



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”.

I. DESCRIPTION OF PROPOSAL

- # **The Petitioner promotes this revision as being in harmony with the Community Conservation and Enhancement Policy No. 5.7 to “Ensure infill development will be compatible with existing neighborhoods” on the basis that this amendment provides “...that in-fill areas that are to be preserved can remain and be maintained in a natural condition and do not require a house to be located on the preserved parcel.”**
- # **For the entire proposal, please refer to the attached Exhibit A – Petitioner’s Proposed Text. (CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted).**

II. EXISTING REGULATIONS

- # **The existing definition and the related regulations in Section 128.L. governing NPPs and the process to establish such parcels by sending density were established with ZRA 95, which became effective in September, 2008.**

Originally, the concept of a NPP was that it would be a lot with an existing residential use, and that the purpose of the preservation parcel would be to maintain the residential use and the overall appearance of the property by allowing density to be extracted and sent elsewhere.

The basic premise of this ZRA 114 proposal would expand this concept to currently unimproved properties, although it theoretically could also be applied to currently improved properties that are made to become unimproved by demolishing an existing dwelling.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendment

- # **The amendment would apply to any property in the R-ED, R-20 and R-12 Districts that also complies with the criteria in Section 128.L.1 requiring that the parcel “...qualifies under the criteria for neighborhood infill development as defined in Section 16.108.(b) of the Subdivision and Land Development Regulations and is eligible to be developed for additional residential lots...”.**

Because a NPP would not need to have an existing dwelling, it would most likely expand the number of potential properties, although the Petitioner does not offer an estimate of the number as requested in Section 8 of the petition form.

B. Agency Comments

- # **The following agencies had no objections to the proposal:**

1. Department of Recreation & Parks
2. Bureau of Environmental Health
3. Department of Fire and Rescue Services
4. Department of Inspections, Licenses and Permits

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...”.**

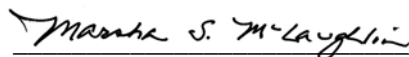
C. Other Issues

- # **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

10/08/09
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

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.

Exhibit B – DPZ Proposed Revisions

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, **AND IS EITHER** improved with an existing dwelling unit, **[[OR, IF A VACANT PARCEL,]]** **OR IF UNIMPROVED,** **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.