



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

DPZ Office Use Only:

Case No. ZRA- 185

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: Amend Section 121.0.C., to remove "Commercial communication towers" from the list of excluded uses in the CEF (Community Enhancement Floating) District.

[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 Chapelgate Presbyterian Church, Inc.

Address 2600 Marriottsville Road, Marriottsville, Maryland 21104

Phone No. (W) _____ (H) _____

Email Address _____

3. Counsel for Petitioner Sang W. Oh, Esquire, Talkin & Oh, LLP

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042

Counsel's Phone No. (410) 964-0300

Email Address soh@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 _____

The public utility of commercial communication towers is consistent with the purpose of the CEF zone and would expand the availability of community enhancements available for CEF projects. Moreover, any proposal that would include commercial communication towers would need to be evaluated and approved by the Zoning Board on a case-by-case basis.

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

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

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HOWARD COUNTY COUNCIL
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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 Supplemental Statement

[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 Supplemental Statement

[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.

See attached Supplemental Statement

[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. None

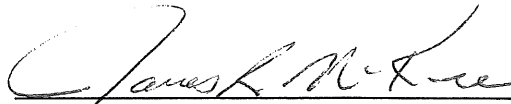
[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]


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.

Chapelgate Presbyterian Church, Inc.
Petitioner's name (Printed or typed)

 8/27/2018
Petitioner's Signature Date


Sang W. Oh, 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.

APPLICATIONS: One (1) original plus twenty four (24) copies along with attachments.

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

Revised:07/12

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

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.

PETITIONER: Chapelgate Presbyterian Church, Inc.

AFFIDAVIT AS TO CONTRIBUTION

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

I, James R McKee, the applicant in the above zoning matter

_____, HAVE X _____, 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: JAMES R McKee
Signature: James R McKee
Date: 8/27/2018

PETITIONER: Chapelgate Presbyterian Church, Inc.

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:

JAMES R McKee

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>N/A</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></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.

Printed Name:

JAMES R McKee

Signature:

James R McKee

Date:

8/27/2018

PETITIONER: Chapelgate Presbyterian Church, Inc.

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, JAMES R M-KEE, the applicant in the above zoning matter

_____, AM

_____ X _____, 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: JAMES R M-KEE
Signature: James R M-Ke
Date: 8/27/15

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

Chapelgate Presbyterian Church, Inc., Petitioner

Petitioner, Chapelgate Presbyterian Church, Inc., by and through its attorneys, Sang W. Oh and Talkin & Oh, LLP, submit this Supplement in support of its Petition to Amend the Zoning Regulations of Howard County.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with the current General Plan for Howard County.

The proposed amendment is in harmony with the policy recommendations of PlanHoward 2030 and the implementing actions contained therein. Allowing commercial communication towers in the CEF zone would increase the availability of a critical technology in appropriate areas throughout the county, ensure that Howard County is well-positioned to capture a growing sector of the economy, and would do so in a site-specific manner that benefits the surrounding community.

The proposed amendment is in conformance with Policy 5.2 of PlanHoward 2030, which recommends policymakers “[e]stablish Howard County as a leader in 21st century entrepreneurship, information technology, and cyber security.” Implementing Action b. addresses infrastructure capacity: “Define broadband, mobile communications, and utility infrastructure requirements, and ensure that service capacity and quality are available.” The proposed amendment will allow the county to stay current with emerging infrastructure trends, particularly as they relate to mobile communications. Wireless telecommunication companies are deploying new 5G service to customers across the country, which is up to 100 times faster than current data speeds, but requires cellphone towers to be closer to users than before. These companies have estimated that they will need to double the current inventory of cell towers built over the last thirty

years in order to provide this service. In order for Howard County to be able to ensure this service is available to residents, the Zoning Regulations will need to be updated to expand the availability of commercial communication towers throughout the county.

The proposed amendment is also supported by Policy 6.4, which states that lawmakers should “[e]nsure that the County continues to capture future job and business growth opportunities.” Implementing action b. recommends that the Zoning Regulations be updated “to address the evolving commercial and industrial markets and development trends.” As noted above, 5G cellular service is the future of the telecommunications industry and will become the standard service that customers expect to be able to use. With new technology comes innovation and entrepreneurship, which Howard County should foster and support. This amendment will remove a prohibition that forecloses the proliferation of such technology.

Finally, PlanHoward Policy 6.5 recommends the utilization of floating zones, such as the CEF, to allow flexibility for unique, well-designed, site-specific developments which provide benefits and protections to surrounding communities. Allowing commercial communications towers in a floating zone like CEF provides the opportunity to consider the use in the context of a larger development. The Zoning Board will have the opportunity to accept or reject any proposed commercial communications tower based on site-specific considerations, which is not the case for use that are allowed by right. The CEF zone is particularly well-suited due to the fact that 5G towers can be paired with community WiFi, which would be a potential community benefit that could expand access to the internet for citizens that may not otherwise be able to afford the service.

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 preserve and promote the health, safety and welfare of the community by removing an arbitrary restriction on the CEF district that precludes important technology from being proposed as a part of developments in the zone. As stated above, 5G technology is the future of telecommunications and the preclusion of commercial communications towers in a zone that is intended to promote flexibility and creativity is not consistent with the intent of the zone. Howard County consumers will demand this technology and the Zoning Regulations should be written in a manner that allows this demand to be met.

Petitioner's Proposed Text
Section 121.0: CEF (Community Enhancement Floating) District ZRA

Amend Section 121.0.C. as follows:

C. Excluded Uses

The following uses are specifically excluded from the CEF District and are not permitted.

1. Adult live entertainment establishments.
2. Building cleaning, painting, roofing, exterminating and similar establishments.
3. Bulk retail stores.
4. Bus terminals.
5. [[Commercial communication towers.]]

(Renumber remainder of section accordingly)