

HOWARD COUNTY COUNCIL
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4/95

PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

2008 AUG 29 P 4: 04

(19 copies of this petition must be submitted
to the County Council office)
(attach additional pages if necessary)

FOR OFFICE USE ONLY:

Case No. ZRA III Date Filed _____

Date Accepted for Scheduling _____

Planning Board Meeting Date _____

County Council Prefile Date _____

Fee Collected: \$ _____ Receipt No. _____

(Make Checks Payable to "Director of Finance")

1. I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows:

See attached Supplemental Statement

2. Petitioner's Name: Land Design & Development

Address: 5300 Dorsey Hall Drive, Ellicott City, Maryland 21042

Phone No.: (W) (443) 367-0422 (H) _____

3. Counsel for Petitioner: Richard B. Talkin, Talkin & Oh, LLP

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

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

4. The text of proposed amendment(s) to the regulations together with the text of the present regulations showing the proposed amendment(s):

See attached Supplemental Statement

5. The reason(s) for the requested amendment(s) to the Zoning Regulations:

To provide necessary changes to Neighborhood Preservation Parcel legislation to enable more effective implementation.

6. A statement as to whether or not such amendment will be in harmony with the General Plan for Howard County:

The amendment will be in harmony with the General Plan for Howard County.

7. Any other factors which the petitioner desires the Council to consider including copies of any written reports intended to be introduced at the hearing and a written summary of verbal evidence of any expert which will be proffered at the hearing (if such hearing is necessary):

See attached Supplemental Statement.

8. FEES:

The Petitioner agrees to pay all fees pursuant to County Council Resolution No. 60, effective July 1, 1995, as follows:

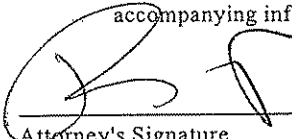
- a. Filing fee including first hearing \$695.00*
Each additional hearing night \$510.00*

- b. In addition, if the petition is approved, the following fees will be assessed:
Per every 200 words of text, or fraction thereof,
for each separate textually continuous amendment
to the Zoning Regulations \$ 40.00*
Minimum Zoning Regulations revision fee \$ 40.00*
Maximum Zoning Regulations revision fee \$ 85.00*

- *1. 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.
2. The County Council may refund part of the filing fee for withdrawn petitions.
3. 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.

9. The Petitioner agrees to furnish such data as may be required by the County Council and/or the Department of Planning and Zoning.

10. 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.

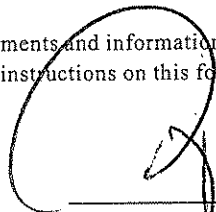


Attorney's Signature

Richard B. Talkin

8/29/08

Date



Petitioner's Signature

Land Design & Development

8/29/08

Date

Attorney's Signature

Date

Petitioner's Signature

Date

AFFIDAVIT

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE A FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Kelly L. Wagner
WITNESS

[Signature]
SIGNATURE

8/29/08
DATE

WITNESS

SIGNATURE

DATE

SUPPLEMENTAL STATEMENT TO PETITION TO AMEND THE
ZONING REGULATIONS OF HOWARD COUNTY

Land Design & Development

1 & 4. AMEND SECTION 128 L. 3. TO READ:

3. Receiving Development Requirements

a. Residential development rights derived from neighborhood preservation sending parcels may be received as bonus density for developments on parcels in the R-SA-8, R-A-15, CAC.

b. Residential development rights derived from neighborhood preservation sending parcels may be received as bonus density for developments on parcels at least 11 acres in size in the R-20 and R-12 districts.

C. RESIDENTIAL DEVELOPMENT RIGHTS DERIVED FROM NEIGHBORHOOD PRESERVATION SENDING PARCELS MAY BE RECEIVED AS BONUS DENSITY FOR DEVELOPMENTS ON PARCELS SUBJECT TO CONDITIONAL USE APPROVAL AS PROVIDED IN SECTION 131 N. 1 AGE-RESTRICTED ADULT HOUSING.

D [c]. development rights shall be received in accordance with the following ratios:

AMEND SECTION 131N. 1 (3) TO READ:

(3) The maximum density shall be as follows:

Zoning District	Number of Dwelling Units in Development	Maximum Units Per Net Acre
RC and RR	20 or more	1
RED and R-20	20-49	4
	50 or more	5
R-12	20-49	5
	50 or more	6
R-SC	20-49	7
	50 or more	8
R-SA-8	20 or more	12

R-A-15	20 or more	25

ADD NEW TEXT FOLLOWING THE CHART IN 131 N 1 a (3):

EXCEPT IN THE RR AND RC DISTRICTS, AN AGE-RESTRICTED ADULT HOUSING DEVELOPMENT MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS OF UP TO 30% MORE DWELLING UNITS THAN WOULD BE ACHIEVED BASED ON THE ABOVE CHART.

7. The instant ZRA proposes to extend the eligibility for potential receiving parcels to age-restricted adult housing developments. Currently, age-restricted adult housing developments cannot receive increased density under the neighborhood preservation parcel legislation. The proposed ZRA would permit age-restricted adult housing developments to receive up to 30% more than the number of dwelling units prescribed under Section 131 of the zoning regulations. Each project proposing to receive higher densities under this legislation would have to be evaluated for compatibility on a case-by-case basis by the Board of Appeals and would have to receive conditional use approval.

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HOWARD COUNTY COUNCIL
RECEIVED
2008 SEP 15 P 1:15

September 8, 2008

Ms. Robin Regner, Administrative Assistant
Howard County Zoning Board and
Board of Appeals
3430 Courthouse Drive
Ellicott City, Maryland 21043

Re: Land Design & Development, Petitioner ZRA III

Dear Ms. Regner:

Please accept the following information as a supplement to the above-referenced Petition to Amend the Zoning Regulations of Howard County, which was filed on August 29, 2008:

Response to Section 8.

Yes. The number of properties impacted by this amendment will be greater than 12. The impact will be that age-restricted adult housing developments will be allowed to be receiving parcels for additional density under the neighborhood preservation parcel legislation.

We were not aware that a new form was being utilized for the filing of ZRA's. We apologize for any inconvenience that this oversight has caused and request that the information above be appended to our Petition.

Thank you.

Very truly yours,

TALKIN & OH, LLP



By: Kelly L. Wagner
Paralegal