



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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October 8, 2009

TECHNICAL STAFF REPORT

*Petition Accepted on May 7, 2009
Planning Board Meeting of October 22, 2009
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-114 – Tim Keane

Request: Zoning Regulation Amendment to amend Section 103.B.122, the definition for Neighborhood Preservation Parcel, to add provisions allowing unimproved properties to also be Neighborhood Preservation Parcels.

Department of Planning and Zoning Recommendation: APPROVAL WITH MINOR REVISIONS

I. DESCRIPTION OF PROPOSAL

- The Petitioner proposes one amendment to the Zoning Regulations, to revise the definition for Neighborhood Preservation Parcel ("NPP"). Currently, this definition is as follows:

Preservation Parcel, Neighborhood: A residential infill parcel in the R-20, R-12, or R-ED zoning districts that existed on September 9, 2008 and is designated as a sending parcel on a revision plat or a final plat or easement. A Neighborhood Preservation Parcel shall be encumbered by a Neighborhood Preservation Parcel Easement, improved with an existing dwelling unit, and any new structures placed on the site shall not be larger than 50 percent of the building footprint of the dwelling unit existing at the time the Neighborhood Preservation Easement is recorded, except as provided in Section 128.L.2.b.

- As stated in this definition, to qualify as a NPP, a parcel must be improved with an existing dwelling unit. The Petitioner proposes to insert the following text after the word "unit" in the second sentence, to establish a provision allowing an unimproved parcel to also qualify as a NPP:

OR, IF A VACANT PARCEL, MUST BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION OR DEDICATED TO THE HOWARD COUNTY DEPARTMENT OF RECREATION AND PARKS.

In addition, the Petitioner proposes to delete the two words, "and any" that currently follow the word "unit", and replace them with "ANY".

Exhibit A – Petitioner’s Proposed Text

Section 103.B.122:

Preservation Parcel, Neighborhood: A residential infill parcel in the R-20, R-12, or R-ED zoning districts that existed on September 9, 2008 and is designated as a sending parcel on a revision plat or a final plat or easement. A Neighborhood Preservation Parcel shall be encumbered by a Neighborhood Preservation Parcel Easement, improved with an existing dwelling unit, OR, IF A VACANT PARCEL, MUST BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION OR DEDICATED TO THE HOWARD COUNTY DEPARTMENT OF RECREATION AND PARKS. [[and any]] ANY new structures placed on the site shall not be larger than 50 percent of the building footprint of the dwelling unit existing at the time the Neighborhood Preservation Easement is recorded, except as provided in Section 128.L.2.b.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- The Department of Planning and Zoning concurs with the Petitioner that the proposed amendment is in harmony with the basic purpose of Community Conservation and Enhancement Policy No. 5.7.

One way this can be viewed is as a type of "counter-infill" provision. An unimproved property that might otherwise be developed for one dwelling could instead be preserved in its current state.

B. Relation to the Zoning Regulations

- Similarly to the original ZRA 95 proposal, with its principal intent to create a residential density transfer process to help to maintain the overall character of existing low density residential neighborhoods, the ZRA 114 amendment is also in harmony with the Legislative Intent of the Zoning Regulations to "...protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County..."

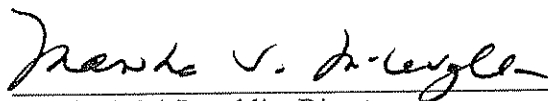
C. Other Issues

- There is no concern with expanding the potential for preserved areas within neighborhoods. Requiring a vacant NPP to be owned and maintained by a homeowners association or owned by the County should resolve any issues with maintaining the property over time.
- The Department of Planning and Zoning recommends some very minor revisions to the proposed amendment. These are self-explanatory and are shown in Exhibit B – DPZ Proposed Revisions. (UNDERLINED CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted).

V. RECOMMENDATION

APPROVAL WITH MINOR REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-114 as noted above, be APPROVED, with the text as shown on Exhibit B.



Marsha S. McLaughlin, Director

Date

8/5/13

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.