

Introduced 03.06.2023
Public hearing 03.20.2023
Council action 05.01.2023
Executive action 05.04.2023
Effective date 07.01.2023

County Council of Howard County, Maryland

2023 Legislative Session

Legislative day # 3

BILL NO. 9 – 2023 (ZRA – 202)

Introduced by:
The Chair
at the request of
BFEA-Curtis Farm, LLC

AN ACT amending the Howard County Zoning Regulations to allow certain historic venues to be used as a Conditional Use Historic Building Uses, under certain conditions; and generally relating to Historic Building Uses.

Introduced and read first time March 6, 2023. Ordered posted and hearing scheduled.

By order Michelle Harrod
Michelle Harrod, 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 March 20, 2023.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on April 3, 2023 and Passed , Passed with amendments , Failed .
May 1, 2023

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2 day of May, 2023 at 2⁰⁰ a.m./p.m.

By order Michelle Harrod
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive May 4, 2023

Calvin Ball
Calvin Ball, 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.

Tabled 04.03.2023 Michelle Harrod

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Zoning Regulations are hereby amended as follows:

3
4 *By Amending:*

5 *Section 131.0: "Conditional Uses"*

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

7 *Number 27. "Historic Building Uses"*

8
9 **HOWARD COUNTY ZONING REGULATIONS**

10
11 **SECTION 131.0: Conditional Uses**

12 **N. Conditional Uses and Permissible Zoning Districts**

13 **27. Historic Building Uses**

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

- 27 a. The building is a historic structure as defined in these Regulations.
- 28 b. The maximum number of dwelling units permitted shall be one dwelling
29 unit for every 800 square feet of building area.
- 30 c. Extension or enlargement of the principal historical structure and all
31 accessory structures may not exceed 50% of the gross floor area of each
32 individual building above that which existed on August 1, 1989, when ZB

1 882R was adopted adding the historic building use category to these
2 Regulations.

3 d. Exterior alterations to the historic structure shall be architecturally
4 compatible with the historic structure as determined by the Historic
5 District Commission, prior to the approval of the Conditional Use.

6 e. A historic building converted into a community meeting hall or offices
7 shall be subject to the following standards:

8 (1) No material or equipment shall be stored outside of structures.

9 (2) Parking areas shall be set back a minimum of 30 feet from all
10 property lines or public street rights-of-way and screened from
11 the roadway and adjacent properties.

12 (3) The site shall have frontage on and direct access onto a collector
13 or arterial road designated in the General Plan.

14 f. A HISTORIC BUILDING THAT IS CONVERTED FOR HISTORIC VENUE USES
15 SHALL BE SUBJECT TO THE FOLLOWING STANDARDS:

16 (1) THE PROPERTY IS LOCATED IN AN R-20 DISTRICT.

17 (2) THE MINIMUM LOT SIZE SHALL BE 7 ACRES.

18 (3) THE USE SHALL NOT SHARE A DRIVEWAY WITH ANOTHER
19 RESIDENTIAL LOT.

20 (4) PARKING AREAS SHALL BE SET BACK A MINIMUM OF 30 FEET
21 FROM ALL PROPERTY LINES OR PUBLIC STREET RIGHTS-OF-WAY,
22 AND AS CLOSE AS POSSIBLE TO THE PRIMARY INGRESS OR EGRESS
23 POINTS, AND ADEQUATELY SCREENED TO MINIMIZE VISIBILITY
24 FROM THE ROADWAY AND ADJACENT PROPERTIES.

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

28 (6) OUTDOOR USE IS PERMITTED PROVIDED THAT ANY OUTDOOR USE
29 AREA IS LOCATED AND SCREENED TO ADEQUATELY SHIELD
30 ADJACENT RESIDENTIAL LOTS FROM NOISE AND NUISANCE. ANY
31 TEMPORARY STRUCTURE, INCLUDING TENTS, SHALL BE WITHIN

1 THE FULLY SCREENED APPROVED OUTDOOR USE AREA.

2 (7) ALL OUTDOOR USES SHALL BE LOCATED WITHIN ~~500~~ 350 FEET OF
3 THE PRINCIPAL HISTORIC STRUCTURE ON THE PROPERTY.

4 (8) PETITIONER SHALL SUBMIT A SOUND MANAGEMENT PLAN
5 DEMONSTRATING HOW SOUND FROM OUTDOOR USES WILL BE
6 MANAGED TO MINIMIZE ADVERSE IMPACTS ON SURROUNDING
7 RESIDENTIAL PROPERTIES. THE SOUND MANAGEMENT PLAN SHALL
8 INCLUDE PROVISIONS MADE TO MITIGATE THE IMPACT OF ANY
9 AMPLIFIED SOUND EQUIPMENT. THE SOUND MANAGEMENT PLAN
10 SHALL BE REVIEWED BY THE HEARING AUTHORITY EVERY THREE
11 YEARS.

12 (9) THE SOURCE OF ALL AMPLIFIED MUSIC, INCLUDING SPEAKERS
13 AND ALL RELEVANT SOUND PRODUCING OR ENHANCING
14 EQUIPMENT, SHALL BE SITED WITHIN 175 FEET OF THE PRINCIPAL
15 HISTORIC STRUCTURE AND NOT LESS THAN 200 FEET FROM ANY
16 ADJACENT RESIDENTIAL DWELLING, AND REMAIN IN THAT
17 LOCATION DURING THE ENTIRETY OF AN EVENT.

18 (10) NO AMPLIFIED MUSIC SHALL BE PERMITTED BETWEEN 7 PM AND
19 11 AM, UNLESS CONTAINED IN A SOUNDPROOF STRUCTURE WITH
20 NO PERCEPTIBLE SOUND AT LOT LINES.

21 (11) SECTION 8.900 OF THE COUNTY CODE – NOISE AFFECTING
22 RESIDENTIAL AREAS APPLIES TO ALL EVENTS UNDER THIS
23 SUBSECTION.

24 (12) THE PETITIONER WILL ENSURE THAT PARKING IS SUFFICIENT AND
25 THE PERIMETER OF THE PROPERTY IS SECURE SO THAT THERE IS
26 NO OVERFLOW PARKING OR PEDESTRIAN TRAFFIC FROM EVENTS
27 BY PATRONS IN ANY OF THE ADJACENT OR NEARBY RESIDENTIAL
28 AREAS.

29 (13) OUTDOOR USES, INCLUDING PARKING, SHALL BE FULLY
30 SCREENED FROM ALL ADJACENT PROPERTIES, EXCEPT ALONG THE
31 BOUNDARY WITH ANY ARTERIAL ROAD.

32 (914) THE HEARING AUTHORITY MAY SET THE DAYS, HOURS OF
33 OPERATION, AND MAXIMUM NUMBER OF GUESTS FOR HISTORIC

1 VENUE USES.

2 (15) A CONDITIONAL USE FOR A HISTORIC BUILDING CONVERTED FOR
3 HISTORIC VENUE USE SHALL BECOME VOID UNLESS AN OWNER OF
4 THE PROPERTY PROVIDES AN AFFIDAVIT TO THE HEARING
5 AUTHORITY ONCE EVERY SIX YEARS FROM THE DATE OF
6 APPROVAL ATTESTING UNDER PENALTIES OF PERJURY THAT THE
7 HISTORIC BUILDING CONVERTED FOR HISTORIC VENUE
8 CONDITIONAL USE CONTINUES TO COMPLY WITH THE SPECIFIC
9 REQUIREMENTS OF THIS SECTION.

10 [[f]]G. On an ALPP purchased or dedicated easement property, the following
11 additional criteria are required:

- 12 (1) The use shall not interfere with the farming operations or limit future
13 farming production.
- 14 (2) Any new building or building addition associated with the use,
15 including any outdoor storage and parking area shall count towards
16 the cumulative use cap of 2% of the easement.

17

18 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this***
19 ***Act shall become effective 61 days after its enactment.***



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

HOWARD COUNTY COUNCIL
 (410) 313-2350

DPZ Office Use only:
 Case No **2RA 202**
 Date Filed **9/19/22**

2022 SEP 19 AM 11:23

Petition to Amend the Zoning Regulations of Howard County

1. 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.N.27 to make certain that historic venue uses are permitted under the Conditional Use for Historic Building Uses.

(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")

Petitioner's Name: BFEA-Curtis Farm, LLC
Address: 5771 Waterloo Road, Suite 1000, Ellicott City, Maryland 21043
Phone: 866-910-5263 (W) (H) **Email Address:** stephen@earealtycompanies.com

Counsel for Petitioner: Thomas G. Coale, Talkin & Oh, LLP
Counsel's Address: 5100 Dorsey Hall Drive, Ellicott City, MD 21042
Counsel's Phone: 410-964-0300 **Email Address:** tcoale@talkin-oh.com

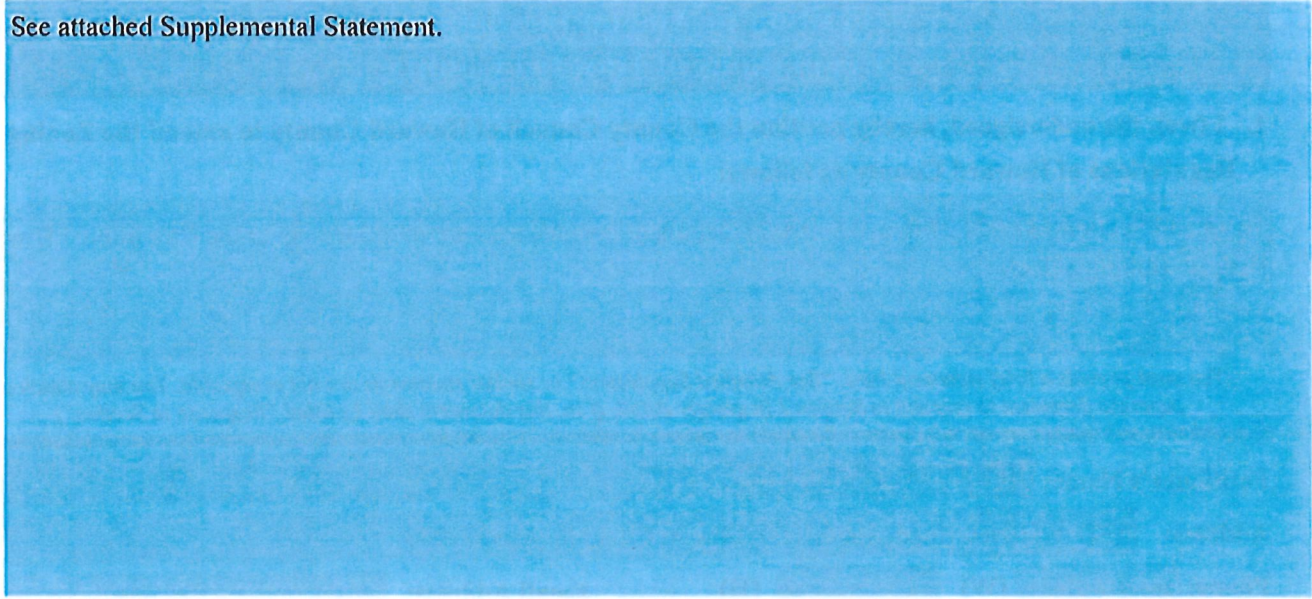
2. Please provide a brief statement concerning the reason (s) the requested amendment(s) to the Zoning Regulations is (are) being proposed.

To provide owners of historic properties that are seven (7) acres or larger in the R-20 zone additional adaptive reuse options for their land. This amendment is consistent with the purpose of the Historic Building Uses conditional use category. Historic Building Uses is a conditional use specifically designed for properties with historic structures that encourages and promotes the preservation of historic structures through adaptive reuse. Providing this additional adaptive reuse option further promotes and encourages the continued preservation of these historic properties and provides an opportunity for these historic properties to be enjoyed by the public.

REVISED

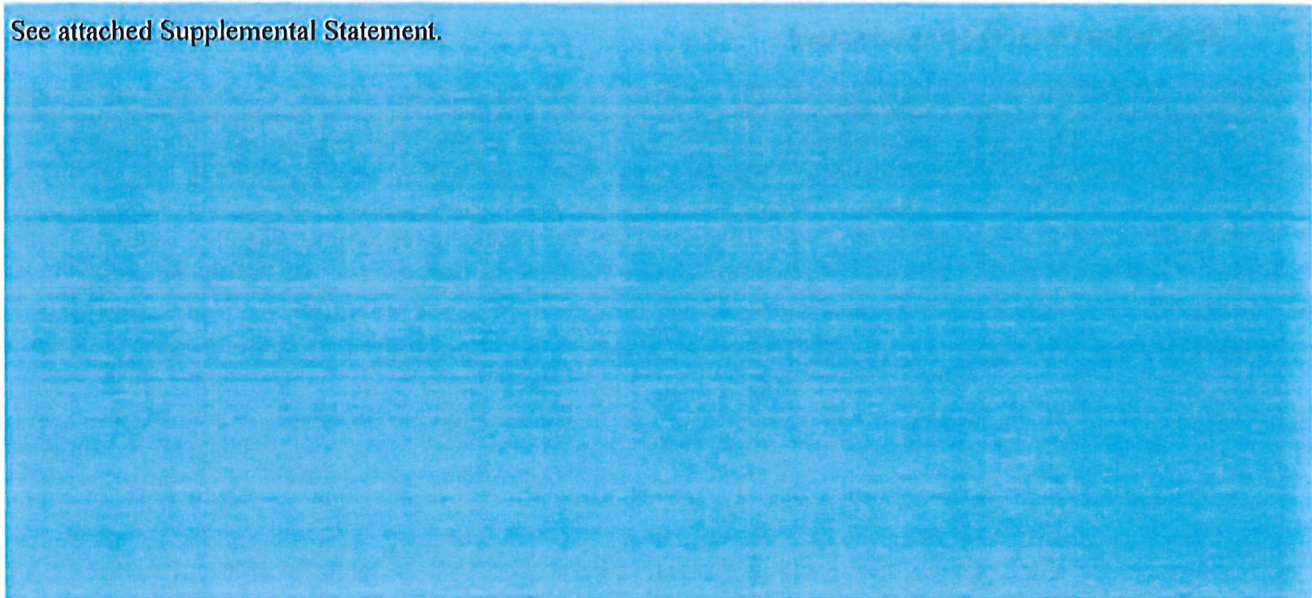
- 3. Please provide a detailed justification statement demonstrating how the proposed amendment (s) will be in harmony with current General Plan for Howard County.**

See attached Supplemental Statement.



-
- 4. 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.**

See attached Supplemental Statement.



(You may attach a separate document to respond to Section 4. If so, this document shall be titled "Response to Section 4")

5. Unless your response to Section 4 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment (s).

See attached Supplemental Statement.

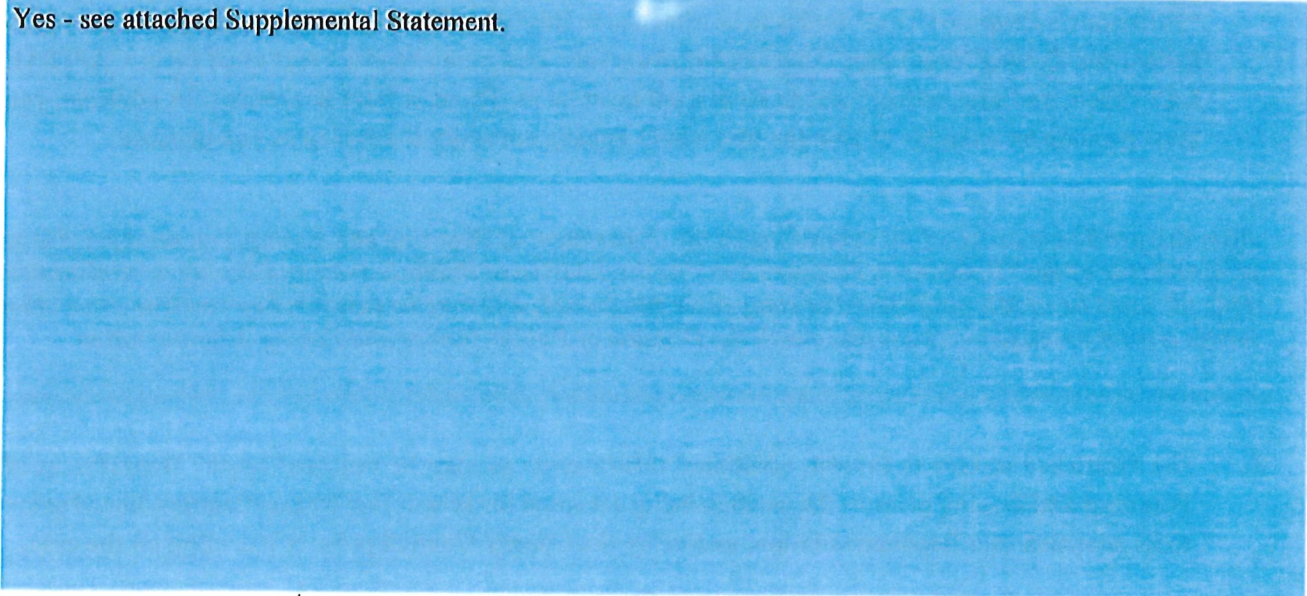


(You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5.")

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

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.

Yes - see attached Supplemental Statement.



(You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6")

7. 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.

None.



(You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7.")

8. 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 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.

9. 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.

10. 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.

Stephen Ferrandi
 BFEA- Curtis Farm, LLC
 Petitioner's name (Printed)



 Petitioner's Signature

23 MAY 2022

 Date

Petitioner's name (Printed)

 Petitioner's Signature

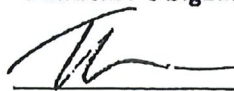
 Date

Petitioner's name (Printed)

 Petitioner's Signature

 Date

Thomas G. Coale



 Counsel for Petitioner's Signature

6/2/2022

 Date

Counsel for Petitioner's name (Printed)

(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\$2,500.00. 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 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-four (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: howardcountymd.gov

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative Assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410) 313-2395 or from the Department of Planning and Zoning.
- Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

ZONING MATTER: _____

**AFFIDAVIT AS TO CONTRIBUTIONS TO CANDIDATES AND
BUSINESS ENGAGEMENTS WITH ELECTED OFFICIALS**

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

**ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852
MARK EACH PARAGRAPH AS APPLICABLE**

1. I, Stephen J. Ferrandi, the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief **HAVE** / **HAVE NOT** made a **Contribution** or contributions having a cumulative value of \$500 or more to the treasurer of a **Candidate** or the treasurer of a **Political Committee** during the 48-month period before the **Application** was filed; and I **AM** / **AM NOT** currently **Engaging in Business** with an **Elected Official**.

2. I, the **Applicant** or a **Party of Record** in the above referenced zoning matter, acknowledge and affirm that, if I or my **Family Member** has made a **Contribution** or contributions having a cumulative total of \$500 or more during the 48-month period before the **Application** was filed or during the pendency of the **Application**, I will file a disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was

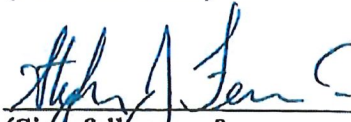
made, the amount, and the date of the **Contribution**; and that a **Contribution** made between the filing and the disposition of the **Application** will be disclosed within 5 business days after the **Contribution**.

3. I, the **Applicant**, acknowledge and affirm that, if I begin **Engaging in Business** with an **Elected Official** between the filing and the disposition of the **Application**, I will file this Affidavit at the time of **Engaging in Business** with the **Elected Official**.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Stephen J. Ferrandi

(Print full name) on behalf of BFEA-Curtis
Farm, LLC



(Sign full name &
indicate legal capacity, if applicable)

23 May 2022
(Date)

ZONING MATTER: _____

DISCLOSURE OF CONTRIBUTION

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852

If the **Applicant** or a **Party of Record** or their **Family Member** has made a **Contribution** or contributions having a cumulative value of \$500 or more during the 48-month period before the **Application** is filed or during the pendency of the **Application**, the **Applicant** or the **Party of Record** must file this disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**.

For a **Contribution** made during the 48-month period before the **Application** is filed, the **Applicant** must file this disclosure when they file their **Application**, and a **Party of Record** must file this disclosure within 2 weeks after entering the above zoning matter.

A **Contribution** made between the filing and the disposition of the **Application** must be disclosed within 5 business days after the **Contribution**.

Any person who knowingly and willfully violates Sections 5-852 through 5-854 of the General Provisions Article of the Annotated Code of Maryland is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

Applicant or Party of Record: Stephen J. Ferrandi
(Print Full Name)

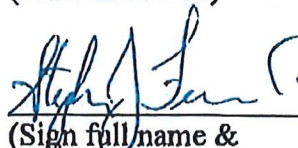
RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT

I acknowledge and affirm that any Contribution I make between the filing of this disclosure and the disposition of the Application must be disclosed within 5 business days of the Contribution.

Stephen J. Ferrandi

(Print full name) on behalf of BFEA-Curtis Farm, LLC



(Sign full name & indicate legal capacity, if applicable)

23 May 2022

(Date)

**Petition to Amend the Zoning Regulations
Of Howard County**

Supplemental Statement

The proposed Zoning Regulation Amendment (“ZRA”) would add “Historic Venue Uses” to the Historic Building Uses conditional use for those properties that are seven (7) acres or larger in the R-20 zone. Historic properties have been long sought after for wedding venues and other special events, yet there are only a handful in Howard County permitted for this use. The proposed ZRA expands the availability of historic properties for this use and, in doing so, ensures preservation and upkeep of valuable community resources.

Due to the fact that many historic properties may not be appropriate for private rental, the proposed ZRA includes limiting conditions, such as a 7 acre minimum lot size and frontage on an arterial road, that would ensure Historic Venue uses are not proposed on properties that would unduly disturb established residential neighborhoods. The proposed ZRA also limits the use to properties in the R-20 zone.

This ZRA would allow private property owners to pursue the same opportunity already enjoyed by Howard County Recreation and Parks and other historic nonprofits in offering historic properties for events and weddings. Belmont Manor is one of the oldest historic properties in the county and is owned by Howard County Recreation and Parks. Since taking ownership of the property in 2012, Howard County has routinely offered the property for rent, including special events and weddings. In 2022, Belmont was awarded the WeddingWire 2022 Couples’ Choice Award® for the third time in four years.¹ The Howard County Historical Society has also embraced the benefit of offering historic structures for special events by renting out its headquarters at the former First Presbyterian Church of Howard County in Historic Ellicott City for weddings.²

As such, the proposed ZRA serves the public good in two distinct but intertwined ways. First, the ZRA promotes the restoration and adaptive reuse of historic structures that may otherwise fall into disrepair and disuse. Second, the ZRA will result in the general public having the opportunity to utilize historic resources for special events and weddings when these properties might otherwise be withheld by their owners.

¹ <https://www.howardcountymd.gov/News020222>

² <https://hchsmd.org/wedding-rentals/>

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with the current General Plan for Howard County.

First, the proposed amendment will expand the availability of existing programs focused on historic preservation in accordance with Policy 4.10. In particular, Policy 4.10.b., recommends policy-makers "incentivize restoration and adaptive reuse." By allowing Historic Venue Uses as part of the Historic Building conditional use, the proposed amendment promotes adaptive reuse of historic buildings and is consistent with the general principles of historic preservation.

Second, the proposed amendment is also consistent with Policy 10.3, which encourages policy-makers to "[e]xpand the range and scope of community planning to identify... facilities...or other amenities that would create more complete communities and reflect community diversity." This ZRA encourages the preservation of historic properties that contribute to community diversity. Furthermore, as noted above, this ZRA encourages more expansive enjoyment of historic properties by allowing those other than the owner to access these historic resources and utilize them for special events and weddings. In doing so, this ZRA presents historic amenities as resources for the community at large.

6. The Legislative Intent of the Zoning Regulations in Section 100.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.A.

This ZRA promotes the preservation of Howard County's historic properties and aligns the goals of preservation with the interests of property owners in retaining a practical use for their property. The nonresidential reuse of historic buildings has proven to be a viable option to prevent demolition and incentivize renovation. It provides the historic property owner a revenue stream that can be invested into building and property.

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).

Please see above.

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.

The proposed amendment would potentially impact all historic properties that are seven (7) acres or more and have frontage on and direct access onto a collector or arterial road designated in the General Plan in the R-20 zone for which the Historic Building Uses conditional use is available. That is a significantly circumscribed category of properties and the policy rationale stated above would apply universally to such parcels. Furthermore, as with all conditional uses, any petition for a Historical Building Uses conditional use under this amendment would be evaluated for compliance with the conditional use criteria by the Hearing Authority at a public hearing.

Upon information and belief, there is only one property currently approved for a Historic Building Use on a parcel that is seven acres or larger in the R-20 zone, which is Petitioner's property.

**Proposed Text
CONDITIONAL USE ZRA**

Amend Section 131.0.N.27 as follows:

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.
 - (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.

[[f.]] 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.

Example of How Text of Section 131.0.N.27 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.
 - (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.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

TECHNICAL STAFF REPORT

Planning Board Meeting of October 20, 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 reuse 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 buildings 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 alternations 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.

DocuSigned by:

Amy Gowan

5B4D5DD9470C4D4...

10/6/2022

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

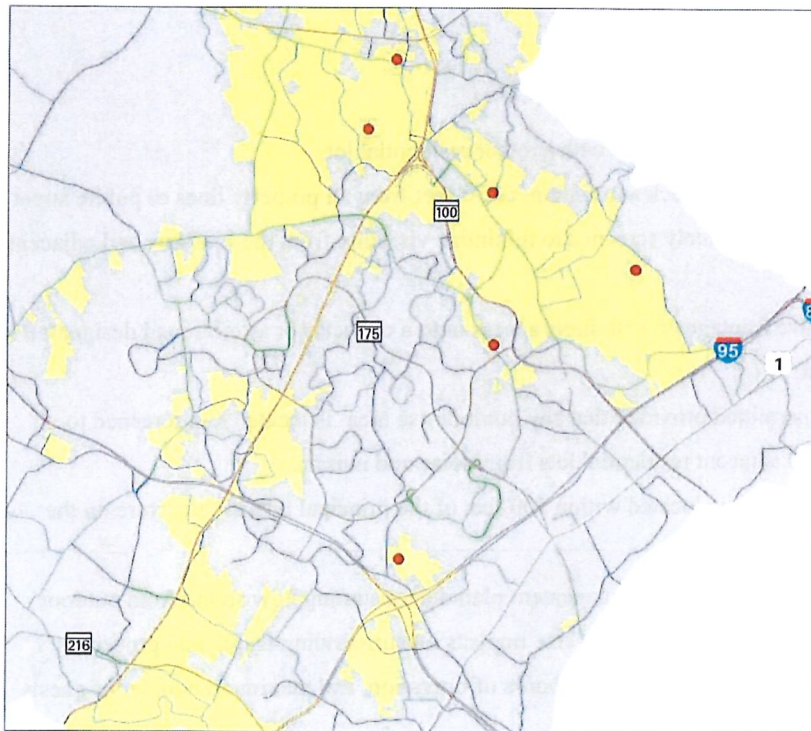
27. Historic Building Uses

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.

- (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

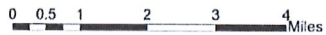


ZRA-202 Potentially Affected Properties*

- 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



1 **BFEA-CURTIS FARM, LLC** * **BEFORE THE**
 2 **PETITIONER** * **PLANNING BOARD OF**
 3 **ZRA-202** * **HOWARD COUNTY, MARYLAND**

4
 5 * * * * *

6 **MOTION: Recommend approval of ZRA-202 with amendments.**

7 **ACTION: *Recommend Approval; Vote 5-0.***

8 * * * * *

9 **RECOMMENDATION**

10 On December 15, 2022, the Planning Board of Howard County, Maryland, considered the petition of
 11 BFEA-Curtis Farm, LLC (Petitioner) to amend the Howard County Zoning Regulations to allow additional
 12 Historic Venue Uses, including weddings, parties, and similar assembly events, in the R-20 Zoning District as
 13 a conditional use under Section 131.0.N.27-Historic Building Uses, subject to certain conditions. Properties in
 14 the R-20 zoning districts would be subject to the following criteria to be eligible:

- 15 (1) The minimum lot size shall be 7 acres.
- 16 (2) The use shall not share a driveway with another residential lot.
- 17 (3) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of
- 18 way and adequately screened to minimize visibility from the roadway and adjacent properties.
- 19 (4) The site shall have frontage on and direct access onto a collector or arterial road designated in the general
- 20 plan
- 21 (5) Outdoor use is permitted provided that any outdoor use area is located and screened to adequately shield
- 22 adjacent residential lots from noise and nuisance.
- 23 (6) All outdoor uses shall be located within 500 feet of the principal historic structure on the property.
- 24 (7) Petitioner shall submit a Sound Management Plan demonstrating how sound from outdoor uses will be
- 25 managed to minimize adverse impacts on surrounding residential properties.
- 26 (8) The Hearing Authority may set the days, hours of operation, and maximum number of guests for historic
- 27 venue uses.

28 The Planning Board considered the petition and the Department of Planning and Zoning (DPZ) Technical
 29 Staff Report.

30 **Testimony**

31 Mr. Thomas Coale, counsel for the petitioner, stated that the purpose of the ZRA is to increase the
 32 possible uses and sources of revenue to support the maintenance of historic buildings and properties. He

1 furtherstated that some of the uses that may be approved through the Historic Building Uses Conditional Use
2 are more intense than those included in the ZRA amendment. Mr. Coale asserted the proposed venue uses have
3 less impact than agricultural uses, which are allowed as a matter of right on the Petitioner's property. The
4 Petitioners, Barbara Bindon and Stephen Ferrandi, also testified and spoke about the preservation of the
5 Shipley-Curtis farm site and the high costs of maintenance.

6 In response to questions from the Board regarding the applicability of the ZRA, Mr. Coale stated that
7 the ZRA would apply to seven (7) R-20 historic properties and not solely to the Petitioner's property (note the
8 TSR only indicated 6 properties). Ms. Mosier asked why the ZRA was limited to the R-20 zone and not
9 applicable to the other districts in the current Historic Building Uses. Mr. Coale clarified that the district
10 limitation was intended to make the impact of the ZRA less broad and thus more likely to be accepted. Mr.
11 Coleman asked whether adding more restrictive criteria and specific use definitions would make the ZRA more
12 acceptable. Mr. Coale responded that conditional use criteria are typically generalized while the actual petitions
13 and Hearing Examiner approvals are property specific.

14 Seven members of the public testified in opposition to the proposed ZRA asserting that this amendment
15 appears to solely benefit the Petitioner and that these types of events should have a larger buffer because they
16 produce noise that can be heard in the surrounding neighborhoods. Additionally, they indicated that these new
17 assembly uses would create traffic and parking problems for adjacent communities. The Shipley's Grant HOA
18 President summarized the opposition testimony and stated that there are currently a variety of non-residential
19 uses allowed under the current Historic Building Uses conditional use category that the Petitioner could request
20 approval for. A final speaker opposed the ZRA because it does not include criteria to regulate amplified music,
21 serving of alcohol, and event hours.

22 Board Discussion and Recommendation

23 In work session, Board members agreed that adaptive reuse of historic structures is a policy that should
24 be supported. The Board discussed whether this ZRA was tailored only to the Petitioner's property and whether
25 the proposed criteria were sufficient to address the typical impacts of public assemblage uses. One member
26 asserted that some of the Limited Social Assemblies conditional use criteria should be applied to the proposed
27 use, although not all of these criteria were discussed in detail. Several members discussed whether additional
28 criteria should be included in a Planning Board recommendation or whether additional criteria would be best
29 applied by County Council during legislative process.

30 Mr. Engelke motioned to recommend approval of ZRA-202, with an amendment to criterion #7 to
31 include "adequate setback and buffering from residential properties" and to apply the criteria in Sec. 131.0.N.33
32 Limited Social Assemblies that is more restrictive than what is proposed to the Historic Venue Uses. Ms.
33 Mosier seconded the motion. The motion passed 5-0.

34

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 11th day of January 2023, recommends that ZRA-202, as described above, be **APPROVED**.

HOWARD COUNTY PLANNING BOARD

DocuSigned by:
Edward T Coleman
Ed Coleman, Chair

DocuSigned by:
Kevin McAdams
Kevin McAdams, Vice-chair

DocuSigned by:
Phillips Engelke
Phillips Engelke

DocuSigned by:
James Cecil
James Cecil

DocuSigned by:
Barbara Mosier
Barbara Mosier

ATTEST:

DocuSigned by:
Amy Gowan
Amy Gowan, Executive Secretary

Electoral District	ZRA	Applicant	Form	Name	Date Affidavit	Have	Have Not	Incidents of Cd	Date of Contribution	Amount	Am	Am Not
BFEA-Curtis Farm, L	202	Stephen J. Ferrandi	Affidavit of Contribution	Stephen J. Ferrandi	5/23/2022		X					
BFEA-Curtis Farm, L	202	Stephen J. Ferrandi	Affidavit Engaging in Business	Stephen J. Ferrandi	5/23/2022							X
BFEA-Curtis Farm, L	202	Stephen J. Ferrandi	Disclosure of Contribution	Stephen J. Ferrandi	5/23/2022			N/A	N/A	N/A		

Amendment 1 to Council Bill No. 9-2023

BY: Opel Jones

Legislative Day No. 4

Date: April 3, 2023

Amendment No. 1

(This amendment changes the setback for outdoor uses from 500ft to 350ft.)

1 On page 2, in line 30, strike "500" and substitute "350".

2

3

4

5

I certify this is a true copy of

Am 1 to CB9-2023
passed on May 1, 2023

Mushiki Derry
Council Administrator

Amendment 2 to Council Bill No. 9-2023

BY: Opel Jones

Legislative Day No. 4

Date: April 3, 2023

Amendment No. 2

(This amendment would require that amplified sound be addressed in the sound management plan and that the plan be reviewed every three years.)

1 On page 3, immediately following the period in line 4, insert the following:

2 “ THE SOUND MANAGEMENT PLAN SHALL INCLUDE PROVISIONS MADE TO MITIGATE THE
3 IMPACT OF ANY AMPLIFIED SOUND EQUIPMENT. THE SOUND MANAGEMENT PLAN SHALL BE
4 REVIEWED BY THE HEARING AUTHORITY EVERY THREE YEARS.”

5

6

I certify this is a true copy of

Am 2 to CB9-2023

passed on May 1, 2023

Michelle Doerr
Council Administrator

Amendment 1 to Amendment 2 to Council Bill 9 -2023

By: Deb Jung

Legislative Day No. 4

Date: April 3, 2023

Amendment No. 1

(This amendment prohibits the use of amplified sound equipment.)

- 1 On page 1, in lines 2 - 3, strike "INCLUDE PROVISIONS MADE TO MITIGATE THE IMPACT" and
- 2 substitute "PROHIBIT THE USE".

I certify this is a true copy of

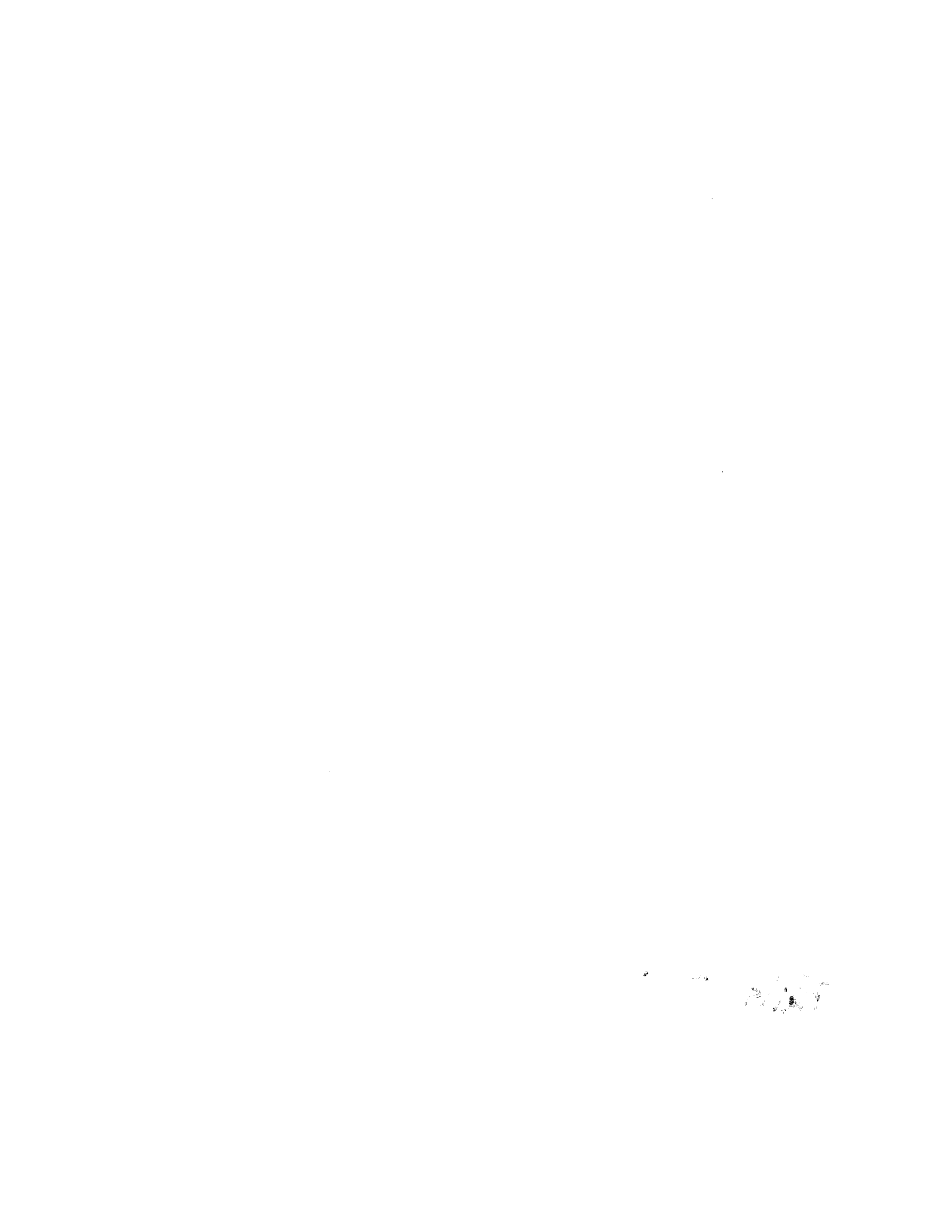
Am1 to Am2 to CB9-2023

passed on May 1, 2023

Michelle Hoover

Council Administrator

Fails



Amendment 3 to Council Bill No. 9-2023

BY: Opel Jones

Legislative Day No. 4

Date: April 3, 2023

Amendment No. 3

(This amendment would require that a historic building converted for historic building conditional use be reviewed by the Hearing Examiner every six years.)

1 On page 3, immediately following line 7, insert the following:

2 “(10) A CONDITIONAL USE FOR A HISTORIC BUILDING CONVERTED FOR HISTORIC VENUE USE
3 SHALL BECOME VOID UNLESS AN OWNER OF THE PROPERTY PROVIDES AN AFFIDAVIT TO THE
4 HEARING AUTHORITY ONCE EVERY SIX YEARS FROM THE DATE OF APPROVAL ATTESTING
5 UNDER PENALTIES OF PERJURY THAT THE HISTORIC BUILDING CONVERTED FOR HISTORIC
6 VENUE CONDITIONAL USE CONTINUES TO COMPLY WITH THE SPECIFIC REQUIREMENTS OF
7 THIS SECTION.”.

8

9

I certify this is a true copy of

Am 3 to CB9-2023

passed on May 1, 2023

Michelle Harrop
Council Administrator

Amendment 4 to Council Bill No. 9-2023

BY: David Yungmann

Legislative Day 5

Date: May 1, 2023

Amendment No. 4

(This amendment adds clarifying parameters for parking, temporary structures, and amplified sounds.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

On page 2, in line 21, immediately after “RIGHTS-OF-WAY”, insert “, AND AS CLOSE AS POSSIBLE TO THE PRIMARY INGRESS OR EGRESS POINTS.”.

On page 2, in line 29, after the period, insert “ANY TEMPORARY STRUCTURE, INCLUDING TENTS, SHALL BE WITHIN THE FULLY SCREENED APPROVED OUTDOOR USE AREA.”.

On page 3, immediately following line 4, insert the following:

“(9) THE SOURCE OF ALL AMPLIFIED MUSIC, INCLUDING SPEAKERS AND ALL RELEVANT SOUND PRODUCING OR ENHANCING EQUIPMENT, SHALL BE SITED WITHIN 175 FEET OF THE PRINCIPAL HISTORIC STRUCTURE AND NOT LESS THAN 200 FEET FROM ANY ADJACENT RESIDENTIAL DWELLING, AND REMAIN IN THAT LOCATION DURING THE ENTIRETY OF AN EVENT.

(10) NO AMPLIFIED MUSIC SHALL BE PERMITTED BETWEEN 7 PM AND 11 AM, UNLESS CONTAINED IN A SOUNDPROOF STRUCTURE WITH NO PERCEPTIBLE SOUND AT LOT LINES.

(11) SECTION 8.900 OF THE COUNTY CODE – NOISE AFFECTING RESIDENTIAL AREAS APPLIES TO ALL EVENTS UNDER THIS SUBSECTION.

(12) THE PETITIONER WILL ENSURE THAT PARKING IS SUFFICIENT AND THE PERIMETER OF THE PROPERTY IS SECURE SO THAT THERE IS NO OVERFLOW PARKING OR PEDESTRIAN TRAFFIC FROM EVENTS BY PATRONS IN ANY OF THE ADJACENT OR NEARBY RESIDENTIAL AREAS.

I certify this is a true copy of

Am 4 to CB9-2023

passed on

May 1, 2023

Michael Hoover

Council Administrator

1 (13) OUTDOOR USES, INCLUDING PARKING, SHALL BE FULLY SCREENED FROM ALL
2 ADJACENT PROPERTIES, EXCEPT ALONG THE BOUNDARY WITH ANY ARTERIAL
3 ROAD.”.

4 Renumber the remainder of the subsection accordingly.

Introduced 03.06.2023
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2023 Legislative Session

Legislative day # 3

BILL NO. 9 - 2023 (ZRA - 202)

Introduced by:
The Chair
at the request of
BFEA-Curtis Farm, LLC

AN ACT amending the Howard County Zoning Regulations to allow certain historic venues to be used as a Conditional Use Historic Building Uses, under certain conditions; and generally relating to Historic Building Uses.

Introduced and read first time March 6, 2023. Ordered posted and hearing scheduled.

By order Michelle Harrod
Michelle Harrod, 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 March 20, 2023.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on April 3 ~~May~~, 2023 and Passed , Passed with amendments , Failed .

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2023 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2023

Calvin Ball, 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.

Tabled 4-3-2023 Michelle Harrod

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the
2 *Howard County Zoning Regulations are hereby amended as follows:*

3
4 *By Amending:*

5 *Section 131.0: "Conditional Uses"*

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

7 *Number 27. "Historic Building Uses"*

8
9 **HOWARD COUNTY ZONING REGULATIONS**

10
11 **SECTION 131.0: Conditional Uses**

12 **N. Conditional Uses and Permissible Zoning Districts**

13 **27. Historic Building Uses**

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

- 27 a. The building is a historic structure as defined in these Regulations.
- 28 b. The maximum number of dwelling units permitted shall be one dwelling
29 unit for every 800 square feet of building area.
- 30 c. Extension or enlargement of the principal historical structure and all
31 accessory structures may not exceed 50% of the gross floor area of each
32 individual building above that which existed on August 1, 1989, when ZB

1 882R was adopted adding the historic building use category to these
2 Regulations.

3 d. Exterior alterations to the historic structure shall be architecturally
4 compatible with the historic structure as determined by the Historic
5 District Commission, prior to the approval of the Conditional Use.

6 e. A historic building converted into a community meeting hall or offices
7 shall be subject to the following standards:

8 (1) No material or equipment shall be stored outside of structures.

9 (2) Parking areas shall be set back a minimum of 30 feet from all
10 property lines or public street rights-of-way and screened from
11 the roadway and adjacent properties.

12 (3) The site shall have frontage on and direct access onto a collector
13 or arterial road designated in the General Plan.

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

16 (1) THE PROPERTY IS LOCATED IN AN R-20 DISTRICT.

17 (2) THE MINIMUM LOT SIZE SHALL BE 7 ACRES.

18 (3) THE USE SHALL NOT SHARE A DRIVEWAY WITH ANOTHER
19 RESIDENTIAL LOT.

20 (4) PARKING AREAS SHALL BE SET BACK A MINIMUM OF 30 FEET
21 FROM ALL PROPERTY LINES OR PUBLIC STREET RIGHTS-OF-WAY
22 AND ADEQUATELY SCREENED TO MINIMIZE VISIBILITY FROM THE
23 ROADWAY AND ADJACENT PROPERTIES.

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

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

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

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

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

8 ~~[[f]]~~G. On an ALPP purchased or dedicated easement property, the following
9 additional criteria are required:

10 (1) The use shall not interfere with the farming operations or limit future
11 farming production.

12 (2) Any new building or building addition associated with the use,
13 including any outdoor storage and parking area shall count towards
14 the cumulative use cap of 2% of the easement.

15
16 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this*
17 *Act 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 May 4, 2023.

Michelle Harrod
Michelle Harrod, 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 _____, 2023.

Michelle Harrod, 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 _____, 2023.

Michelle Harrod, 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 _____, 2023.

Michelle Harrod, 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 _____, 2023.

Michelle Harrod, 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 _____, 2023.

Michelle Harrod, Administrator to the County Council