

Introduced 9/8/15
Public hearing 9/21/15
Council action 10/5/15
Executive action 10/8/15
Effective date 12/8/15

County Council of Howard County, Maryland

2015 Legislative Session

Legislative day # 10

BILL NO. 39 - 2015 (ZRA - 154)

**Introduced by the Chairperson
at the request of Robert and F. Maxine Walker**

AN ACT amending the Howard County Zoning Regulations' Limited Outdoor Social Assemblies conditional use to permit the interior use of existing farm structures during events; and generally relating to Limited Outdoor Social Assemblies.

Introduced and read first time September 8, 2015. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on September 21, 2015.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time October 5, 2015 and Passed Passed with amendments___, Failed___.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 7th day of October, 2015 at 4 a.m.(p.m.)

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Approved vetoed by the County Executive on October 8, 2015.

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. Strikeout indicates material deleted by amendment; Underlining indicates material added by amendment.

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

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4 *By amending:*

5 *Section 131.0: "Conditional Uses"*

6 *Subsection N. 33 "Limited Outdoor Social Assemblies"*

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Howard County Zoning Regulations

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SECTION 131.0: CONDITIONAL USES

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N. Conditional Uses and Permissible Zoning Districts

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33. Limited ~~Outdoor~~ Social Assemblies

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A Conditional Use may be granted for limited ~~outdoor~~ social assemblies in the RC District, provided that:

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a. The lot is the site of a historic structure as defined in these Regulations.

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b. The minimum lot size is 5 acres or greater.

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c. 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. The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Conditional Use operator's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use, including requirements for surfacing of access driveways.

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d. The petitioner shall provide a traffic management plan and a sight distance analysis.

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e. The limited ~~outdoor~~ social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or

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1 baby showers, not for profit organization fund raisers, banquets, rehearsal
2 dinners, philanthropic events, or other similar events.

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4 f. With the exception of restroom facilities if required by the Health
5 Department, no permanent structures, including catering or restaurant
6 facilities shall be constructed on site.

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8 g. The outdoor assembly area is located and designed to shield residential
9 property from noise or nuisance and screened from adjacent residential
10 properties.

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12 h. Limited social assembly events shall have the following limitations:

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14 (1) Maximum capacity is not to exceed 150 attendees;

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16 (2) No more than 25 of these events shall be held within a one
17 year period.

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19 (3) Operation hours shall be restricted to between 9:00 a.m.
20 and 10:00 p.m., Monday thru Thursday; between 12:00
21 p.m. and 12:00 a.m., Friday and Saturday; and between
22 12:00 p.m. and 10:00 p.m., Sunday.

23
24 i. All event activities shall occur outdoors EXCEPT THAT INTERIOR SPACES
25 IN EXISTING STRUCTURES OVER 50 YEARS OLD, LIMITED TO BARNES OR
26 OTHER SIMILAR FARM STRUCTURES WHICH ARE EXISTING AT THE TIME OF
27 THE CONDITIONAL USE APPLICATION, MAY BE UTILIZED. Event activities
28 within enclosed tents are permitted, however.

29
30 j. Special events with catered food or food prepared on-site are subject to
31 review by the food protection program of the Howard County Department
32 of Health and may require a special events permit. The Conditional Use



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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FAX 410-313-3467
TDD 410-313-2323

April 13, 2015

ZRA= 154

TECHNICAL STAFF REPORT Tech staff Report=

*Petition Accepted on March 23, 2015
Planning Board Meeting of May 7, 2015
County Council Hearing to be scheduled*

Planning Board =

Legislation = CB39-2015

Case No./Petitioner: ZRA 154 – Robert & F. Maxine Walker

Request: Zoning Regulation Amendment to Section 131.0.N.33 of the Conditional Use category for Limited Outdoor Social Assemblies to add an option to allow the interior of certain farm structures to be used for events.

Department of Planning and Zoning Recommendation:

APPROVAL WITH REVISIONS

I. DESCRIPTION OF PROPOSAL

- The Petitioner proposes to amend Section 131.0.N.33 of the Zoning Regulations.
- The proposed amendment would add an option to allow the interior of certain farm structures to be used for limited social assembly events. These interior areas would be limited to existing farm structures which are at least 50 years old.
- As justification for the proposal the petition states that the amendment would enhance the rural atmosphere of the venue and would substantially reduce/mitigate the visual, light, audio and traffic impacts on vicinal properties.
- The complete proposed amendment text is attached to this Technical Staff Report as Attachment A (Petitioner's Proposed Text).
- The complete text as proposed by the Department of Planning and Zoning is attached to this Technical Staff Report as Attachment B (DPZ's Proposed Text).

II. EXISTING AND PROPOSED REGULATIONS

- Currently, Section 131.0.N.33 limits all activities of Limited Outdoor Social Assemblies to take place outdoors only. Event activities within enclosed tents are also permitted.

The proposed amendment would add a provision to allow events to occur within interior spaces of existing farm structures which are at least 50 years old.

The Department of Planning and Zoning recommends that this criterion specifically state that interior use is restricted to barns and other similar farm structures (which are at least 50 years old) in order to clarify that the interior of the historic residential dwelling is not to be used for events (see Attachment B).

- **Currently the Conditional Use section title is, Limited Outdoor Social Assemblies.**

The Department of Planning and Zoning recommends that the category title and other pertinent language in the criteria be modified to eliminate the term “outdoor” (see Attachment B) with the exception of Subsection g. since outdoor functions would still be permitted and these would continue to be subject to the existing screening provision of this section which states,

 - g. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- **Under the proposal, the Petitioner would add text to Subsection i. which appears to establish criteria/justification for holding events indoors.**

The Department of Planning and Zoning recommends that a portion of the Petitioner’s proposed text for Subsection i., which pertains to the mitigation/abatement of visual, light, audio and traffic effects on vicinal properties, be eliminated. While mitigation of impacts may be a resulting benefit of using interior spaces, there should be no additional required criteria for holding events in interior spaces. Instead indoor events would simply be an option which may be exercised without justification.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendment

- **The proposed amendment would apply only to Conditional Uses for Limited Outdoor Social Assemblies. Currently, there is only one approved Conditional Use for this use in the County, so the impact of the proposed amendment would currently be limited to a single development. Certainly, there could be other properties which would be affected by the amendment but such opportunities are limited to a small number of properties due to the nature of the specific Conditional Use requirements.**

B. Agency Comments

See attached comments on the proposal from the following agency:

1. Department of Inspections, Licenses and Permits

IV. EVALUATIONS AND CONCLUSIONS

- The proposed amendment would add an option to an existing Conditional Use category which would provide greater economic flexibility to owners of certain historic properties and provide for reductions in impacts to vicinal properties.

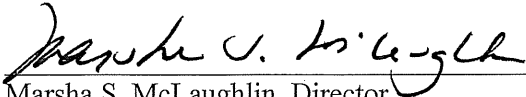
ZRA 154

Robert & F. Maxine Walker

V. RECOMMENDATION

APPROVAL WITH REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA 154 **APPROVED** with the noted text revisions in Attachment B.


Marsha S. McLaughlin, Director


Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

MM:ZLK/zlk

ZRA 154 - Attachment A

Petitioner's Proposed Text

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

SECTION 131.0: Conditional Uses

33. Limited Outdoor Social Assemblies

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

- i. All event activities shall occur outdoors EXCEPT THAT INTERIOR SPACES IN EXISTING FARM STRUCTURES OVER 50 YEARS OLD MAY BE UTILIZED TO ASSIST IN THE MITIGATION/ABATEMENT OF VISUAL, LIGHT, AUDIO AND TRAFFIC EFFECTS ON VICINAL PROPERTIES. Event activities within enclosed tents are permitted, however.

ZRA 154 - Attachment B

DPZ's Proposed Text

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

SECTION 131.0: Conditional Uses

33. Limited [[Outdoor]] Social Assemblies

A Conditional Use may be granted for limited [[outdoor]] social assemblies in the RC District, provided that:

- e. 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.
- i. All event activities shall occur outdoors EXCEPT THAT INTERIOR SPACES IN EXISTING STRUCTURES OVER 50 YEARS OLD, LIMITED TO BARNs OR OTHER SIMILAR FARM STRUCTURES WHICH ARE EXISTING AT THE TIME OF THE CONDITIONAL USE APPLICATION, MAY BE UTILIZED. Event activities within enclosed tents are permitted, however.

MEMO TO: Department of Planning and Zoning

FROM: Department of Inspections, Licenses and Permits

Petition No.: ZRA 154

Date Due: 4-17-15

Date Rec'd: 04-01-15

Tax Map No.: n/a

Block:

Parcel:

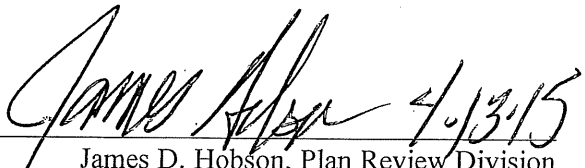
Lot:

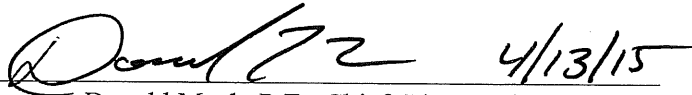
Applicant: Robert & F. Maxine Walker

Location/Address: 3666 Jennings Chapel Road, Woodbine, MD 21737

Nature of Petition: to reduce visual, light, audio & traffic effects on vicinal properties

The Petitioner shall be advised that the use of any farm building for social assembly will require that structure to have a "change in use" building permit. Building code requirement will be from the 2015 IEBC and the NFPA-101-2015 Edition.


James D. Hobson, Plan Review Division
Department of Inspections, Licenses and Permits


Donald Mock, P.E., Chief, Plan Review Division
Department of Inspections, Licenses and Permits