



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, MD 21043-4392

COUNCILMEMBERS

Mary Kay Sigaty, Chairperson
District 4
Courtney Watson, Vice Chairperson
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Calvin Ball
District 2
Greg Fox
District 5
Jennifer Terrasa
District 3

September 4, 2012

TO: Marsha McLaughlin, Director
Department of Planning & Zoning

RE: ZRA-143, Normandy Venture Limited Partnership

Attached is Petition No. ZRA-143, filed by William Erskine on behalf of Normandy Venture Limited Partnership, to amend Zoning Regulation Section 127.6, TNC (Traditional Neighborhood Center) zoning district.

Please schedule this case before the Planning Board. Should you have any questions, please contact me at 313-2395 or Theodore Wimberly at 313-2001.

Robin Regner
Administrative Assistant

Attachment

cc: Council Members
Paul Johnson, Esq.
S. LeGendre, Esq.
T. Wimberly
Jessica Feldmark
Jennifer Sager
William Erskine, Esq.
Normandy Venture Ltd. Part.
T. Sieglein





PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA-143

Date Filed: 8-31-12

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: To amend Section 127.6 TNC (Traditional Neighborhood Center) in order to expand the uses permitted; to increase maximum height restrictions; to reduce the minimum set backs and as further described in Response to Section 1 in the attached Narrative in Support of Petition to Amend the Zoning Regulations Howard County.

[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 Normandy Venture Limited Partnership
Address P.O. Box 1424, Ellicott City, Maryland 21041
Phone No. (W) 410-461-6301 (H)
Email Address

3. Counsel for Petitioner William E. Erskine, Esq./Offit Kurman
Counsel's Address 8171 Maple Lawn Boulevard, Suite 200, Maple Lawn, Maryland 20759
Counsel's Phone No. 301-575-0363
Email Address WErskine@OffitKurman.com

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



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-143 Date Filed: 8-31-12

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: Please see attached supplement.

HOWARD COUNTY COUNCIL

2012 AUG 31 P 1:07

[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 Normandy Venture Limited Partnership

Address P.O. Box 1424, Ellicott City, Maryland 21041

Phone No. (W) 410-461-6301 (H)

Email Address

3. Counsel for Petitioner William E. Erskine, Esq./Offit Kurman

Counsel's Address 8171 Maple Lawn Boulevard, Suite 200, Maple Lawn, Maryland 20759

Counsel's Phone No. 301-575-0363

Email Address WErskine@OffitKurman.com

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

[Blank lines for statement]

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

[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. Please see attached supplement.

[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). Please see attached supplement.

[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? _____

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.

Please see attached supplement.

[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 at this time.

[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.

 Petitioner's name (Printed or typed)

 Petitioner's Signature Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature Date

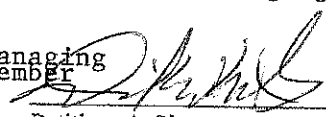
William G. Erskine
 Counsel for Petitioner's Signature

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

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.

NORMANDY VENTURE LIMITED PARTNERSHIP
 BY: Normandy Venture Corporation, ^{Managing} Member
DAVID W. MOXLEY, President  8-31-12
 Petitioner's name (Printed or typed) Petitioner's Signature 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 (20) 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

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.

FOR ADDITIONAL DISCLOSURES PLEASE SEE
NORMANDY VENTURE LIMITED PARTNERSHIP

ZB 1090M.

PETITIONER: Normandy Venture Limited Partnership

AFFIDAVIT AS TO CONTRIBUTION

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

I, Normandy Venture Limited Partnership 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.

Normandy Venture Corporation, General Partner
Name: D. W. Moxley, president
Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

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: Normandy Venture Limited Partnership

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Friends of Lorentz Watson</u>	<u>3-19-12</u>	<u>\$ 1000.00</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.

Name: Normandy Venture Corporation, General Partner
D. J. [Signature], President
Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

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, Normandy Venture Limited Partnership, 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.

Normandy Venture Corporation, General Partner

Name: D. W. B., President

Date: 8-31-12

FOR ADDITIONAL DISCLOSURES PLEASE SEE
NORMANDY VENTURE LIMITED PARTNERSHIP

ZB 1090M.

PETITIONER: Normandy Venture Limited Partnership

AFFIDAVIT AS TO CONTRIBUTION

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

I, Normandy Venture Corporation, the applicant in the above zoning matter

_____, HAVE X 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.

Name: D. W. [Signature] President

Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

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, Normandy Venture Corporation, 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.

Name: J. W. [Signature], President

Date: 8-31-12

FOR ADDITIONAL DISCLOSURES PLEASE SEE
NORMANDY VENTURE LIMITED PARTNERSHIP

ZB 1090M.

PETITIONER: Normandy Venture Triparted Partnership

AFFIDAVIT AS TO CONTRIBUTION

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

I, David W. Moxley, 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.

Name: D. W. Moxley

Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

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: David W. Moxley

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Friends of Courtney Robson</u>	<u>3-16-12</u>	<u>\$ 1,000.00</u>
<u>Friends of Courtney Robson</u>	<u>11-18-11</u>	<u>\$ 1,000.00</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.

Name: [Signature]
Date: 8-31-12

PETITIONER: *Normandy Venture Limited Partnership*

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, *David W. Moxley*, 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.

Name: *[Signature]*
Date: *8-31-12*

FOR ADDITIONAL DISCLOSURES PLEASE SEE
NORMANDY VENTURE LIMITED PARTNERSHIP

ZB 1090M.

PETITIONER: Normandy Ventures Limited Partnership

AFFIDAVIT AS TO CONTRIBUTION

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

I, Eco Development, Inc., 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.

Name: J.W. [Signature], President

Date: 8-31-12

PETITIONER: Nomady Venture Limited Partnership

DISCLOSURE OF CONTRIBUTION

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

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APPLICANT OR
PARTY OF RECORD: Eco Development, Inc.

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Friends of Courtney Nelson</u>	<u>3-16-12</u>	<u>\$1,000.00</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.

Name: RT [Signature] President
Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

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, Eco Development, Inc., 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.

Name: D.W.S., President
Date: 8-31-12

FOR ADDITIONAL DISCLOSURES PLEASE SEE
NORMANDY VENTURE LIMITED PARTNERSHIP

ZB 1090M.

PETITIONER: Normandy Venture Limited Partnership

AFFIDAVIT AS TO CONTRIBUTION

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

I, Normand Just FBO David U. Moly, the applicant in the above zoning matter

_____, HAVE

X

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.

Name: _____

David U. Moly

Date: _____

8-31-12

PETITIONER: Normandy Venture Limited Partnership

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, Normandy Trust FBO David W. [Signature], 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.

Name: [Signature]

Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

AFFIDAVIT AS TO CONTRIBUTION

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

I, Normandy Trust FBO Karen L. Morby, 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.

Name: Karen L. Morby
Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

DISCLOSURE OF CONTRIBUTION

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

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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: Normandy Trust FBO Karen L. Morley

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Friends of Courtney Nelson</u>	<u>3-29-12</u>	<u>1000.</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.

Name: Karen Lynn Morley
Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

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, Normandy Venture Limited Partnership 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.

Name: Karen Lynn Moxley
Date: 8-31-12

FOR ADDITIONAL DISCLOSURES PLEASE SEE
NORMANDY VENTURE LIMITED PARTNERSHIP
ZB 1090M.

PETITIONER: Normandy Venture Limited Partnership

AFFIDAVIT AS TO CONTRIBUTION

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

I, Robert R. Moxley, 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.

Name: Robert R. Moxley
Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

DISCLOSURE OF CONTRIBUTION

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

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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: Robert R. Mopley

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Friends of Courtney Watson</u>	<u>3-29-12</u>	<u>\$ 1000</u>
<u>Friends of Courtney Watson</u>	<u>9-3-10</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.

Name: Robert R. Mopley
Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

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, Robert R. Morley, 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.

Name: Robert R. Morley
Date: 8-31-12

FOR ADDITIONAL DISCLOSURES PLEASE SEE
NORMANDY VENTURE LIMITED PARTNERSHIP
ZB 1090M.

PETITIONER: Normandy Venture Limited Partnership

AFFIDAVIT AS TO CONTRIBUTION

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

I, RRM Normandy, LLC, the applicant in the above zoning matter
_____, HAVE X 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.

Name: *Normandy R. [Signature]*
Date: 8-31-12

PETITIONER: Normandy Venture Limited Partnership

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, RRM Normandy, LLC, 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.

Name: Robert R. Rozonberg
Date: 8-31-12

FOR ADDITIONAL DISCLOSURES PLEASE SEE
NORMANDY VENTURE LIMITED PARTNERSHIP
ZB 1090M.

ZONING MATTER: Normandy Shopping
Center

AFFIDAVIT AS TO CONTRIBUTION

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

I, Mark G. Morley, the applicant in the above zoning matter
✓ 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.

Name: Mark G. Morley
Date: 8/30/12

ZONING MATTER: Normandy Center

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: Mark G. Moxley

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Friends of Courtney Watson</u>	<u>3/28/12</u>	<u>\$1000.00</u>
<u>Friends of Mm Ulman</u>	<u>3/28/12</u>	<u>\$1000.00</u>
<u>Friends of Courtney Watson</u>	<u>6/26/12</u>	<u>\$3000.00</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.

Name: 8/30/12
Date: Mark Moxley

PETITIONER: Normandy Venture Limited Partnership
Moxley Family Trust

AFFIDAVIT AS TO CONTRIBUTION

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

I, Moxley Family Trust, the applicant in the above zoning matter

_____, 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.

Name: *J. Moxley, III*
James R. Moxley, III, Trustee
Date: 8/31/12

PETITIONER: Normandy Venture Limited Partnership
Maxley Family Trust

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**

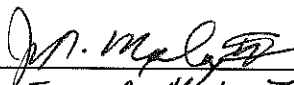
I, Maxley Family Trust, the applicant in the above zoning matter

_____, 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.

Name: 
James R. Morley, II, Trustee
Date: 8/31/12

PETITIONER: Normandy Venture Limited Partnership
JRM Normandy LLC

AFFIDAVIT AS TO CONTRIBUTION

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

I, JRM Normandy LLC, the applicant in the above zoning matter

_____, 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.

Name: James R. Moxley, III
James R. Moxley, III, Member
Date: 8/31/12

PETITIONER: Normandy Venture Limited Partnership
JRM Normandy LLC

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, JRM Normandy LLC, the applicant in the above zoning matter

_____, AM AM NOT

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

Name: James R. Moxley, III
James R. Moxley, III, Member
Date: 8/3/12

PETITIONER: Normandy Venture Limited Partnership

AFFIDAVIT AS TO CONTRIBUTION

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

I, James R. Moxley, III, the applicant in the above zoning matter

✓, 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.

Name: JR. Moxley III
Date: 8/31/12

PETITIONER: Normandy Venture Limited Partnership

DISCLOSURE OF CONTRIBUTION

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State Government Article, Sections 15-848-15-850**

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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: James R. Moxley, III

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Friends of Courtney Watson</u>	<u>2/6/09</u>	<u>\$150</u>
<u>Friends of Jen Terrasa</u>	<u>3/6/09</u>	<u>* 150</u>
<u>Friends of Jen Terrasa</u>	<u>11/24/09</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.

Name: 

Date: 8/31/12

PETITIONER: Normandy Venture Limited Partnership

DISCLOSURE OF CONTRIBUTION

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State Government Article, Sections 15-848-15-850**

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APPLICANT OR
PARTY OF RECORD: James R. Moxley, III

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Friends of Courtney Watson</u>	<u>7/20/12</u>	<u>\$1,000</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.

Name: 

Date: 8/31/12

PETITIONER: Normandy Venture Limited Partnership

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, James R. Moxley, IV, 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.

Name: 

Date: 8/31/12

Narrative in Support of Petition to Amend the Zoning Regulations of Howard County

Response to Section 1

The Petitioner proposes to amend Section 127.6 of the Howard County Zoning Regulations applicable to the TNC (Traditional Neighborhood Center) zoning district. The purposes of the proposed amendments are: 1) to expand the uses permitted as a matter of right to include amusement facilities, and to permit limited drive through service for certain financial type institutions and drug stores in Route 40 Corridor development projects encompassing at least 20 gross acres of land in the TNC zoning district; 2) to permit single story stand alone fast food restaurants without a drive through in all TNC development projects; 3) to permit increased maximum height restrictions for structures up to a maximum height of 65 feet provided 2 feet of additional setback above the minimum setback is provided for each foot of increased height above 55 feet; 4) to reduce the minimum structure and use setbacks from residential lots for R-ED, R-20, R-12 or R-SC districts from 100 feet to 75 feet, except for certain accessory structures and uses which will be subject to a new 30 foot structure and use setback; 5) to clarify that the requirements for non-residential and residential development under §127.6.F are applicable only to lots adjoining Route 40 and Frederick Road, and not to other arterial or collector roadways; 6) to permit flexibility as to the location or placement of a building's primary entrance for buildings facing the above mentioned right-of-ways provided the building has a public entrance that is accessible from the side of the building facing the respective right-of-way; 7) to reduce the minimum amount of commercial development required per dwelling unit developed in the TNC zoning district from 300 square feet per dwelling unit to 200 square feet per dwelling unit and to permit the Director of Planning and Zoning to further reduce the required amount of commercial development to 100 square feet per dwelling unit under certain conditions; 8) to clarify that the

requirement for commercial development in the TNC zoning district can be satisfied by the continuing presence of existing commercial development that is intended to remain as a part of the TNC development project; and 9) to provide the Director of Planning and Zoning the ability to reduce or eliminate the requirement that 15% of the dwelling units in a TNC development project be moderate income housing units provided after considering a housing needs study certain determinations are made regarding the adequacy of moderate income housing in the surrounding neighborhood and community.

Response to Section 4

The amendments described above are being proposed in order to respond to the current and projected future market demands for commercial and multi-family residential development in the Route 40 Corridor. The proposal to expand the list of uses permitted as a matter of right in the TNC zoning district to include amusement facilities is intended to respond to the market demand for recreation and entertainment. The inclusion of this permitted use within the TNC district will permit the residents of the TNC development and the surrounding community to satisfy their needs and desires for recreation and entertainment locally without the need to travel long distances.

The proposal to permit single story fast food restaurant uses within all TNC projects is likewise a response to the current and projected market demand for fast food retail space within the Route 40 Corridor. Experience gained subsequent to the 2004 Comprehensive Zoning has demonstrated a rather weak market demand for vertically integrated retail uses within the Route 40 Corridor and elsewhere. In contrast, there remains a viable demand for single story fast food retail uses within the Route 40 Corridor. Permitting such fast food retail uses within TNC

development projects will permit the residents of these TNC communities to shop locally for their fast food retail needs, thus reducing the demands on local roads and highways.

The proposal to permit certain drive-through retail services for banks, restaurants, drug and cosmetic stores and similar uses is intended to respond to the current and projected market demands of such businesses. Again, experience gained subsequent to the 2004 Comprehensive Zoning has demonstrated that the businesses identified above require the ability to have (at a minimum) limited drive-through services. The proposal to permit such drive through service uses provided the drive-through itself does not face a public road is intended to accommodate this market demand and requirement.

Response to Section 5

The proposed amendments to the TNC zoning regulations described above are very much in harmony with the newly adopted General Plan for Howard County (see, PlanHoward 2020). In particular, the proposed amendments will promote the goals set forth in POLICY 6.1 – Maintain adequate facilities and services to accommodate growth; as well as POLICY 6.1.d - Reduce competition for land resources by promoting more compact development in appropriate growth and revitalization areas. Note that in accordance with PlanHoward Map 6-3, all areas within the county containing TNC zoned property have been designated as Tier I Growth Tiers in accordance with the Maryland Sustainable Growth and Agricultural Preservation Act.

Response to Section 6 and Section 7

The proposed zoning regulation amendments provided herein are in harmony with and will promote the legislative intent of the zoning regulations as set forth in Section 100A. Specifically, the proposed regulations will benefit the public by preserving and promoting the health, safety and welfare of the community. In particular, the proposed

zoning amendments help to reduce competition for scarce land resources by permitting more compact development in the TNC zoning district. This in turn will help to ensure the adequate supply of housing in a suitable living environment within the economic reach of all citizens.

Similarly, amending the zoning regulations as proposed will permit more flexibility in the design of residential, commercial and retail uses in the TNC district which will help to ensure that Howard County citizens continue to benefit from and enjoy the availability of conveniently located and well designed residential housing together with commercial and retail businesses in the communities where they live.

Response to Section 8

If this Petition is granted, all TNC development projects within the county, regardless of size, would be permitted to have amusement facilities as a use permitted as a matter of right. In addition, all TNC development projects would be permitted to have blueprinting, printing, duplicating or engraving service uses up to a maximum size of 5,000 square feet. The remainder of the proposed zoning text amendments set forth herein would apply only to those TNC projects consisting of 20 gross acres or more or to TNC projects that adjoin Route 40. Presently, the only TNC zoned properties meeting those requirements in the county are the Normandy Shopping Center and the Chatham Shopping Center.

SECTION 127.6: TNC (TRADITIONAL NEIGHBORHOOD CENTER) OVERLAY DISTRICT

A. PURPOSE

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near Route 40 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 40 Manual and the public improvements recommended by the Route 40 Enhancement Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 40 and intersecting roads.

Sites within the TNC Overlay may continue to be used, developed and redeveloped in accordance with the underlying zoning. The intent of this district is to provide an alternative method of development for property owners who choose to comply with the Route 40 Manual and the requirements of this district. Development complying with the TNC district requirements will be permitted to include residential development and will have greater flexibility in some bulk requirements.

B. APPLICATION OF TNC DISTRICT

Sites in the TNC district may be developed in accordance with either the underlying district or this overlay district. The initial subdivision plan or site development plan for new development, redevelopment or alteration of a site must indicate which set of requirements will be used. For sites using the TNC district, the requirements of this district supersede the underlying district.

C. USES PERMITTED AS A MATTER OF RIGHT

1. Age-restricted adult housing, if the additional requirements for age-restricted adult housing set forth in the POR district are met.
2. Ambulatory health care facilities.
3. AMUSEMENT FACILITIES.
4. Animal hospitals, completely enclosed.
5. Antique shops, art galleries, craft shops.
6. Athletic centers, health clubs, tennis clubs and similar uses.
7. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
8. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions, without a drive-through, EXCEPT THAT DRIVE-THROUGH SERVICE SHALL BE PERMITTED ON SITES WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT ENCOMPASSING AT LEAST 20 GROSS ACRES OF LAND IN THE TNC DISTRICT PROVIDED THAT THERE SHALL BE NO PORTION OF DRIVE THROUGH SERVICE FACING A PUBLICLY OWNED ROADWAY.
9. Bicycle repair shops.
10. Blueprinting, printing, duplicating or engraving services limited to 5,000 ~~[[2,000]]~~ square feet of net floor area.
11. 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.d.3.
12. Child day care centers and nursery schools.
13. Clothing and apparel stores with goods for sale or rent.
14. Commercial communication antennas.
15. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
16. Convenience stores.
17. Day treatment or care facilities.
18. Drug and cosmetic stores WITHOUT A DRIVE-THROUGH, EXCEPT THAT DRIVE-THROUGH SERVICE SHALL BE PERMITTED ON SITES WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT ENCOMPASSING AT LEAST 20 GROSS ACRES OF LAND IN THE TNC DISTRICT PROVIDED THAT THERE SHALL BE NO PORTION OF DRIVE THROUGH SERVICE FACING A PUBLICLY OWNED ROADWAY.

19. Dwellings, apartment and single-family attached, only within a Route 40 corridor development project with at least 2 gross acres of TNC-zoned land.
20. Farmers markets.
21. Food stores.
22. Furniture, appliance and business machine and repair, furniture upholstery, and similar services.
23. Government structures, facilities and uses, including public schools and colleges.
24. Hardware stores.
25. Hotels, motels, country inns and conference centers.
26. Laundry or dry cleaning establishments ~~[[except that pickup and delivery services shall not be provided]]~~.
27. Liquor stores.
28. Museums and libraries.
29. Nonprofit clubs, lodges, community halls.
30. Offices, professional and business.
31. Parking facilities that serve adjacent off-site uses in accordance with section 133.b.4.
32. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
33. Pet grooming establishments and daycare, completely enclosed. *[Council Bill 70-2007 (ZRA-87) Effective 1/10/08]*
34. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
35. Restaurants, carryout, including incidental delivery service.
36. Restaurants, fast food, in a ~~[[multi-story]]~~ building without a drive-through.
37. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
38. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of section 128.d.4.
39. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
40. Schools, private academic, including colleges and universities.
41. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
42. Specialty stores.
43. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and catv lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
44. Volunteer fire departments.

D. ACCESSORY USES

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Home occupations, subject to the requirements of Section 128.C.1.
3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
4. Retail sale of propane on the site of a principal retail business.
5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.M. *[Council Bill 41-2010 (ZRA-129) Effective 10/5/10]*
6. Snowball stands, subject to the requirements of Section 128.D.5.

E. BULK REGULATIONS

(Also see Section 128.a, Supplementary Bulk Regulations.)

1. Minimum parcel size 2 acres
2. Residential density, maximum
 - a. Parcel adjacent to Route 40.....20 units per net acre
 - b. Parcel adjacent to Frederick road.....8 units per net acre

- 3. Maximum height limitations
 - a. Parcel adjacent to Route 40..... 55 feet
 - b. PARCELS ADJACENT TO ROUTE 40 ON SITES WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT ENCOMPASSING AT LEAST 20 GROSS ACRES OF LAND IN THE TNC DISTRICT, THE MAXIMUM HEIGHT LIMIT FOR STRUCTURES CAN INCREASE AN ADDITIONAL 1 FOOT IN HEIGHT FOR EVERY 2 FEET OF ADDITIONAL SETBACK ABOVE THE MINIMUM SETBACK TO A MAXIMUM OF HEIGHT OF65 FEET.
 - c. Parcel adjacent to Frederick road 35 feet
- 4. Minimum building height 25 feet
- 5. Minimum structure or use setback from Route 40 right-of-way 20 feet
- 6. Minimum setbacks from other public street right-of-way
 - a. Principal structures and amenity areas 0 feet
 - b. All other structures and uses 20 feet
- 7. Minimum structure and use setbacks from residential lots for R-ED, R-20, R-12 or R-SC districts
 - a. Parcel adjacent to Route 40..... ~~100~~ 75 feet. EXCEPT FOR ACCESSORY USES AND STRUCTURES LIMITED TO ACCESS DRIVES, PARKING AREAS, RETAINING WALLS (LIMITED TO 15 FEET IN HEIGHT), DUMPSTERS, WALKWAYS, UTILITIES, TRANSFORMERS..... 30 FEET.
 - b. Parcel adjacent to Frederick road..... 50 feet
- 8. Minimum structure and use setbacks from open space, multi-family or non-residential uses in R-ED, R-20, R-12 or R-SC districts.....30 FEET
- 9. Minimum structure and use setbacks from any other residential zoning district.....30 FEET
- 10. If a R-ED, R-20, R-12, or R-SC district is separated from the TNC District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.
- 11. Minimum structure and use setbacks from all other districts.....0 FEET
- 12. Maximum structure setback from public street right-of-way
 - a. From Route 40 100 FEET
 - b. As provided in the Route 40 Manual, the building facade closest to a public street other than Route 40 should be located no more than 10 feet from the edge of the public street right-of-way unless topography, utilities or other physical constraints make a greater setback necessary. This 10-foot setback may be increased without a variance in accordance with the Route 40 Manual.

F. REQUIREMENTS FOR TNC DEVELOPMENT

- 1. Amenity area

TNC developments shall include a formal, landscaped, outdoor amenity area, such as a plaza, courtyard, square, or common that complies with the requirements of the Route 40 Manual.
- 2. Requirements for nonresidential uses

On a lot adjoining the right-of-way of ~~[[an arterial or collector public street]]~~MARYLAND ROUTE 40 OR FREDERICK ROAD, for the buildings closest to ~~[[the arterial or collector public street]]~~MARYLAND ROUTE 40 OR FREDERICK ROAD:

 - a. At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses

- b. serving the public.
The first floor of the building façade facing the right-of-way must include storefronts and ~~[[primary]]~~ entrances for the first floor retail and service uses.
- c. The first floor façade shall be designed to provide pedestrian interest along sides of buildings that face the street in accordance with the Route 40 Manual.

3. Requirements for residential uses

- a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land.
- b. The first floor of buildings on lots adjoining ~~[[intermediate arterial or major collector]]~~ THE MARYLAND ROUTE 40 OR FREDERICK ROAD right-of way shall not include residential uses in the building space closest to the right-of-way. Residences may occupy other portions of the first floor space.
- c. For every dwelling unit developed, ~~[[3]]~~200 square feet of commercial space must be developed on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to ~~[[2]]~~100 square feet per dwelling unit under the following conditions:
 - (1) The site is constrained in terms of size, shape, environmental factors or access in a manner that limits commercial development potential; or
 - (2) The proposed design includes recreational, public, or non-profit uses on the first floor that benefit and are accessible to the general public.
- d. The phasing of residential and commercial construction should be roughly proportional. No more than 50% of the residential units shall be constructed prior to commencing the proportional amount of commercial construction. THIS REQUIREMENT MAY BE SATISFIED BY THE CONTINUING PRESENCE OF A PROPORTIONAL AMOUNT OF EXISTING COMMERCIAL DEVELOPMENT THAT IS INTENDED TO REMAIN AS PART OF THE DEVELOPMENT PROJECT.
- e. At least 15 percent of the dwelling units shall be moderate income housing units. THE DIRECTOR OF PLANNING AND ZONING MAY REDUCE OR ELIMINATE THIS REQUIREMENT IF AFTER AN EVALUATION OF A HOUSING NEEDS STUDY FOR THE SURROUNDING NEIGHBORHOOD AND COMMUNITY IT IS DETERMINED THAT THE NEED FOR MODERATE INCOME HOUSING UNITS IN THE SURROUNDING NEIGHBORHOOD AND COMMUNITY WILL BE REASONABLY SATISFIED WITHOUT A MODERATE INCOME HOUSING UNIT REQUIREMENT OR WITH A REDUCED REQUIREMENT.

G. COMPLIANCE WITH ROUTE 40 MANUAL

All sites developed under the TNC district requirements shall comply with the standards of the Route 40 Manual.

H. PARKING

The minimum off-street parking requirements of Section 133.d may be reduced by the number of on-street parking spaces available within a public street right-of-way or private service drive adjoining the parcel. On-street parking spaces used to meet the minimum parking requirement must be within the road section adjoining the parcel and on the same side of the street as the associated parcel.

I. CONDITIONAL USES

The following are conditional uses in the TNC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, section 131 shall prevail.

1. Home occupations
2. Nursing homes and residential care facilities
3. Small Wind Energy System, freestanding tower [*Council Bill 41-2010 (ZRA-129) Effec. 10/5/10*]
4. Utility uses, public