202 would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

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Amy Gowan 12/1/2022
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Amy Gowan, Director Date

Exhibit A

Petitioner's Proposed Text

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

Section 131.0.N.27 Historic Building Uses

A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-20, R- 12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR, B-1, B-2, M-1, and M-2 Districts to apartments and in the RC, RR , R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on the premises shall be sold at retail from the premises); furniture upholstery, and similar services; personal service establishments; seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 1 28.0.D.4; service agencies; or community meeting halls [[,]] ; OR HISTORIC VENUE USES INCLUDING WEDDINGS, ANNIVERSARY/RETIREMENT PARTIES, BRIDAL OR BABY SHOWERS, PICNICS, REHEARSAL DINNERS, PHILANTHROPIC EVENTS, COMPANY RETREATS OR OTHER SIMILAR USES, provided that:

F. A HISTORIC BUILDING THAT IS CONVERTED FOR HISTORIC VENUE USES SHALL BE SUBJECT TO THE FOLLOWING STANDARDS

- (1) THE PROPERTY IS LOCATED IN AN R-20 DISTRICT.
- (2) THE MINIMUM LOT SIZE SHALL BE 7 ACRES.
- (3) THE USE SHALL NOT SHARE A DRIVEWAY WITH ANOTHER RESIDENTIAL LOT.
- (4) PARKING AREAS SHALL BE SET BACK A MINIMUM OF 30 FEET FROM ALL PROPERTY LINES OR PUBLIC STREET RIGHTS-OF-WAY AND

ADEQUATELY SCREENED TO MINIMIZE VISIBILITY FROM THE ROADWAY AND ADJACENT PROPERTIES.

(5) THE SITE SHALL HAVE FRONTAGE ON AND DIRECT ACCESS ONTO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN.

(6) OUTDOOR USE IS PERMITTED PROVIDED THAT ANY OUTDOOR USE AREA IS LOCATED AND SCREENED TO ADEQUATELY SHIELD ADJACENT RESIDENTIAL LOTS FROM NOISE AND NUISANCE.

(7) ALL OUTDOOR USES SHALL BE LOCATED WITHIN 500 FEET OF THE PRINCIPAL HISTORIC STRUCTURE ON THE PROPERTY.

(8) PETITIONER SHALL SUBMIT A SOUND MANAGEMENT PLAN DEMONSTRATING HOW SOUND FROM OUTDOOR USES WILL BE MANAGED TO MINIMIZE ADVERSE IMPACTS ON SURROUNDING RESIDENTIAL PROPERTIES.

(9) THE HEARING AUTHORITY MAY SET THE DAYS, HOURS OF OPERATION, AND MAXIMUM NUMBER OF GUESTS FOR HISTORIC VENUE USES.

Exhibit B

How the Text Would Appear Normally If Adopted

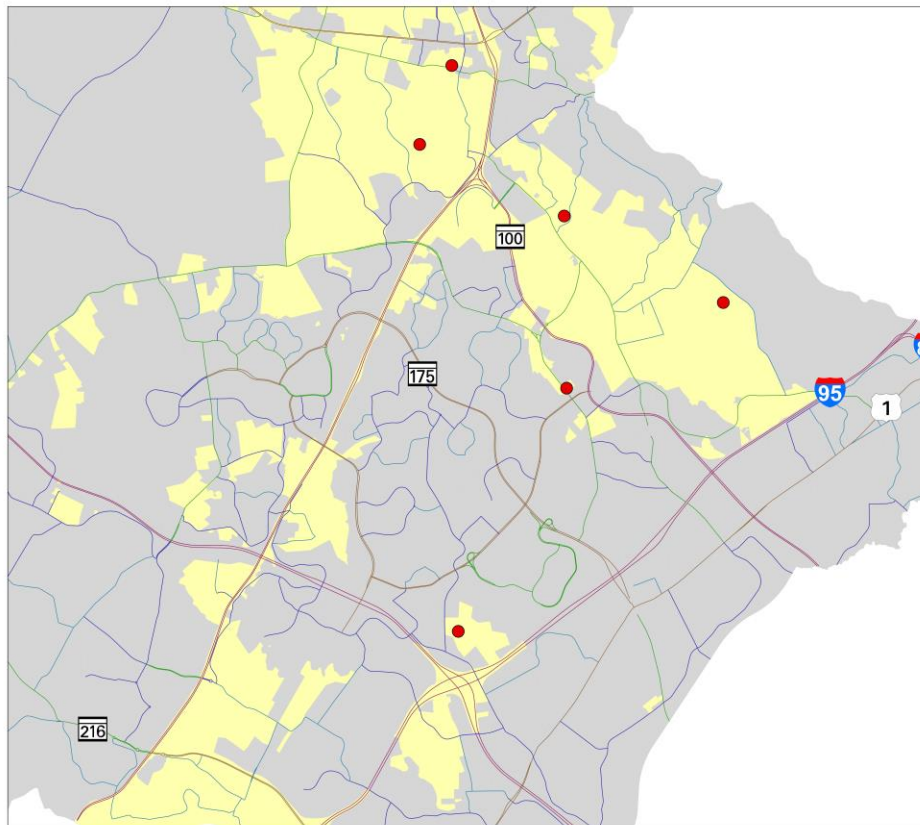
27. Historic Building Uses

A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR, B-1, B-2, M-1, and M-2 Districts to apartments and in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on the premises shall be sold at retail from the premises); furniture upholstery, and similar services; personal service establishments; seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.4; service agencies; or community meeting halls; or historic venue uses including weddings, anniversary/retirement parties, bridal or baby showers, picnics, rehearsal dinners, philanthropic events, company retreats or other similar uses, provided that:

- a. The building is a historic structure as defined in these Regulations.
- b. The maximum number of dwelling units permitted shall be one dwelling unit for every 800 square feet of building area.
- c. 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 August 1, 1989, when ZB 882R was adopted adding the historic building use category to these Regulations.
- d. 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.
- e. A historic building converted into a community meeting hall or offices shall be subject to the following standards:
 - (1) No material or equipment shall be stored outside of structures.
 - (2) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way and screened from the roadway and adjacent properties.

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- (3) The site shall have frontage on and direct access onto a collector or arterial road designated in the General Plan.
- f. A historic building that is converted for historic venue uses shall be subject to the following standards:
- (1) the property is located in an R-20 district.
 - (2) the minimum lot size shall be 7 acres.
 - (3) the use shall not share a driveway with another residential lot.
 - (4) parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way and adequately screened to minimize visibility from the roadway and adjacent properties.
 - (5) the site shall have frontage on and direct access onto a collector or arterial road designated in the general plan.
 - (6) outdoor use is permitted provided that any outdoor use area is located and screened to adequately shield adjacent residential lots from noise and nuisance.
 - (7) all outdoor uses shall be located within 500 feet of the principal historic structure on the property.
 - (8) petitioner shall submit a sound management plan demonstrating how sound from outdoor uses will be managed to minimize adverse impacts on surrounding residential properties.
 - (9) the hearing authority may set the days, hours of operation, and maximum number of guests for historic venue uses.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
- (1) The use shall not interfere with the farming operations 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.

Exhibit C



ZRA-202

Potentially Affected Properties*

- Eligible Sites
- Eligible Zones
 - R-20
 - Ineligible Zones
- Layer
 - Eligible Road Frontage
 - Intermediate Arterial
 - Major Collector
 - Minor Arterial
 - Minor Collector
 - Principal Arterial

*Historic Properties displayed meet the following criteria:
1) The parcel is located in a R-20 Zoning District.
2) The minimum lot size shall be 7 acres.
3) The Parcels have frontage on and direct access onto a collector or arterial road.

October 20, 2022

