



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

DPZ Office Use Only:

Case No. ZRA177

Date Filed: 2/6/17

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 103.0: Definitions to revise the definition for "Final Development Plan" by deleting the requirement that the criteria in the Final Development Plan shall be the same as approved in the Comprehensive Sketch Plan. Amend Section 125.0.D.1 to specify that the text of the criteria in the initial approval of a Final Development Plan shall be the same as approved in the Comprehensive Sketch Plan. Amend Section 125.0.D.2. to specify that upon the approval of an initial Final Development Plan, the approved Final Development Plan supersedes the Comprehensive Sketch Plan; and to clarify that any aspect of an approved Final Development Plan may be revised by a Final Development Plan Amendment that is approved by the Planning Board.

[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 Valdis Lazdins, 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 vlazdins@howardcountymd.gov

HOWARD COUNTY COUNCIL
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2017 FEB - 6 AM 10:35

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

- 4.** Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed In certain cases for older Comprehensive Sketch Plan ("CSP") approvals, the Department of Planning and Zoning ("DPZ") records for the original approved CSP files were not retained and are not available. Consequently, Final Development Plan ("FDP") amendment requests for which the CSP is not available are not able to comply with Sections 125.0.D.1 & 2. The proposed amendments clarify that an approved FDP supersedes and embodies an approved CSP and therefore future FDP amendments should not need to be reviewed for CSP compliance.

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 amendments harmonize with Policy 10.4 of *PlanHoward 2030*, to “review and update all county development regulations to respond to County General Plan development goals and changing market conditions, and to improve the efficiency of the County’s review process.” This ZRA facilitates amendments to the Final Development Plans, which are necessary to redevelop properties and adapt to changing market conditions.

[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. The proposal is in harmony with the purpose “To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive zoning regulations.” Strict compliance with the Zoning Regulations would not allow amendments to FDPs since compliance with CSP criteria could not be determined. The inability to amend FDPs would over time hamper growth and development and could impact the value of land and structures.

[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 proposal is in the public interest because the current text related to FDP amendments unnecessarily complicates the development review process since DPZ records of the originally approved CSP text cannot be located. Once an FDP has been approved for compliance with a CSP, further review for compliance with the CSP is unnecessary.

[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 proposal would apply to all NT-zoned properties that are within the 264 recorded FDP areas. The number of these NT-zoned properties is much greater than 12. The proposal does not directly affect any of these properties, except when an FDP amendment is proposed. At such time, the only effect of the proposal would be to clarify that an originally approved FDP is the embodiment of an approved CSP. Thus, a new review of compliance with the approved CSP is unnecessary.

[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. Additional factors may be included in the Technical Staff Report.

[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.

Valdis Lazdins, Director

Petitioner's name (Printed or typed)

 2.3.17

Petitioner's Signature

Date

Petitioner's name (Printed or typed)

Petitioner's Signature

Date

Petitioner's name (Printed or typed)

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.]

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

Revised:5/08

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

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: Nathan Glue
Date: 2-3-17

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:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

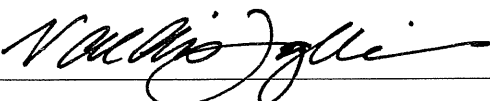
_____, AM

_____ 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: 2-3-17

Petitioner's Proposed Text

Section 103.0.: Definitions

Final Development Plan: A drawing or series of drawings, at an appropriate scale, covering the same geographical area covered by the Comprehensive Sketch Plan or a portion thereof indicating the various land use areas with criteria [[which shall be the same as those approved by the Planning Board as part of the Comprehensive Sketch Plan,]] and intended for recordation among the Land Records of Howard County, Maryland.

Section 125.0.D: Final Development Plan – General Provisions

D. Final Development Plan – General Provisions

1. If a Comprehensive Sketch Plan or Comprehensive Sketch Plan Amendment is required, upon its approval, the petitioner may submit a Final Development Plan [[or Final Development Plan Amendment]] to the Department of Planning and Zoning for approval by the Planning Board. The petition may cover all or a portion of the land covered by the Comprehensive Sketch Plan. The drawings shall delineate the various land use areas by courses and distances. FOR APPROVAL OF AN INITIAL FINAL DEVELOPMENT PLAN [[The text (criteria)] THE TEXT OF THE CRITERIA shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.
2. The Final Development Plan shall be considered by the Planning Board at a public meeting. In acting upon [[the]] AN INITIAL Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the INITIAL Final Development Plan. The provisions of this Section 125.0.D.2 do not apply to Downtown Revitalization. SUBSEQUENT TO APPROVAL OF AN INITIAL FINAL DEVELOPMENT PLAN, THE APPROVED FINAL DEVELOPMENT PLAN SUPERSEDES THE COMPREHENSIVE SKETCH PLAN.

AN APPROVED FINAL DEVELOPMENT PLAN MAY BE REVISED BY A FINAL DEVELOPMENT PLAN AMENDMENT, WHICH SHALL BE CONSIDERED BY THE PLANNING BOARD AT A PUBLIC MEETING. ANY ASPECT OF A FINAL DEVELOPMENT PLAN MAY BE AMENDED BY A FINAL DEVELOPMENT PLAN AMENDMENT. ,

Petitioner's Proposed Text (If approved)

Section 103.0.: Definitions

Final Development Plan: A drawing or series of drawings, at an appropriate scale, covering the same geographical area covered by the Comprehensive Sketch Plan or a portion thereof indicating the various land use areas with criteria and intended for recordation among the Land Records of Howard County, Maryland.

Section 125.0.D: Final Development Plan – General Provisions

D. Final Development Plan – General Provisions

1. If a Comprehensive Sketch Plan or Comprehensive Sketch Plan Amendment is required, upon its approval, the petitioner may submit a Final Development Plan to the Department of Planning and Zoning for approval by the Planning Board. The petition may cover all or a portion of the land covered by the Comprehensive Sketch Plan. The drawings shall delineate the various land use areas by courses and distances. For the initial approval of a Final Development Plan the text of the criteria shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.
2. The Final Development Plan shall be considered by the Planning Board at a public meeting. In acting upon an initial Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the initial Final Development Plan. The provisions of this Section 125.0.D.2 do not apply to Downtown Revitalization. Subsequent to the initial approval of a Final Development Plan, the approved Final Development Plan supersedes the Comprehensive Sketch Plan.

An approved Final Development Plan may be revised by a Final Development Plan Amendment, which shall be considered by the Planning Board at a Public Meeting. Any aspects of a Final Development Plan may be amended by a Final Development Plan Amendment, provided, however, that any amendment(s) to land use areas shall be in compliance with the land use area percentages of the approved Preliminary Development Plan.