



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA-167

Date Filed: 2-26-16

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.39.b., to clarify language regarding noise being perceptible at lot lines for Pet Day Care Facilities.

[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 Elisa Kamens

Address 4807 Manor Lane, Ellicott City, Maryland 21043

Phone No. (W) 410-730-2275 (H)

Email Address

3. Counsel for Petitioner Thomas G. Coale, Talkin & Oh, LLP

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

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

Email Address tcoale@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 current language of the Conditional Use criteria for Pet Day Care Facilities has been interpreted to preclude all pet day care operations for which noise may be perceptible at lot lines, including outdoor noise during toileting or periodic exercise. In application, this criterion precludes pet day care uses anywhere but lots that are 10 acres in size or larger, which is far in excess of the one acre minimum lot size stated in the regulations. In order to make the criteria for pet day care facilities internally consistent, the regulations must be amended to reflect the intent of the Council in creating this conditional use. The proposed amendment would provide clarity on the issue of noise control by differentiating indoor noise, as addressed by criterion 39.b., from outdoor noise, which is addressed under criterion 39.g. The amendment would allow for outdoor uses, which are integral to any pet day care operation, while continuing to provide flexibility for the Hearing Authority in setting hours of operation and limits on the number of pets permitted outside at any one time.

2016 FEB 26 AM 10:19

HOWARD COUNTY COUNCIL RECEIVED

---

---

---

5.

Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County. This Amendment is sought for the purpose of correcting an ambiguity in the Zoning Regulations. As such, it does not implicate the General Plan in any way other than providing predictability and consistency for conditional use approval, which is noted throughout PlanHoward 2030, but with particularity in Policy 10.4.

---

---

---

[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. The demand for Pet Day Care Facilities, and their reciprocal contribution to the community welfare, is reflected in the County Council's decision to allow such facilities as a conditional use in the RC, RR or R-20 zones. This Amendment would correct an ambiguity in the regulations that effectively prohibits such uses in the R-20 zone, and unreasonably limits the use in the RC and RR zones to parcels far in excess of the one acre minimum stated in criterion 39.a.

---

---

---

[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 response to Section 6. This Amendment will reinstitute the public benefit originally intended by the County Council in creating a conditional use for Pet Day Care Facilities.

---

---

---

[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.

This Amendment will affect the general availability of this conditional use, but no more than what was originally intended by the County Council when incorporating this use into the Zoning Regulations.

---

---

---

---

---

---

---

---

---

---

[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

---

---

---

---

---

---

---

---

---

---

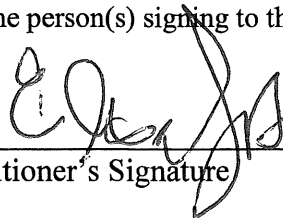
[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

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.

Elisa Kamens  
Petitioner's name (Printed or typed)

  
Petitioner's Signature

2/22/2016  
Date

  
Thomas G. Coale, 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](http://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: Elisa Kamens

**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: Elisa Kamens

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>NA</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: Elisa Kamens  
Signature: [Signature]  
Date: 2/16/2016

PETITIONER: Elisa Kamens

**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, Elisa Kamens, 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: Elisa Kamens

Signature: [Handwritten Signature]

Date: 2/22/2016

**Petitioner's Proposed Text  
Pet Day Care Facilities ZRA**

**Amend Section 131.0.N.39.b. as follows:**

- b. All day care business functions must be completely enclosed within a building.  
INDOOR noise must not be perceptible at lot lines.

**Example of How Text of Section 131.0.N.39.b. Would Appear Normally if Adopted:**

- b. All day care business functions must be completely enclosed within a building.  
Indoor noise must not be perceptible at lot lines.