



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA- 122 Date Filed: 2009 AUG 27 P 12:29

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 Sections 118.B.37 and 119.B.63 of the Zoning Regulations to read as follows: Dwelling units, provided the dwelling units do not exceed 50 percent of the floor area of the structure and are located above the first level.

[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 Forest Venture II, LLC; (c/o Richard B. Talkin, Esq.)

Address 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042-7870

Phone No. (W) 410-964-0300 (H)

Email Address

3. Counsel for Petitioner Richard B. Talkin, Esquire, 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 SEE ATTACHED SUPPLEMENT

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 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. 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) Smart growth, pedestrian orientation, improved aesthetics and better design.

[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.

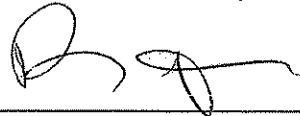
It is believed that more than 12 properties will be affected generally. Residential units are already allowed as a matter of right within the B-2 zone. This amendment will clarify how they may be located and will make their use more viable.

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

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.

FOREST VENTURE II, LLC

BY: Richard B. Talkin
Petitioner's name (Printed or typed) _____
Petitioner's Signature _____ Date 8/21/9



Counsel for Petitioner
Richard B. Talkin, Esquire
Talkin & Oh, LLP
5100 Dorsey Hall Drive
Ellicott City, Maryland 21042
(410) 964-0300

[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.

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

PROPOSED TEXT CHANGE
Petition of Forest Venture II, LLC
to Amend the Zoning Regulations of Howard County, Maryland

If adopted as proposed:

Sections 118.B.37 & 119.B.63

~~One Dwelling unitS per business establishment within the same structure,~~
provided the dwelling units do not exceed 50 percent of the floor area of the
structure AND ARE LOCATED ABOVE THE FIRST LEVEL.

SUPPLEMENT

Response to #4:

This amendment is being proposed to revise an outdated and rarely-used provision in the zoning regulations pertaining to the B-1 and B-2 zoning districts. Sections 118.B.37 and 119.B.63 currently provide as follows:

“One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50 percent of the floor area of the structure.”

This provision was amended into the Howard County Zoning Regulations in 1989 with the view that each business could have one residential unit above for the purpose of providing housing for the proprietor of that business. Time has proven, however, that this development scheme has not worked for Howard County. There are hardly any businesses that have been developed under this provision.

We submit that the principal deficiency of the current regulation is the restriction on the number of residential units, which was designed to promote a business owner-occupied residential unit, but cannot serve to provide a vibrant residential component to a mixed use development.

The proposed amendment will permit the same square footage that is currently allowed; however, in removing the one dwelling unit per business limitation, opportunities to create small mixed-use centers will be enabled to help revitalize areas sought for revitalization, including U.S. Route 40 and other areas. By allowing upper floor residential units, multi-story buildings will be encouraged in order to get away from the strip center and haphazard current development, while still adhering to the height limitation of 40 feet.

Response to #5:

The proposed amendment is designed to encourage the redevelopment of older areas in the County, including U.S. Route 40, in accordance with the concepts and goals of the 2000 General Plan. The General Plan discusses providing opportunities for the creation of small mixed use centers in Policy 4.6. Policy 5.3 discusses promoting small, well-designed mixed use developments on Route 40. It is clear that allowing additional mixed use opportunities on B-1 and B-2 sites, where residential uses are already permitted – albeit in a manner that is not often utilized – is in harmony with the General Plan.

Response to #6:

Communities need the ability to have small, attractively-designed mixed-use centers that function as focal points and gathering spots. The proposed amendment can help to achieve those visions in the B-1 and B-2 zones. The utilization of mixed use on these sites will create increased opportunities to provide small, affordable residential units in developments that must be designed to be pedestrian-friendly.