



PETITION TO AMEND THE  
ZONING REGULATIONS OF  
HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA- 114  
HOWARD COUNTY COUNCIL  
Date Filed: RECEIVED

2009 FEB 25 P 3:43

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 103.A.122 by adding in the fourth line after the word "unit" the following: "or, if a vacant parcel, must be owned and maintained by a Homeowners Association, or dedicated to The Howard County Department of Recreation and Parks", and by deleting the words "and any" at the end of the fourth line and substituting in lieu thereof the word "Any".

[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 Tim Keane

Address 1475 Route 32, Sykesville, Maryland 21784

Phone No. (W) (410) 480-0023 (H) (410) 489-5522

Email Address TLK3@verizon.net

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

Email Address rtalkin@talkin-oh.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed This proposed change will provide that the preserved parcel need not contain a residential improvement. This will provide that in-fill areas that are to be preserved can remain and be maintained in a natural condition, and do not require a house to be located on the preserved parcel.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County This proposal is in harmony with the General Plan. Page 248 of the 2000 General Plan says to "Amend development regulations to improve the quality of new residential development through adequate open space, protection of natural and historic resources..." Page 168 provides that we should "Develop infill sites carefully". Page 184 provides that in zoning districts where these (minimum required open space is simply not sufficient) difficulties are most likely to be encountered, the Residential: Single (R-20 and R-12) and the Residential: Environmental Development (R-ED) Districts, increased open space requirements in connection with tighter clustering of lots may allow more attractive and environmentally sensitive design. Policy 5.7 on pages 188 and 189 says to ensure infill development will be compatible with existing neighborhoods. Design Flexibility: Consider zoning provisions that promote compatible infill development by providing increased design flexibility in exchange for additional open space or amenities.

[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. The amendment will better serve this purpose than the existing regulation, by allowing the new preserved areas to be fully preserved.

[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) The public will obtain more preservation area in developed areas.

[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.

The number of properties is unknown. However, no matter how many there are, there should be no negative impact. The amendment would create parcels that are benign and preserved.

[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. \_\_\_\_\_

[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.

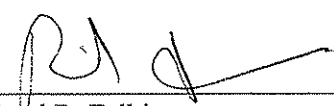
**After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, 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.

Tim Keane  
Petitioner's name (Printed or typed)

  
Petitioner's Signature

2/23/09  
Date

  
Richard B. Talkin  
Counsel for Petitioner

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

**FEE**

The Petitioner agrees to pay all fees as follows:

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

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

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

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**For DPZ office use only:**

**Hearing Fee \$ \_\_\_\_\_**

**Receipt No. \_\_\_\_\_**

**PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

**County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)**

Revised:10/08

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

preservation parcel easement and may be buildable or non-buildable depending on whether one of the housing units permitted by zoning will be located on the parcel.

121. Preservation Parcel Easement: A permanent easement that prohibits a preservation parcel from subdivision and most types of development, as specified in the requirements for the RC and RR districts.
122. Preservation Parcel Neighborhood: A residential infill parcel in the R-20, R-12, or R-ED zoning districts that existed on September 9, 2008 and is designated as a sending parcel on a revision plat or a final plat or easement. A Neighborhood Preservation Parcel shall be encumbered by a Neighborhood Preservation Parcel Easement, improved with an existing dwelling unit, and any new structures placed on the site shall not be larger than 50 percent of the building footprint of the dwelling unit existing at the time the Neighborhood Preservation Easement is recorded, except as provided in Section 128.L.2.b. [Council Bill 50-2008 (ZRA-95) Effective 9/9/08]
123. Principal Use or Structure: The main use of a lot or the structure used for the main function of a lot, as opposed to an accessory use or structure. Structures which are attached to the principal structure, either directly or by a breezeway, shall be considered part of the principal structure.
124. Project Boundary: When setbacks are required from a project boundary, this shall be based on the boundary established by the initial plan submission for the development as defined in the Subdivision and Land Development Regulations.
125. Receiving Parcel: A parcel in the DEO Overlay District which receives development rights from a sending parcel, in accordance with the requirements of the DEO District, and as a result can be subdivided at a greater density than would otherwise be allowed in the underlying zoning district.
126. Receiving Parcel Subdivision Or Receiving Subdivision: A subdivision of a receiving parcel in accordance with the requirements of the DEO Overlay District and the underlying district, using development rights that have been transferred to the receiving parcel from a sending parcel.
127. Recreational Vehicle: A vehicular-type unit which is designed for recreation, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle, and which, in general, is of such size and weight as not to require special highway movement permits when drawn by a passenger automobile or a pickup truck.
128. Recycling Collection Facility: A facility where recyclable materials are accepted from the public for distribution to users who will accept and process the materials.
129. Recyclable Material: Reusable material, including metals, glass, plastic, paper, and other materials which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include hazardous materials but may include used motor oil and antifreeze.
130. Research and Development Laboratory: A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation and test marketing.
131. Residence or Residential: A structure or part of a structure containing dwelling units, including single-family or two-family houses, boarding houses, or apartments. Residences do not include:
  - a. Such transient accommodations as hotels, motels, or country inns; or
  - b. Dormitories, fraternity or sorority houses;

OR,  
IF A  
VACANT  
PARCEL,  
MUST BE  
OWNED  
AND  
MAINTAINED  
BY A  
HOMEOWNER  
ASSOCIATION  
OR  
DEDICATED  
TO THE  
HOWARD  
COUNTY  
DEPARTMENT  
OF  
RECREATION  
AND PARKS