

Introduced 7/3/17
Public hearing 7/17/17
Council action 7/26/17
Executive action 7/27/17
Effective date 9/26/17

County Council of Howard County, Maryland

2017 Legislative Session

Legislative day # 10

BILL NO. 59 - 2017 (ZRA - 181)

Introduced by: Jon Weinstein

AN ACT amending the Howard County Zoning Regulations Conditional Use section to allow Country Inns in the Residential Village Housing (R-VH) Zoning District, under certain conditions; and generally relating to Country Inns.

Introduced and read first time July 3, 2017. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on July 17, 2017.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on July 26, 2017 and Passed Passed with amendments _____, Failed _____.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 26th day of July, 2017 at 2 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive July 27, 2017

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out 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 as follows:*

3
4 *By Amending*

5
6 *Section 131.0: "Conditional Uses"*

7 *Subsection N. "Conditional Uses and Permissible Zoning Districts"*

8 *Number 17. "Country Inns"*
9

10 **Howard County Zoning Regulations**

11
12 **SECTION 131.0: - Conditional Uses**

13
14 **N. Conditional Uses and Permissible Zoning Districts**

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

17 **17. Country Inn**

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

- 22 a. The building is a historic structure as defined in these Regulations;
- 23 b. Principal and accessory uses shall be identified on the site plan submitted
24 with the application. Accessory uses, not including outdoor recreational
25 areas for use by guests of the inn, shall be limited to an area no greater than
26 25% of the total floor area of all buildings;
- 27 c. The minimum lot size shall be 5 acres in the RC and RR districts, [[and]] 3
28 acres in the R-ED, R-20, R-12, and R-SC Districts[.], AND AT LEAST 1
29 ACRE IN THE R-VH DISTRICT. THE HEARING AUTHORITY MAY REDUCE THE 1
30 ACRE MINIMUM LOT SIZE REQUIREMENT FOR STRUCTURES IN THE R-VH TO ¾
31 OF AN ACRE IF THE HEARING AUTHORITY FINDS THAT THE USE WILL STILL BE
32 COMPATIBLE IN SCALE AND CHARACTER WITH THE RESIDENTIAL USES IN THE
33 VICINITY WITH THE REDUCED LOT SIZE.

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

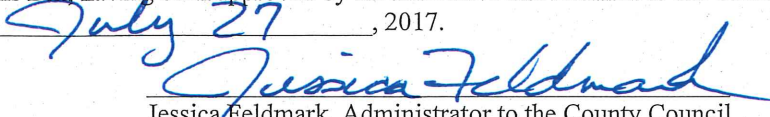
- 5 d. Extension or enlargement of the principal historical structure and all
6 accessory structures may not exceed 50% of the gross floor area of each
7 individual building above that which existed on February 8, 1982, when the
8 category for country inns was added to these Regulations.
- 9 e. Exterior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

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

28
29 ***Section 3. Be it further enacted by the County Council of Howard County, Maryland, that this Act***
30 ***shall become effective 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 27, 2017.



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 _____, 2017.

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 _____, 2017.

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 _____, 2017.

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 _____, 2017.

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 _____, 2017.

Jessica Feldmark, Administrator to the County Council

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Tuesday, July 18, 2017 12:45 PM
To: CouncilMail
Subject: CB59-2017 Conditional Use for Country Inns

Follow Up Flag: Follow up
Flag Status: Completed

Dear Council Members,

I feel that an additional condition should be added regarding country inns to prohibit a conditional use for an inn located in a floodplain. I think this is important for the health, safety, and welfare, especially of guests who may not be aware of their proximity to a flood prone area. If Ellicott City were to flood in the middle of the night, the concentration of sleeping guests in a flooding building will complicate rescue efforts.

Sincerely,

Joel Hurewitz

Sayers, Margery

From: William Lilley <ecrfpres@aol.com>
Sent: Monday, July 17, 2017 5:28 PM
To: CouncilMail
Subject: CB59-2017

I would like to voice my support for this Bill.

I feel that its passage could have a long lasting positive impact on the Ellicott City Historic District, allowing for much needed overnight stay locations.
Ultimately, this will be a positive for economic growth in the district.

Ed Lilley
4805 Wilkens Avenue
Catonsville, MD 21228
410-247-9252



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-181 Date Filed: 5-31-17

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 131.0 Conditional Use Regulations of the Zoning Regulations to allow Country Inn Conditional Uses in the R-VH, under certain circumstances.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Jon Weinstein, Councilperson

Address 3430 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-2001 (H)

Email Address JWeinstein@howardcountymd.gov

2017 MAY 31 PM 2:01

HOWARD COUNTY COUNCIL RECEIVED

3. Counsel for Petitioner Paul Johnson, Esq.

Counsel's Address 3450 Courthouse Drive, Ellicott City, MD 21043

Counsel's Phone No. 410-313-2101

Email Address PJohnson@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed 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.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County POLICY 4.10 – “Expand on existing programs to enhance historic preservation and create an historic preservation plan.” has an Implementing Action b. “Programs and Laws. Strengthen historic preservation programs and laws both to prevent demolition and incentivize restoration and adaptive reuse.” Allowing Country Inns as a Conditional Use in the R-VH district could potentially create reuse opportunities for historic structures.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled “Response to Section 5”]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of “...preserving and promoting the health, safety and welfare of the community.” Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. Section 100.0.A.7 states that one intent of the Zoning Regulations is “To ensure that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County, especially highly fragile and environmentally important features such as floodplains, wetlands or steep slopes.” Also, the General Plan, in Chapter 10, calls for the Zoning Regulations to be updated and reviewed. Specifically, the Plan states, “Topics for review include redevelopment flexibility and amenity requirements; parking; pedestrian, bicycle and transit improvements; compatibility of infill development; green building; historic preservation;...”

[You may attach a separate document to respond to Section 6. If so, this document shall be titled “Response to Section 6.”]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s). This proposed amendment would encourage a greater level of historic preservation by increasing the use options for historic structures. Historic preservation is a rather costly endeavor. However, if property owners are given greater economic options for their properties, it is likely that more historic properties will be preserved.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled “Response to Section 7.”]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

According to the Department of Planning and Zoning there are approximately 30-40 historic buildings that are located in the R-VH zoning district.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. No.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

- 10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

- 11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
- 12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Jon W. Winters
 Petitioner's name (Printed or typed)


 Petitioner's Signature

5/31/17
 Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature

 Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature

 Date

Paul T. Johnson 5/31/17
 Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00*

* The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

ATTACHMENT A

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 ¾ 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 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.



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

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:


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.