



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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September 30, 2008

## TECHNICAL STAFF REPORT

*Petition Accepted on August 29, 2008  
Planning Board Meeting of October 16, 2008  
County Council Hearing to be scheduled*

**Case No./Petitioner: ZRA - 107 – Robert and Maxine Walker**

**Request:** Zoning Regulation Amendment to Section 131.N.32 (Conditional Uses/Limited Outdoor Social Assemblies) to remove the requirement that the lot has direct access to and frontage on a collector or arterial road designated in the General Plan.

**Department of Planning and Zoning Recommendation: APPROVAL WITH MODIFICATION**

### I. DESCRIPTION OF PROPOSAL

- The proposal is for one amendment to Section 131.N.32 of the Zoning Regulations. The proposal would eliminate the requirement that properties seeking Conditional Uses for Limited Outdoor Social Assemblies have direct access to and frontage on a collector or arterial road designated in the general plan.

The reason for the amendment is to expand opportunities for economic benefits to owners of historic properties not located on a collector or arterial road.

- The complete proposed amendment text is attached to this Technical Staff Report as Attachment A (CAPITALS indicates text to be added; [[brackets indicate text to be deleted]]).

### II. EXISTING REGULATIONS

- In the current Conditional Use regulations for Limited Outdoor Social Assemblies, the lot is required to have direct access to and frontage on a collector or arterial road designated in the general plan.

### III. BACKGROUND INFORMATION

#### A. Scope of Proposed Amendments

- The proposed amendment to Section 131.N.32 is applicable only to properties in the RC District which are greater than five acres in size and designated as having historic structures.

#### IV. EVALUATIONS AND CONCLUSIONS

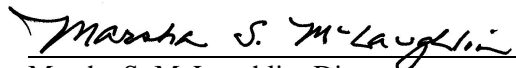
The proposal is harmonious with General Plan policies and goals which recognize that unusual expenses are incurred in maintaining historic properties, and encourages flexibility to promote the economic viability of these properties.

The Department of Department of Planning and Zoning (DPZ) concurs with the Petitioner's statement that the specific provisions for a separate assessment by the Board of Appeals concerning any traffic related issues associated with the granting of this Conditional Use will assure that the Conditional Use meets the criteria for access and safety. However, DPZ proposes adding language to this section of the Conditional Use requirements which would, in addition to the existing language of the general conditions, specifically require the Petitioner to demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or local road is consistent with language found in other Conditional Use categories and provides further assurance that the criteria for access and safety have been met.

#### V. RECOMMENDATION

#### APPROVAL WITH MODIFICATION

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-107, as noted above, be **APPROVED WITH MODIFICATION**.

 10/02/08  
Marsha S. McLaughlin, Director Date

## ATTACHMENT A

### Petitioner's Proposed Text

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

#### SECTION 131.N (Conditional Uses)

##### 32. Limited Outdoor Social Assemblies

A conditional use may be granted for limited outdoor social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these regulations.
- b. The minimum lot size is 5 acres or greater.
- [[c. **The lot has direct access to and frontage on a collector or arterial road designated in the general plan.**]]
- d. The limited outdoor social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- e. No permanent structures, including catering or restaurant facilities shall be constructed on site.
- f. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- g. Limited social assembly events shall have the following limitations:
  - (1) Maximum capacity is not to exceed 150 attendees;
  - (2) No more than 25 of these events shall be held within a one year period.
  - (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m. Sunday.
- h. All event activities occur outdoors.
- i. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The conditional use may not commence until the applicant has obtained approval of all necessary permits for its operation. Tents, port-a-pots or other temporary uses associated with the event shall be removed from the site within 3 days after the event.

## DPZ's Proposed Text

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

### SECTION 131.N (Conditional Uses)

#### 32. Limited Outdoor Social Assemblies

A conditional use may be granted for limited outdoor social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these regulations.
- b. The minimum lot size is 5 acres or greater.
- c. **[[The lot has direct access to and frontage on a collector or arterial road designated in the general plan.]]** IF THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE IS SHARED WITH OTHER PROPERTIES OR HAS DIRECT ACCESS TO AND FRONTAGE ON A LOCAL ROAD, THE PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT RESULT IN DAMAGE TO OR DETERIORATION OF THE SHARED DRIVEWAY OR IN INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY OR LOCAL ROAD.
- d. The limited outdoor social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- e. No permanent structures, including catering or restaurant facilities shall be constructed on site.
- f. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
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