



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

Planning Board Meeting of November 16, 2023

Case No./Petitioner: ZRA-206 – Elite Facility Management

Request: To amend Section 128.0.A.12 to allow additional square footage for detached accessory structures in the RC and RR zoning districts.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

Section 128.0.A.12 - Regulations for Detached Accessory Structures:

Lot coverage restrictions for detached accessory structures on residentially zoned lots developed with single-family detached dwellings were first added to the Zoning Regulations by Council Bill No. 58-2004 (ZRA-53). The Bill restricted residentially zoned properties (except for RC and RR zoning districts) to a maximum of 600 square feet for an accessory garage. The Bill restricted RC and RR zoned properties to a maximum of 1,200 square feet for an accessory garage on properties under two (2) acres and to a maximum 2,200 square feet on properties greater than two (2) acres. The Bill included an enactment clause that any building permit for an accessory garage submitted prior to April 13, 2004 would be subject to the accessory garage regulations in effect at that time.

The 2013 Comprehensive Zoning Plan, approved August 6, 2013, amended Section 128.0.A.12 of the Zoning Regulations to restrict all accessory structures to the same 2004 lot coverage limits which were previously applied only to accessory garages.

II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner's proposed amendment. The Petitioner's proposed amendment is attached as Exhibit A.

Sec. 128.0.A.12.c restricts the cumulative lot coverage for all accessory structures on lots two (2) acres or larger to 2,200 square feet. The proposed amendment will increase this by an additional 500 square feet for every acre over three (3) acres. For properties between three (3) and four (4) acres, the maximum size of an individual accessory structure will be limited to 2,500 square feet. A maximum size of an individual accessory structure is not proposed for properties larger than four (4) acres.

The petitioner asserts that the accessory structure lot coverage limitation of 2,200 square feet disproportionately impacts properties in the rural west where there are larger lots and greater setbacks.

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-206 in accordance with Section 16.208.(d) of the Howard County Code.

- 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.**

Section 128.0.A.12

The proposed amendment could allow significantly larger accessory buildings and increase lot coverage associated with multiple accessory buildings, since there will not be a size limitation on lots four (4) acres or larger. Depending on their location and use, these larger buildings may be incompatible with and have adverse impacts on adjacent residential properties. The impacts resulting from larger accessory buildings could be mitigated through a maximum size limitation and/or additional setbacks.

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

The proposed amendment will apply to properties 3 acres or greater and within the RR and RC zoning districts outside of the Planned Service Area (PSA). DPZ identified 5,380 properties that would be potentially impacted. A map identifying those properties is provided in Attachment "A." The analysis used the following property criteria:

- Zoned RR or RC
- Outside of the public service area (PSA)
- Equal to or greater than 3 acres in size
- Residential land use
- Contains one or more major buildings (200 square feet or greater)

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

DPZ does not anticipate that this amendment will result in conflicts in the Zoning Regulations. While not a conflict, the Accessory Structure definition, shown below, states that the accessory structure shall be subordinate in area to the principal structure. Sec. 128.0.A.12 only applies to single family detached houses. Therefore, the footprint of the house limits the footprint of an individual accessory structure where the house is smaller in area than what is allowed in Sec.128.0.A.12.

Accessory Use or Accessory Structure: A use or structure which is customarily incidental to the principal use or structure, serving no other use or structure, and which is subordinate in area, intensity and purpose to the principal use or structure. An accessory use or accessory structure shall be located on the same lot or parcel as the principal use or structure, except where it is otherwise allowed in these Zoning Regulations.

- 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.**

Lot coverage for accessory structures is not directly addressed in PlanHoward 2030, adopted in 2012. However, there is a policy that calls for refining zoning regulations in the RR and RC Zoning Districts to provide for greater flexibility for the agricultural community, as well as appropriate protections for rural residents.

POLICY 4.5 - Refine the Rural Conservation (RC) and the Rural residential (RR) zoning regulations to provide greater flexibility for the agricultural community, as well as appropriate protections for rural residents.

Implementing Actions:

a. Review of Permitted Uses. Examine and amend where appropriate the list of accessory and conditional uses in the RC and RR districts and refine uses and standards for approval.

b. Use Designations. Review use designations (permitted by right, by permit, and conditional) in each Rural West zoning district, and determine whether amendments are needed to make some uses less or more restrictive.

The proposed ZRA would proportionally expand the allowable lot coverage for accessory structures, which may result in more intensely developed properties without ensuring appropriate protections for rural residents.

Overall, the proposed ZRA 206 is not directly in conflict with the policies and objectives in PlanHoward 2030 which is effective in December 2023. The proposed amendment was submitted and evaluated prior to adoption of the HoCo By Design General Plan update. The proposed amendment will be evaluated for consistency with the General Plan update as an addendum to this technical staff report.

Environmental Policies and Objectives

The proposed amendment is not in conflict with the environmental policies and objectives in PlanHoward 2030, the County’s general plan.

- 5. **If the zoning regulation text amendment would impact eight parcels of land or less:(i) A list of those impacted parcels;(ii) The address of each impacted parcel;(iii) The ownership of each impacted parcel; and(iv)The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.**

This Zoning Regulation Amendment would impact more than eight (8) properties; therefore, this criterion does not apply.

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Lynda Eisenberg
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11/2/2023

Lynda Eisenberg, Director

Date

Exhibit A

Petitioner's Proposed Text

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

- (1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:
 - (a) 600 square feet for a lot in the planned public water and sewer service area.
 - (b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less
 - (c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres[.] BUT LESS THAN 3 ACRES.
 - (D) AN ADDITIONAL 500 SQUARE FEET FOR A LOT IN THE RC OR RR DISTRICT WHICH IS 3 ACRES OR GREATER BUT LESS THAN 4 ACRES PROVIDED THAT NO DETACHED ACCESSORY STRUCTURE SHALL BE LARGER THAN 2,500 SQUARE FEET.
 - (E) AN ADDITIONAL 500 SQUARE FEET FOR EACH ACRE GREATER THAN 4 ACRES FOR A LOT IN THE RC OR RR DISTRICT.
- (2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as accessory storage structures, and swimming pools. Farm structures, shipping containers used as accessory storage structures, and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.
- (3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

Example of how the text would appear normally if adopted:

a. Size restrictions

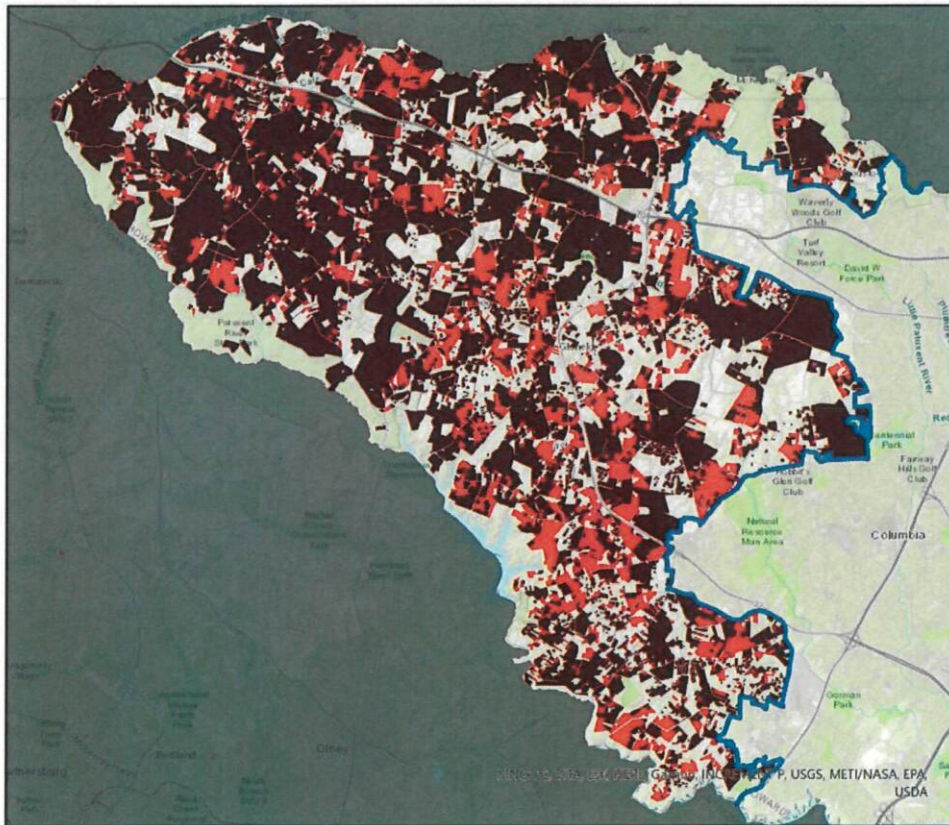
- (1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:
 - (a) 600 square feet for a lot in the planned public water and sewer service area.
 - (b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less
 - (c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres but less than 3 acres.
 - (d) An additional 500 square feet for a lot in the RC or RR District which is 3 acres or greater but less than 4 acres provided that no detached accessory structure shall be larger than 2,500 square feet.
 - (e) an additional 500 square feet for each acre greater than 4 acres for a lot in the RC or RR District.
- (2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as

accessory storage structures, and swimming pools. Farm structures, shipping containers used as accessory storage structures, and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.

(3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

Attachment A

Impacted Properties



ZRA-206

Impacted Properties

ZRA 206 Impacted Properties	
■	3 Acres and Under 4 (3,198)
■	Over 4 Acres (5,080)
—	Planned Service Area Line

Impacted properties were identified using the following criteria:

- 1) Zoned RR or RC
- 2) Over 3 Acres in size
- 3) Only residentially used
- 4) Outside of the PSA
- 5) Contains at least one building

October 12, 2023

