



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT

*Petition Accepted on August 29, 2008
Planning Board Meeting of October 23, 2008
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-101 – Peralynna Properties, Inc.

Request: Zoning Regulation Amendment to amend Section 103.A.30., the definition for Country Inn, to delete the requirement that the building for such a use must be an historic building.

To amend Section 131.N.17., the specific criteria for a Country Inn Conditional Use, to delete the requirement that the building must be an historic structure, to add a provision requiring specific details on the types of principal and accessory uses on the site, and to add provisions for different specific criteria depending upon whether the Country Inn would be located in an historic structure or a non-historic structure.

Department of Planning and Zoning Recommendation:

DENIAL, WITH OPTION

I. DESCRIPTION OF PROPOSAL

- # **The Petitioner proposes two amendments to the Zoning Regulations. The first amendment is to the official definition for the term “Country Inn” in Section 103.A.30. and would simply delete the words “An historic” at the beginning of the definition. This would eliminate the basic requirement that such a use must be in an historic building by definition.**
- # **The second amendment is more complex, and as proposed includes multiple revisions to the specific criteria for a Country Inn Conditional Use in Section 131.N.17:**

The amendment would delete the somewhat redundant current requirements that the Conditional Use is “...for the conversion of an historic structure” and that “The building is a historic structure as defined in these regulations.”

It would add a new specific criteria requiring precise details on the nature of the principal and accessory uses, such as the frequency and length of meetings or events, the maximum number of day attendants and overnight guests, and the use(s) of outdoor areas.

The amendment would specify that the current requirements limiting the enlargement of the historic structure and accessory structures and requiring Historic District Commission approval for exterior alterations would only be applicable if the use is in an historic structure.

I. DESCRIPTION OF PROPOSAL

It would establish new, extra criteria if the Country Inn is not located in an historic structure, including that the minimum lot size is one acre, that the parcel must have frontage on and direct access to a collector or arterial road, that outdoor recreation uses are not permitted, that the front setback requirements for structures and parking must be the same, and that the Country Inn operators must reside on the property.

- # **In the Supplement to Petition, it is acknowledged that the petition is associated with the Inn at Peralynna (the “Inn”), an existing lodging-related use with a complex zoning history that is located on the south side of MD 108 approximately 400 feet east of Eliot’s Oak Road.**

As a quick explanation of the history, this use was operating under, but not necessarily in compliance with, an approved Special Exception for a “Boarding House” use in the R-12 District, but later in a Zoning Regulation Amendment, when the Special Exception regulations became the Conditional Use regulations, the ability to have such a Boarding House use was made only possible in the RC and RR Districts, which altered the authorized zoning status of the Inn.

- # **The subsections proposed to be amended and the amendment text is attached as Exhibit A – Petitioner’s Proposed Text (CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted).**

II. EXISTING REGULATIONS

- # **The definition for a Country Inn and the then Special Exception category for that use were largely established with the 1985 Zoning Regulations. A minor amendment in 1989 to the definition added the requirements that the guests must be transient guests, and that a bakery accessory use can only retail goods actually baked on the premises.**

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- # **As proposed by the Petitioner, certain aspects of the amendments, such as the deletion of the requirement that the building be an historic structure, could be applicable to any Country Inn use in any of the permitted zoning districts.**
- # **The other aspects would only be applicable as indicated for those criteria that are required for Country Inn uses proposed in historic structures, and for those criteria that are required for structures that are not historic.**

IV. EVALUATIONS AND CONCLUSIONS

- # **The concept of allowing historic structures to be used for Country Inn uses was and continues to be intended to give an owner of an historic structure at least the option to adaptively use the historic building for such a purpose and thereby enable it to be maintained and preserved over time.**

IV. EVALUATIONS AND CONCLUSIONS

- # **The “historic structure requirement” also has functioned as a limitation factor, particularly in the western area of the County, so there has never been a proliferation of proposals for this type of use.**

It was never envisioned that there would be many Country Inns. But there have been numerous requests over the years from property owners of non-historic properties, again mostly in the western area of the County, asking if they can transform their property into a use similar to a Country Inn use. The requirement that the building be historic has been a vital factor that has prevented what may otherwise have resulted in an excessive number of these uses.

- # **This is a major concern with the proposed amendments; in the form proposed, it would make the potential for Country Inn proposals to be too great, because non-historic properties as small as one acre would be eligible, and there are certainly many one acre properties everywhere, especially in the west, that front on at least a collector road.**

The proposal is far too broad just to devise a method to allow the Petitioners to continue the Inn use they are operating on their property. It is not prudent to amend the regulations as proposed because it could create more problems elsewhere by creating the potential for these quasi-commercial uses in numbers far greater than originally envisioned.

- # **Another concern is maintaining the integrity of the Conditional Use categories, which can be lost when the original intent for a category is diminished by proposals such as this that really have the effect of creating what is actually a new category.**

A Country Inn as originally envisioned was that such a use would most likely be a small one. Many old historic buildings such as historic homes can be relatively small in comparison to some of the homes being constructed today. So a Country Inn most likely would have comparatively few guest rooms, and the criteria for the use category also limit the potential for enlargements, which must be done in the context of maintaining the character of the historic site.

In comparison, the Inn use operated by the Petitioners is what is called by some a “boutique hotel”, and there is evidence that they market the Inn under such a title. With 19 guest rooms it is larger than and is certainly a more intense use than most would associate with a Country Inn. At the very least such a Conditional Use should be called what it is, rather than reduce the distinction of what a Country Inn use should be by trying to fit the Inn in under that same category.

- # **Based on the concerns noted above, the amendments are not prudent and should be denied. However, should the County Council find that a use such as the Petitioner’s Inn can be an appropriate Conditional Use in the R-12 District, the Department of Planning and Zoning has drafted an amendment option for its consideration.**

IV. EVALUATIONS AND CONCLUSIONS

The text of this option is attached as Exhibit B. The provision of this option is not an endorsement of the concept proposed by the Petitioner. Rather, it is provided so that if the general concept does receive support, the potential future use of such a Conditional Use should be made as limited as possible, and the current Conditional Use category for Country Inn should be preserved without any changes that could lead to unintended consequences.

- # **One important note on the Exhibit B option which needs to be stressed concerns the issue of outdoor social assemblies. According to the Supplement to Petition and other information on record, the Petitioners have been conducting outdoor social assemblies and have an interest in continuing to do so, based upon their proposed amendments.**

It is one thing to have a principally indoor use such as a lodging use in relatively close proximity to adjacent residential uses. It is entirely different to have outdoor social assemblies in such a setting, due to the noise and increased activity that are often generated by such uses.

- # **The County considered this general issue relatively recently in approving a Zoning Regulation Amendment for Section 131.N.32., the Conditional Use category for Limited Outdoor Social Assemblies.**

As can be seen in the criteria for this use, the Conditional Use category for Limited Outdoor Social Assemblies is limited to the RC District, to historic properties only, and then only for lots five acres or greater.

To allow outdoor social assemblies on an R-12 property of as small as one acre would be illogical in comparison. Due to this, the Exhibit B option specifically prohibits outdoor social assemblies except on properties of five acres or greater.

V. RECOMMENDATION **DENIAL. (An option is provided, but is not an endorsement)**

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-101 as noted above, be DENIED.

Marsha S. McLaughlin, Director

Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

Exhibit A – Petitioner’s Proposed Text

30. Country Inn: A[[n historic]] building in which one or more of the following services is offered: lodging for transient guests on a daily, weekly or similar short term basis; a standard restaurant as defined in these regulations; a banquet facility or catering service; or meeting rooms. A country inn may include related accessory uses such as:
- a. Antique shop, gift shop, Christmas shop, book, candle, card and similar specialty shops;
 - b. Bakery, provided such use is limited to the retail sale from the premises of goods baked on the premises only;
 - c. Arts and crafts exhibits and sale of products;
 - d. Sale of packaged or canned food products special to the establishment;
 - e. Museums and cultural exhibits;
 - f. Recreational uses for the sole use of overnight guests or guests attending meetings or catered events at the inn;
 - g. Any other uses similar to the foregoing and any use normally and customarily incidental to a country inn.

For the purpose of this definition, no boarding house, fast food restaurant, dormitory, fraternity or sorority house shall be considered a country inn.

17. Country Inn

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH or HO Districts for [[the conversion of an historic structure to]] a country inn, provided that:

[[a. The building is a historic structure as defined in these regulations.]]

[[b]]A. Principal and accessory uses shall be identified on the site plan submitted with the application. Accessory uses, not including outdoor recreational areas for use by guests of the inn, shall be limited to an area no greater than 25 percent of the total floor area of all buildings.

[[c]]B. If a public restaurant is part of the country inn, the minimum lot size shall be 3 acres unless the parcel has frontage and direct access to a collector or arterial road designated in the General Plan.

[[f]]C. Outdoor uses, including loading and refuse storage areas and outdoor reception or restaurant areas, will be located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.

D. THE TYPES OF PRINCIPAL AND ACCESSORY USES AND THE LEVEL OF ACTIVITY ON THE SITE ARE SPECIFIED INCLUDING BUT NOT LIMITED TO THE FREQUENCY OR LENGTH OF MEETINGS OR EVENTS, THE MAXIMUM NUMBER OF DAY AND OVERNIGHT GUESTS, AND THE USES OF OUTDOOR AREAS.

E. THE FOLLOWING REQUIREMENTS APPLY IF THE COUNTRY INN IS OPERATED IN A HISTORIC STRUCTURE AS DEFINED BY THESE REGULATIONS:

- [[d.]](1) Extension or enlargement of the principal historical structure and all accessory structures may not exceed fifty percent of the gross floor area of each individual building above that which Existed on February 8, 1982, when the category for country inns was added to these regulations.
- [[e.]](2) Exterior alterations to the structure and site are approved by the Historic District Commission as architecturally compatible with the historic structure.

[[e]]F. THE FOLLOWING REQUIREMENTS APPLY IF THE COUNTRY INN IS OPERATED IN A BUILDING THAT IS NOT A HISTORIC STRUCTURE:

- (1) THE MINIMUM LOT SIZE SHALL BE 1 ACRE, AND THE PARCEL SHALL HAVE FRONTAGE AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN.
- (2) NO OUTDOOR RECREATIONAL USES ARE PERMITTED.
- (3) THE FRONT SETBACK FOR PARKING SHALL BE THE SAME AS THE FRONT SETBACK FOR STRUCTURES.
- (4) THE OPERATORS OF THE COUNTRY INN SHALL RESIDE ON THE PROPERTY.

Exhibit B – Option

1. The Section 103.A.30. definition for Country Inn should not be amended in any way.
2. Section 131.N.17. could be amended as follows :
17. **Country Inn OR BOUTIQUE HOTEL**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH or HO Districts for the conversion of an historic structure to a country inn, provided that:

- a. The building is a historic structure as defined in these regulations.
- b. Principal and accessory uses shall be identified on the site plan submitted with the application. Accessory uses, not including outdoor recreational areas for use by guests of the inn, shall be limited to an area no greater than 25 percent of the total floor area of all buildings.
- c. If a public restaurant is part of the country inn, the minimum lot size shall be 3 acres unless the parcel has frontage and direct access to a collector or arterial road designated in the General Plan.
- d. Extension or enlargement of the principal historical structure and all accessory structures may not exceed fifty percent of the gross floor area of each individual building above that which Existed on February 8, 1982, when the category for country inns was added to these regulations.
- e. Exterior alterations to the structure and site are approved by the Historic District Commission as architecturally compatible with the historic structure.
- f. Outdoor uses, including loading and refuse storage areas and outdoor reception or restaurant areas, will be located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.

A CONDITIONAL USE MAY BE GRANTED IN THE R-12 DISTRICT FOR A BOUTIQUE HOTEL, PROVIDED THAT:

- A. THE MINIMUM LOT SIZE SHALL BE 1 ACRE, AND THE PARCEL SHALL HAVE FRONTAGE AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN.
- B. THE MINIMUM LOT SIZE FOR ACCESSORY OUTDOOR SOCIAL ASSEMBLY USES IS 5 ACRES OR GREATER.
- C. THERE SHALL BE NO OUTDOOR RECREATIONAL USES.
- D. THE FRONT SETBACK FOR PARKING SHALL BE THE SAME AS THE FRONT SETBACK FOR STRUCTURES.

- E. THE OWNERS OF THE BOUTIQUE HOTEL SHALL RESIDE ON THE PROPERTY.
- F. THE TYPES OF PRINCIPAL AND ACCESSORY USES AND THE LEVEL OF ACTIVITY ON THE SITE ARE SPECIFIED, WHICH MUST INCLUDE BUT IS NOT LIMITED TO THE FREQUENCY OR LENGTH OF INDOOR MEETINGS OR EVENTS, THE MAXIMUM NUMBER OF DAY AND OVERNIGHT GUESTS, AND THE USES OF OUTDOOR AREAS.
- G. THE MAXIMUM FLOOR AREA RATIO ("FAR") FOR THE BOUTIQUE HOTEL SHALL BE 0.40 FAR.
- H. THE USE SHALL HAVE LESS THAN 20 GUEST ROOMS.
- I. ON-SITE PARKING MUST BE PROVIDED IN COMPLIANCE WITH THE MINIMUM PARKING REQUIREMENTS FOR HOTEL OR MOTEL USES.
- J. THERE SHALL BE NO PUBLIC RESTAURANT USE.