PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA-147

Date Filed:_____

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 127.4.A, the Purpose Statement of the TOD District, to note that the district may allow for the beneficial use of an undeveloped TOD District parcel prior to the assembly of parcels for a larger TOD Development, and may allow light industrial uses as part of the nonresidential use mix, subject to certain criteria.

To amend Section 127.4.B, Uses Permitted As A Matter Of Right, to add "Industrial Uses, Light" as a permitted use, subject to certain criteria.

2. **Petitioner's Name:**

Marsha S. McLaughlin, Director, Department of Planning and Zoning

Address 3430 Court House Drive, Ellicott City, Maryland 21043

Phone No. (W) 410-313-2350 (H) N/A

Email Address mmclaughlin@howardcountymd.gov

3. **Counsel for Petitioner** Paul Johnson, Deputy County Solicitor

Counsel's Address 3430 Court House Drive, Ellicott City, Maryland 21043

Counsel's Phone No. 410-313-2101

HOWARD COUNTY COUNCIL RECEIVED 2013 NOV 20 P 4:10

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed: The basic reason for the requested amendment is to improve the economic viability of future TOD development areas that are adjacent to existing light industrial developments within the Route 1 Corridor by allowing an appropriate light industrial use to also be included in the nonresidential mix of the TOD development area, or to serve as a possible long term interim use, provided that such a use is at the edge of the overall TOD development area where it will not reduce the potential for a higher density mix of residential and commercial uses in the areas that are closer to the location of an existing or potential future MARC station.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County: The proposed amendment is in general concurrence with the *PlanHoward 2030* Policy 5.4 to "Enhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development…", and especially its Implementing Action for zoning review to consider more flexibility for uses within TOD District areas. Also Policy 5.5 to "Proactively consider innovative tools to enhance the Route 1 Corridor's competitiveness, attract and retain businesses, and maximize redevelopment opportunities." The amendment is in harmony with the *PlanHoward 2030* Policy 6.4 to "Ensure that the County continues to capture future job and business growth opportunities.", and its Implementing Action concerning the Zoning Regulations and concerning Commercially and Industrially Zoned Properties.Additional justification may be provided at the Planning Board meeting and County Council hearing for this Zoning Regulation Amendment proposal.

[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. In terms of providing more opportunity for economic development by allowing appropriate TOD District light industrial transitional uses within the longstanding industrial character of the Route 1 Corridor, this proposed amendment is in harmony with the intent "To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County."

[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) . There are public benefits because the proposed amendment would support the expansion or retention of light industrial jobs within the Route 1 Corridor over the likely long period of time the corridor evolves around the MARC station based nodes of higher density residential and mixed-use developments. There is also a benefit because such jobs would be relatively close to transit and to residential opportunities.

[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 less than 12, because there are so few TOD District areas. The characteristics of the proposed amendment are such that it could only be applied potentially in the largest TOD District areas; the North Laurel TOD District adjacent to the Laurel racetrack, for which it is intended, and the Dorsey TOD District. The smaller TOD District areas would not allow for sufficient distance for the light industrial use to exist without impacting the area wanted for the higher density residential and mixed use development adjacent to the existing or potential future MARC station.

[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. There are no other factors at this time, but more may be provided during the public meeting and public hearing processes for this Zoning Regulation amendment.

[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.

9. 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.

Marsha S. McLaughlin, Director
Petitioner's name (Printed or typed)

Petitioner's Signature Date

Marsha S. McLaughlin
Petitioner's name (Printed or typed)

Marsha S. McLaughlin 11/20/03
Petitioner's Signature Date

Paul T. Johnson 11/20/03
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.

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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

Revised:5/08
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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.

ZONING MATTER: _____

_____

AFFIDAVIT AS TO CONTRIBUTION

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

I, _____, 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:_____

Date:_____

ZONING MATTER: _____

_____

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: _____

RECIPIENTS OF CONTRIBUTIONS:

Name	Date of Contribution	Amount

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: _____

ZONING MATTER: _____

_____

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, _____, 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:_____

ZRA 147 – Exhibit A

Petitioner's Proposed Text

SECTION 127.4: TOD (Transit Oriented Development) District

A. **Purpose**

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use center combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. For sites of AT least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged. The requirements of this district, in conjunction with the Route 1 Manual and the vehicular and pedestrian improvements that connect internally and with surrounding development, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. ADDITIONALLY, BECAUSE TOD DEVELOPMENTS ARE MOST EFFECTIVE WHEN COMPREHENSIVELY PLANNED FOR LARGER PARCELS OF LAND SURROUNDING A MARC STATION, IT IS NEITHER THE INTENT OF THESE REQUIREMENTS TO ENCOURAGE SMALLER, PIECEMEAL TOD DEVELOPMENTS NOR DISALLOW THE BENEFICIAL USE OF UNDEVELOPED TOD DISTRICT PARCELS DURING THE PERIOD OF TIME PRIOR TO A LARGER TOD DEVELOPMENT BEING ASSEMBLED. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as A MIX OF RESIDENTIAL AND NONRESIDENTIAL uses are redeveloped or expanded. CERTAIN LIGHT INDUSTRIAL USES MAY ALSO BE APPROPRIATE

WITHIN THE MIX OF TOD NONRESIDENTIAL USES IF PROPERLY LOCATED SO AS TO NOT OVERLY REDUCE THE AVAILABLE LAND AREA FOR THE MORE DENSE MIX OF USES AT THE CORE OF THE TOD DEVELOPMENT, CLOSER TO THE MARC STATION.

B. Uses Permitted as a Matter of Right

13. INDUSTRIAL USES, LIGHT, PROVIDED THAT: THE PROPERTY FRONTS ON AND HAS DIRECT ACCESS TO AN ARTERIAL OR COLLECTOR HIGHWAY; ADJOINS OTHER PROPERTIES DEVELOPED WITH EXISTING LIGHT INDUSTRIAL USES; THE LIGHT INDUSTRIAL USE IS PRINCIPALLY CONDUCTED WITHIN A BUILDING; THE PROPOSED DEVELOPMENT DOES NOT INCLUDE A PROPOSAL FOR ANY DWELLING UNITS; AND, THE LIGHT INDUSTRIAL DEVELOPMENT IS AT THE PERIPHERY OF THE TOD DISTRICT, WELL SEPARATED FROM THE MARC STATION.

ZRA 147 – Exhibit B

Petitioner's Proposed Text If Approved

SECTION 127.4: TOD (Transit Oriented Development) District

A. Purpose

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use center combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. For sites of at least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged. The requirements of this district, in conjunction with the Route 1 Manual and the vehicular and pedestrian improvements that connect internally and with surrounding development, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. Additionally, because TOD developments are most effective when comprehensively planned for larger parcels of land surrounding a MARC station, it is neither the intent of these requirements to encourage smaller, piecemeal TOD developments nor disallow the beneficial use of undeveloped TOD District parcels during the period of time prior to a larger TOD development being assembled. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as a mix of residential and nonresidential uses are redeveloped or expanded. Certain light industrial uses may also be appropriate within the mix of TOD nonresidential uses if properly located so as to

not overly reduce the available land area for the more dense mix of uses at the core of the TOD development, closer to the MARC station.

B. Uses Permitted as a Matter of Right

13. Industrial Uses, Light, provided that: the property fronts on and has direct access to an arterial or collector highway; adjoins other properties developed with existing light industrial uses; the light industrial use is principally conducted within a building; the proposed development does not include a proposal for any dwelling units; and, the light industrial development is at the periphery of the TOD district, well separated from the MARC station.