



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA-172

Date Filed: 8-29-16

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: Amend Section 128.0.K., to make certain Neighborhood Preservation sending parcels eligible for a Conditional Use for Historic Building Uses.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Stephen Ferrandi, Maryland Land Advisors

Address 5771 Waterloo Road, Suite 1000, Ellicott City, MD 21043

Phone No. (W) (866) 910-5263 (H)

Email Address stephen@marylandland.com

3. Counsel for Petitioner Sang W. Oh, Esquire, Talkin & Oh, LLP

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042

Counsel's Phone No. (410) 964-0300

Email Address soh@talkin-oh.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed

To permit owners of historic properties with Neighborhood Preservation Easements to be eligible for a conditional use for Historic Building Uses. This amendment is consistent with the policy goals of the Neighborhood Preservation Density Exchange Option program and the approval criteria for Historic Building Uses. Under the current regulations, historic properties are explicitly contemplated as sending parcels for Neighborhood Preservation. Similarly, Historic Building Uses is a conditional use specifically designed for properties with historic structures. These two uses are not mutually exclusive and the regulations should be amended to allow a Neighborhood Preservation sending parcel to be considered for a Historic Building Uses conditional use.

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HOWARD COUNTY COUNCIL RECEIVED

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County. See attached Supplemental Statement

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. See attached Supplemental Statement

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s). See attached Supplemental Statement

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

See attached Supplemental Statement

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. None

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Stephen Ferrandi, Maryland Land Advisors
Petitioner's name (Printed or typed)

Stephen J. Ferrandi 26 August 2016
Petitioner's Signature Date

Sang W. Oh
Sang W. Oh, Counsel for Petitioner

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee.....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night.....\$510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty four (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:07/12

T:\Shared\Public Service and Zoning\Applications\County Council\ ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Stephen Ferrandi, Maryland Land Advisors

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: Stephen Ferrandi/Maryland Land Advisors

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>None</u>		

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Stephen J. Ferrandi
Signature: Stephen J. Ferrandi
Date: 26 August 2016

PETITIONER: Stephen Ferrandi, Maryland Land Advisors

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Stephen J. Ferrandi, the applicant in the above zoning matter

_____, AM

_____, AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Stephen J. Ferrandi

Signature: Stephen J. Ferrandi

Date: 26 August 2016

**Petition to Amend the Zoning Regulations
Of Howard County**

Supplemental Statement

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with the current General Plan for Howard County.

The proposed Zoning Regulation Amendment making Neighborhood Preservation sending parcels eligible for a Historic Building conditional use is in harmony with many of the policy goals under PlanHoward 2030. First, the proposed amendment will expand the availability of existing programs focused on historic preservation in accordance with Policy 4.10. By allowing sending parcels to apply for this conditional use, the regulations will strengthen the preservation laws that exist, discourage the demolition of historic properties, and promote adaptive reuse of historic buildings. Both the Neighborhood Preservation Exchange Option and the Historic Buildings conditional use promote the preservation of historic properties and structures. Due to the overlapping eligibility of historic properties for both a Neighborhood Preservation easement and a Historic Building conditional use, the regulations governing these programs should be brought into harmony.

Second, the proposed amendment is also consistent with Policy 10.3, which encourages policy-makers to “[e]xpand the range and scope of community planning to identify... facilities...or other amenities that would create more complete communities and reflect community diversity.” This ZRA encourages the preservation of historic properties that contribute to community diversity. Furthermore, the Neighborhood Preservation regulations require that sending parcels with historic structures be made available to the public, which ensure that properties affected by this ZRA will ultimately operate as historic amenities for the community at large.

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of “...preserving and promoting the health, safety and welfare of the community.” Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A.

This ZRA promotes the preservation of Howard County’s historic properties and aligns the goals of preservation with the interests of property owners in retaining a practical use for their property. Furthermore, this ZRA encourages the use of the Neighborhood Preservation Density Exchange Option program by ensuring property owners will still be eligible for this conditional use despite entering into an easement that may preclude other uses.

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s).

Please see above.

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.
If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The proposed amendment would potentially impact all historic properties in the R-ED, R-20, R-12 and R-SC zones for which the Neighborhood Preservation Density Exchange Option is available. That is a significantly circumscribed category of properties and the policy rationale stated above would apply universally to such parcels. Furthermore, as with all conditional uses, any petition for a Historical Building conditional use under this amendment would be evaluated for compliance with the conditional use criteria.

Petitioner's Proposed Text
Neighborhood Preservation Density Exchange Option ZRA

Amend Section 128.0.K.1.b. as follows:

- b. A parcel that is either County-owned or encumbered with a Maryland Historic Trust Easement located in the R-ED, R-20, R-12, and R-SC District that qualifies as a Neighborhood Preservation sending parcel and that contains a historic structure which is open and accessible to the public may send density without limitation on the maximum number of development rights exchanged, provided that a single development right is retained in accordance with Subsection 4.a below. A PARCEL THAT QUALIFIES AS A NEIGHBORHOOD PRESERVATION SENDING PARCEL UNDER THIS SECTION MAY BE ELIGIBLE FOR A CONDITIONAL USE FOR HISTORIC BUILDING USES.

Example of How Text of Section 128.0.K.1.b. Would Appear Normally if Adopted:

- b. A parcel that is either County-owned or encumbered with a Maryland Historic Trust Easement located in the R-ED, R-20, R-12, and R-SC District that qualifies as a Neighborhood Preservation sending parcel and that contains a historic structure which is open and accessible to the public may send density without limitation on the maximum number of development rights exchanged, provided that a single development right is retained in accordance with Subsection 4.a below. A parcel that qualifies as a Neighborhood Preservation sending parcel under this section may be eligible for a Conditional Use for Historic Building Uses.