



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-196 Date Filed: 8-3-20

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:

Applicant proposes to add Country Inn, Personal Service Establishments and Specialty Stores to the uses allowable by right under the zoning regulations for properties in the Historic Office (HO) zoning district.

[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 Kimberly Kepnes Address 3585 Church Road, Ellicott City MD 21043 Phone No. (W) 443-250-4241 (H) Email Address kimberly.kepnes@monumentsothebysrealty.com

3. Counsel for Petitioner Counsel's Address Counsel's Phone No. Email Address

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed Two devastating floods in the Historic District of Ellicott City have resulted in many shuttered businesses and a reduced number of commercial properties available to support a growing economic district. The proposed amendment not only supports growth but also provides an opportunity to expand the usefulness of Historic Office (HO) properties which will support revitalization in Ellicott City.

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 Response to Section 5

[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 100.0.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 100.0.A. _____

Approval of the amendments supports the Legislative intent of the zoning regulations. The additional zoning uses protect the character and the social and economic stability of all parts of the community and supports land uses which protect, preserve, and enhance the natural, environmental, historic, architectural, and other landscape resources.

[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 Response to Section 7

[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.

Main Street Historic Commercial (HC) uses have been naturally working their way to the Historic Office (HO) district for years. Personal Service Establishments and public and private events for arts, comedy and entertainment are visible today. Legitimizing visible and expanding consistent uses in HO is an appropriate action to support both economic districts. Definition of Country Inn, Personal Service Establishments and Specialty Store is provided as a supplement to this application.

[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. _____

The HO district previously allowed Country Inn as a use permitted, but through oversight or mistake it was deleted.

[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

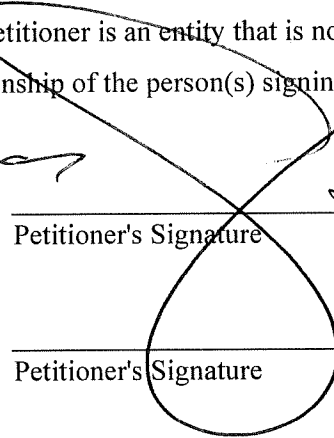
“Petitioner’s Proposed Text” that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide 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.

Kimberly Kepnes
Petitioner’s name (Printed or typed)


Petitioner's Signature

July 27, 2020
Date

Petitioner’s name (Printed or typed)

Petitioner's Signature Date

Petitioner’s name (Printed or typed)

Petitioner's Signature Date

Counsel for Petitioner’s Signature
[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 (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: Kimberly Kepnes

AFFIDAVIT AS TO CONTRIBUTION

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

I, Kimberly Kepnes, the applicant in the above zoning matter

X, HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

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

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

Printed Name: Kimberly Kepnes

Signature: 

Date: July 21, 2020

PETITIONER: Kimberly Kepnes

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: Kimberly Kepnes

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Liz Walsh (via Act Blue)</u>	<u>4/4/2018-1/14/2019</u>	<u>\$750</u>
<u>Liz Walsh</u>	<u>7/10/2018</u>	<u>350</u>
<u>Liz Walsh</u>	<u>10/20/2018</u>	<u>100</u>
<u>Liz Walsh</u>	<u>5/2018</u>	<u>250</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: Kimberly Kepnes

Signature: _____

Date: July 27, 2020

ZRA Application to Add Country Inn, Specialty Store and Personal Service Establishments to HO Zoning District

Petitioner: Kimberly Kepnes

Response to Section 5:

5. Provide a detailed justification statement demonstrating how the proposed amendment will be in harmony with the General Plan.

Beginning with the General Plan 2000, the County has embraced the need to renovate or redevelop certain corridors and community centers. This approach provides opportunities for encouraging revitalization of underutilized commercial areas and stimulating economic growth that also strengthens older communities. The current general plan for Howard County supports the review, amendment, and evolution of existing regulatory structures as development patterns in the County evolve and as needed to better meet goals for established communities, targeted growth, and revitalization. Additionally, the General Plan promotes the importance of the redevelopment and renovation of existing commercial centers and the need to identify ways to preserve the existing character of established neighborhoods while accommodation continuing growth.

The proposed amendments support redevelopment efforts in the Historic District of Ellicott City. Two devastating floods have had a significant social and economic impact in the Historic District with multiple commercial buildings forever lost to commercial use. Confidence has also waned. Approval of the amendments support recovery by extending the Country Inn, Specialty Store and Personal Services Establishment uses allowed in the connected and adjacent HC district to the HO district which supports a recovering Ellicott City and revitalizes the underutilized HO district with consistent and compliment uses.

ZRA Application to Add Country Inn, Specialty Store and Personal Service Establishments to HO Zoning District

Petitioner: Kimberly Kepnes

Response to Section 7:

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

In addition to the impact of the two devastating floods of 2016 and 2018, from which the commercial Historic District has yet to recover, the COVID-19 crisis has caused and threatens additional and severe economic blows. Approval of the amendments will support efforts to strengthen existing recovery efforts as follows:

1. Approval of the amendments will allow existing buildings in the HO zoning district the ability to support uses which attract business, visitors, and residents to the Historic District today.
2. Approval of the amendments will support revitalization of historic district buildings, some of which have already gone dark and may remain so in our post COVID office environment.
3. Approval of the amendments is an action with an immediate benefit which triggers economic growth.

ZRA Application to Add Country Inn, Specialty Store and Personal Service Establishments to HO Zoning District

Petitioner: Kimberly Kepnes

Supplemental Documentation

Definitions: Country Inn, Personal Service Establishment and Specialty Store
Zoning Regulations Section 103: Definitions

Country Inn: An 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 Zoning 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.

Personal Service Use: A commercial establishment in which the principal occupation is the repair, care, maintenance, styling, fashioning, or customizing of personal attributes that are a physical component of a person, or personal properties that are worn or carried about the person. Personal service establishment uses include such uses as barber shops, hair salons, nail salons, health spas, self-service laundromats, shoe cleaning or repair shops, and similar uses.

Specialty Store: A retail business that principally offers a specific type or category of merchandise for sale or rental. Examples include but are not limited to stores specializing in art supplies, bicycles, books, cards, electronics, fabrics, flowers, gifts, hobbies, house wares, jewelry, luggage, musical instruments, news publications, optical goods, pets, photographic supplies, radios and televisions, sewing machines, sporting goods, stationary, or works of art.

PETITIONER PROPOSED TEXT (IN CAPS AND BOLD FACE TYPE)

SECTION 114.2: - HO (Historic: Office) District

A. Purpose

The Historic Office District is established to permit a mix of offices and residences with supporting cultural and commercial uses which will encourage new development and reuse of existing structures consistent with the existing character of the area.

B. Uses Permitted as a Matter of Right

1. Single-family attached dwelling units.
2. Single-family detached dwelling units.
3. Apartment units, only in existing historic structures.
4. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions.
5. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
7. Conference centers and bed and breakfast inns.
8. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
9. Convents and monasteries used for residential purposes.
10. Funeral homes and mortuaries.
11. Government structures, facilities and uses, including public schools and colleges.
12. Museums and libraries.
13. Nonprofit clubs, lodges and community halls.
14. Offices, professional and business.
15. Religious facilities, structures, and land used primarily for religious activities.
16. Service agencies.
17. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
18. Schools, commercial.
19. Underground pipelines; underground electric transmission and distribution lines; underground telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
20. Volunteer fire departments.
- 21. COUNTRY INN**
- 22. PERSONAL SERVICE ESTABLISHMENT**
- 22. SPECIALTY STORES**

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Community meeting houses, commercial establishments for receptions and parties.
3. Antennas accessory to a principal use on the lot.
4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
5. Accessory Solar Collectors.

D. Bulk Regulations

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum limitations shall apply:
 - a. Height
 - (1) Principal structure 40 feet
 - (2) Accessory structures 15 feet
 - (3) Except spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, antennas, outdoor athletic structures 45 feet
 - b. Floor area ratio 3 to 1
 - c. Density 15
dwelling units per net acre
 - d. Cornices and eaves may project not more than three feet beyond the face of the structure.
 - e. A bay window, oriel, vestibule or balcony may project not more than four feet beyond the face of the structure.
2. The following minimum requirements shall be observed:
 - a. Lot size for single-family detached 6,000 sq. ft.
 - b. A lot area of 2,000 square feet per dwelling unit shall be required for new single-family attached structures or for additions or extensions to existing residential structures which result in the creation of additional dwelling units.
 - c. New structures erected shall be required to provide a front yard equal in depth to the front yard of the main part of the nearest structure on the same side of the street.

E. Other Provisions

The minimum off-street parking requirements for specific uses contained in Section 133.0.D of these Regulations shall not be applicable in the Historic Office District, but reasonable and appropriate off-street parking requirements shall be determined by the Department of Planning and Zoning, which shall consider comments from other County agencies regarding the parking needs of the proposed use and the availability of parking in the area of the use. Off-street parking spaces serving any structures or land uses in existence at the time of adoption of these Regulations shall not in the future be reduced.

F. Conditional Uses

Conditional Uses in the HO District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

PETITIONER: Kimberly Kepnes

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, Kimberly Kepnes, the applicant in the above zoning matter

_____, AM X 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: Kimberly Kepnes

Signature: 

Date: July 27, 2020

