



HOWARD COUNTY COUNCIL  
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**PETITION TO AMEND THE  
ZONING REGULATIONS OF  
HOWARD COUNTY**

DPZ Office Use Only:  
Case No. ZRA-187  
Date Filed: 3-29-19

**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: \_\_\_\_\_

Amend section 131.0.N.1.a to require age-restricted conditional use developments that result in increased density when compared to their non-conditional use zoning district density to have frontage on and direct access to a collector or arterial road designated in the General Plan.

[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 Paul Goldenberg  
Address 4913 Canvasback Dr., Columbia, MD 21045  
Phone No. (~~301~~) 410-330-3844 (H)  
Email Address bear72gate@gmail.com

3. Counsel for Petitioner N.A.  
Counsel's Address \_\_\_\_\_  
Counsel's Phone No. \_\_\_\_\_  
Email Address \_\_\_\_\_

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed \_\_\_\_\_  
In order to provide more housing dedicated for senior citizens, conditional use age-restricted regulations currently allow for dwelling density of approximately double (or more) of the permitted density for the applicable zoning district. Increasing dwelling density in an existing development inherently increases local traffic volume, congestion, and traffic safety issues, and can dramatically change the character of the existing area. The impact of the increased traffic can best be reduced by requiring that the minimal road classification for the intensified development's frontage and direct access road to be either a collector or arterial road (as designated in the General Plan). This will provide better traffic flow and better access to and from the development, while protecting the character and safety of the existing community.

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 supplemental statement

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[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 100.0.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 100.0.A. See attached supplemental statement.

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[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) . See attached supplement statement

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[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

## Response to Section 5

*5. Please provide a detailed justification statement demonstrating how the proposed amendments will be in harmony with the current General Plan for Howard County.*

1. Plan Howard 2030, Housing Overview 9, p 123, encourages "green, healthy, and walkable communities." The proposed zoning regulation amendment will preserve and protect the green, walkable character of low density residential neighborhoods. Requiring that high density conditional use age-restricted housing be developed on parcels with direct access to collector and arterial roads will prevent the inherent traffic and congestion of these developments from disrupting the pedestrian-accessible minor roads and the green spaces within low density neighborhoods. Creating this regulation will also help ensure that age-restricted high density housing is more "location efficient." Instead of being deep within communities and requiring extensive travel on local roads, residents of high density developments can immediately access major routes, shortening round trip distances, travel times, and traffic congestion. Since round trip distances will be shorter, these residents will be more likely to use bicycles, walk, or use public transit, which will encourage "less reliance on the automobile." Further, diminishing traffic congestion and the use of personal automobiles reduces fuel consumption, automobile maintenance, greenhouse gas, and air pollution while simultaneously encouraging the healthy exercise of walking or bicycling. Location efficiency will also achieve the Plan Howard goal of enhancing "access to jobs, services, and overall opportunities for greater quality of life."

Currently, the availability within the Zoning Regulations of higher dwelling density for age-restricted housing and the fact that such developments avoid APFO testing, incentivizes developers to focus on such specialized and intensive developments, to the detriment of achieving Plan Howard's goal of a "full spectrum of housing" (Housing Overview, p. 123).. The proposed ZRA will necessitate that developers ensure that high density age-restricted housing has full and easy access to appropriate infrastructure (suitable ingress and egress as well as public transit) and will encourage developers to look holistically at the best use of a space within communities and the County overall, not just at options that allow for the maximum density of development. For example, for parcels fronting only local roads, developers will be dissuaded from overburdening existing infrastructure and disregarding the character of a residential neighborhood. An additional hope is that the incentives to instead build low density developments with green features will be raised.

High density development requires greater infrastructure, even if schools are not involved. To contain negative impact on the surrounding area, high population housing requires easy access to major roads, for the transit and access of the residents and so that County services (fire, police, etc) can similarly easily respond to a greater needs area.

2. Plan 2030, Executive Summary, Transportation: "The County shall encourage well designed context sensitive redevelopment." Requiring frontage on and direct access to a collector or arterial road for high-density development supports context-sensitive redevelopment by

providing fuller access to public transportation, shops, and services, which are part of the design of these roads. It should also “reduce personal vehicle miles to improve air quality,” another key Transportation priority.

3. Plan 2030, Executive Summary, Community Design: “The County will encourage well designed context sensitive redevelopment.” Context sensitive redevelopment similarly requires taking into consideration the low density character and infrastructure of the neighborhoods surrounding local as opposed to collector or arterial roads. Requiring high density age-restricted housing to access the more major thruways recognizes that local roads are not built for high intensity use and the character and amenities of these local roads’ surrounding neighborhoods are not compatible with dense population.

4. Environment Overview: Environmental Protection is the first thing that most people think of when sustainability is discussed. Preserving and enhancing the natural world is the basis not only for protecting the air, water, and land resources, but it also plays an important supporting role towards both prosperity for the economy and health within the community. Ensuring that high density development does not overburden local infrastructure by diminishing and then over-utilizing green areas while increasing traffic and congestion is key to stewarding the natural environment of local, low density neighborhoods.

a. Watershed Planning and Management, p. 16: “Wetlands, another important water resource, are not currently mapped or assessed.” Focusing high density housing development near collector roadways is less likely to negatively impact existing wetlands. Interiors of neighborhoods surrounding local roads are far more likely to be unmapped and critical to preserving remaining wetland areas than major thoroughfares. Collector and arterial roads are also less likely to negatively impact the Chesapeake Bay Total Maximum Daily Loads (TMDL), which set limits on the amount of nitrogen, phosphorous and sediments that can enter the Chesapeake Bay, since planning and access to proper sediment control for a greater load, as well as proper flood management, for major roads is typically already anticipated and accounted for.

5. Policy 3.6, Safeguarding and Implementing Actions, Safeguard the environmental integrity of the region’s resource systems. Collector and arterial roads and their immediate surroundings were planned for extensive use. Thus, requiring high impact development to access these roads directly, as opposed to burdening local roads and the interiors and green areas of neighborhoods by allowing high density developments to initially feed onto local roads before funneling to the larger infrastructure, serves to undermine and stress, not protect and enhance, environmental resources..

## Response to Section 6

6. The legislative Intent of the Zoning Regulations in Section 100.0.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 100.0.A

Included within Section 100.0.A.1. the guidance is to prevent "undue congestion of population". Section 100.0.A.3. guidance is to "promote the most beneficial relationship between the uses of land and structures, and the road system which serves these uses". It also directs to reduce traffic congestion and to "to promote safe and convenient vehicular and pedestrian traffic movements".

The proposed zoning regulation amendment will concentrate the populations of higher density conditional use age-restricted developments onto accessible parcels directly accessing collector and arterial roads. Locating higher density development access points on these types of roads will reduce the use of the lowest capacity local roads that are inherently deeper within the communities. For the greatest numbers of people possible the round trip distances, travel times, and traffic congestion will be reduced. Potential encounters between automobiles and pedestrians deep within the developments will be reduced while traffic safety increases. Population concentrated in more accessible areas closer to public transit and shopping is more likely to walk, bicycle, or use public transit, thereby reducing traffic congestion and increasing traffic safety.

Safe access to cross walks, bus routes, school routes, shopping, and medical facilities is more likely to occur at collector routes via pedestrian connections, and public transportation.

Fire and rescue services are more likely to be required with greater frequency in an age restricted community. A collector or arterial road is more likely to be well situated to support this in the most efficient and least disruptive manner for the residents in the community and the surrounding businesses and residential areas.

Response to section 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 benefits gained by the adoption of the proposed amendments are numerous. The benefits include:

- Preservation of the character and settings of existing neighborhoods on local roads
- More likely to be supportive of environmental protections including watershed planning and management regulations, wetlands, impervious surface targets, and National Pollutant Discharge Elimination System (NPDES)
- Less likely to negatively impact the Chesapeake Bay Total Maximum Daily Loads
- More likely to have walkable and safe pedestrian crossings
- Traffic waivers not as likely to be needed due to better road infrastructure
- Better support for over 55 lifestyle with fewer traffic trips and fewer driving miles can be expected

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes , see supplemental statement attached.

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.

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

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[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

**Response to Section 8**

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**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 proposed amendment would affect the properties eligible for age restricted conditional use where the development results in increased density and does not have frontage on or does not have direct access to a collector or arterial road designated in the general plan. The rationale for the requested ZRA provided in the attached supplement applies equally to all such parcels.**



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.

PAUL GOLDENBERG  
 Petitioner's name (Printed or typed)

*Paul Goldenberg*      MARCH 28, 2019  
 Petitioner's Signature      Date

Leik E. Mahlin  
 Petitioner's name (Printed or typed)

*Leik E. Mahlin*      March 28, 2019  
 Petitioner's Signature      Date

~~Jonathan Lazar~~  
 Petitioner's name (Printed or typed)

~~*Jonathan Lazar*~~      ~~Mar 28, 2019~~  
 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.]

**Petitioner's Proposed Text**

**Section 131.0.N.1.a. Age-Restricted Adult Housing**

**(4) IF THE DEVELOPMENT RESULTS IN INCREASED DENSITY ACCORDING TO SUBSECTION (3) ABOVE, THE SITE MUST HAVE FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN.**

Additionally, existing subsections (4) through (16) are re-numbered as (5) through (17).

Example of how text would appear normally if adopted as we propose:

**Section 131.0.N.1.a Age-Restricted Adult Housing**

**(4) If the development results in increased density according to subsection (3) above, the site must have frontage on and direct access to a collector or arterial road designated in the General Plan.**

**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 (24) copies along with attachments.**

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**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](http://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.

ZRA 187

PETITIONER: PAUL GOLDENBERG

**AFFIDAVIT AS TO CONTRIBUTION**

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

I, PAUL GOLDENBERG, 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.

Printed Name: PAUL GOLDENBERG

Signature: Paul Goldenberg

Date: March 28, 2019



PETITIONER: Leila E. Mahlin

ZRA 187

**AFFIDAVIT AS TO CONTRIBUTION**

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

I, Leila Mahlin, 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.

Printed Name: Leila E. Mahlin

Signature: Leila E Mahlin

Date: March 28, 2019

PETITIONER: Leita E Mahin  
ZRA 187

**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, Leita E Mahin, 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.

Printed Name: Leita E Mahin  
Signature: Leita E Mahin  
Date: 3/28/2019