



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-199 Date Filed: 8/12/21

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 the Howard County Zoning Regulations to amend the Planned Golf Course Community (PGCC) zoning district regulations (Section 126.0) to require that 15 percent of all residential units be Moderate Income Housing Units.

Three horizontal lines for additional text.

[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 Liz Walsh, Howard County Council, Member

Address 3430 Courthouse Drive, Ellicott City, MD 21043 Phone No. (W) 410-313-2001 (H) Email Address ewalsh@howardcountymd.gov

3. Counsel for Petitioner David Moore, Howard County Office of Law

Counsel's Address 3430 Courthouse Drive, Ellicott City, MD 21042 Counsel's Phone No. 410-313-2101 Email Address dmoore@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed This proposed Zoning Regulation (ZRA) is being requested to generally expand affordable housing opportunities throughout the County and specifically create opportunities in the PGCC zone, where there is no MIHU requirement.

Two horizontal lines for additional text.



2021 AUG 12 P 3:10 HOWARD COUNTY COUNCIL

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County PlanHoward's Policy 9.2 calls on the County to "Expand full spectrum housing for residents at diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities." Specifically, Policy 9.2's Implementation Actions a. "Range of Affordable Options" states the County should "Continue to expand current options for full spectrum, affordable housing through affordable housing requirements in additional zoning districts," as is proposed here.

[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 justification for this proposed ZRA being in harmony with preserving and promoting the health, safety, and welfare of the community and other issues as set forth in Section 100.A can be found in enumerated additional intent number 5 which states as a goal, "To provide for adequate housing choices in a suitable living environment within the economic reach of all citizens;".

[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 document attached behind this application

[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. Any PGCC zoned property with the potential to develop residential units will be eligible to exercise this provision.

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.
As stated above, any PGCC zoned property with the potential to develop residential units will be eligible to exercise this provision.

[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. Title 13 "Housing and Community Development", Subtitle 4 "Moderate Income Housing Units" of the County Code establishes the provisions for the MIHU program. Most zoning districts are required to have MIHUs in each development ranging between 10% - 15%. However, the PGCC zoning zoning district is exempt from the MIHU requirement. Thus since 1985, approximately 1,400 residential units have been developed in the PGCC zoning district without one MIHU being offered. And residential development is still ongoing in the zoning district. As of September 2020 there were 803 remaining Turf Valley dwelling units to be built.

[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.

Liz Walsh

Petitioner's name (Printed or typed)



Petitioner's Signature

7/16/2021

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.**

APPLICATIONS: One (1) original plus twenty (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

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: Liz Walsh

**AFFIDAVIT AS TO CONTRIBUTIONS TO CANDIDATES AND
BUSINESS ENGAGEMENTS WITH ELECTED OFFICIALS**

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852
MARK EACH PARAGRAPH AS APPLICABLE

1. I, Liz Walsh, the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief HAVE / HAVE NOT made a **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 the **Application** was filed; and I AM / AM NOT currently **Engaging in Business** with an **Elected Official**.

2. I, the **Applicant** or a **Party of Record** in the above referenced zoning matter, acknowledge and affirm that, if I or my **Family Member** has made a **Contribution** or contributions having a cumulative total of \$500 or more during the 48-month period before the **Application** was filed or during the pendency of the **Application**, I will file a disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was

made, the amount, and the date of the **Contribution**; and that a **Contribution** made between the filing and the disposition of the **Application** will be disclosed within 5 business days after the **Contribution**.

3. I, the **Applicant**, acknowledge and affirm that, if I begin **Engaging in Business** with an **Elected Official** between the filing and the disposition of the **Application**, I will file this Affidavit at the time of **Engaging in Business** with the **Elected Official**.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Liz Walsh

(Print full name)



(Sign full name &
indicate legal capacity, if applicable)

7/16/2021

(Date)

ZONING MATTER: Liz Walsh

DISCLOSURE OF CONTRIBUTION

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852

If the **Applicant** or a **Party of Record** or their **Family Member** has made a **Contribution** or contributions having a cumulative value of \$500 or more during the 48-month period before the **Application** is filed or during the pendency of the **Application**, the **Applicant** or the **Party of Record** must file this disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**.

For a **Contribution** made during the 48-month period before the **Application** is filed, the **Applicant** must file this disclosure when they file their **Application**, and a **Party of Record** must file this disclosure within 2 weeks after entering the above zoning matter.

A **Contribution** made between the filing and the disposition of the **Application** must be disclosed within 5 business days after the **Contribution**.

Any person who knowingly and willfully violates Sections 5-852 through 5-854 of the General Provisions Article of the Annotated Code of Maryland 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: Liz Walsh
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
N/A		

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

Liz Walsh
(Print full name)


(Sign full name & indicate legal capacity, if applicable)

7/16/2021
(Date)

Response to Section 7

Recently there have been community-wide visioning efforts that have sought to address the issue of Affordable Housing in Howard County. One example of the community-wide visioning effort can be found in the Housing Opportunities Master Plan dated April 2021. Specifically, the following strategies are offered to improve housing opportunities for existing and future residents:

- Revise land use, planning, and zoning regulations to improve the availability, accessibility, affordability, and diversity of housing;
- Use land use policy and provide incentives to produce income-restricted housing units;
- Enable more equitable growth throughout the County through changes to zoning regulations and land use plans;
- Facilitate the development of lower-cost housing typologies; and
- Remove zoning barriers to mixed-use neighborhoods and developments.

Another example of the community-wide visioning can be found in the Draft Recommendations of the County's Racial Equity Task Force. Below there are several recommendations forwarded by the Land Use and Housing Policy Subgroup which address the tenets of this ZRA:

Recommendation 2: We recommend Howard County revise the County's Moderate Income Housing Unit ("MIHU") Ordinance. Howard County's MIHU program is generally designed to promote housing for County residents earning between 60% and 80% of the County median income. This income range and other rules of the program can be adjusted to better promote housing opportunities for people of color who may be unintentionally harmed by some of the program rules. Alterations the County should consider include:

1. Require MIHUs universally in Howard County, including in New Town Zoning. May need to exclude Downtown Columbia because of DRRA related to its redevelopment.
2. Procure a consultant to recommend appropriate fee in lieu amounts based on the cost of creating comparable units in similar locations (or to suggest other definitions for what the fee in lieu amount should be based on).
3. Modify MIHU rental income limits to match needs of renters of color.
4. Establish marketing requirements in order to ensure marketing of MIHU units to all communities.
5. Modify the resale limits on the price of MIHU homes in order to generate more wealth for the MIHU owner.
6. Review uses of fee in lieu with a racial equity lens. Ensure that any alternative compliance is created in either areas of opportunity or in areas that need revitalization.

Once enacted, these efforts will increase program benefits to County residents of color.

Petition to Amend the Zoning Regulations of Howard County

Petitioner's Proposed Text

Howard County Zoning Regulations Section 126.0.E:

Proposed Amendment:

E. Other Provisions

1. No less than 5% and no more than 12% of the total net acreage of land in the PGCC District shall be non-residential or non-open space.
2. Retail businesses shall not exceed 20,000 square feet of floor area for any individual business, except for grocery stores as provided in Subsection B of this section.
3. Open Space
At least 50% of the PGCC District shall be devoted to open space or golf course uses, and at least two eighteen-hole golf courses shall be provided. Open space and golf course uses shall be arranged so that each sub-district shall include at least 15% open space including landscaped areas.
4. The minimum district size shall be 500 contiguous acres. For the purposes of this section, lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, or rights-of-way in fee or by easement, owned by third parties, shall be considered to be contiguous, but such items shall not be included in determining the minimum area of the district.
5. Additional bulk and design regulations including, but not limited to, lot sizes, building setbacks, parking requirements, height and coverage requirements for non-residential uses, minimum lot widths, distances between buildings, and landscaping requirements shall be specified as part of the Final Development Plan. Bulk regulations specified in the Final Development Plan shall be in addition to the requirements of Section 126.0.D.
6. The provisions of Section 128.0 (Supplementary Zoning District Regulations) and Section 133.0 (Off-Street Parking and Loading Facilities) shall apply in the PGCC District unless different requirements are specifically approved in the Final Development Plan.
7. Connection to the public water facilities shall be made when the Howard County Department of Public Works determines that such public facilities are available to the property.
8. AT LEAST 15% OF THE DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS AND DEVELOPED ON THE SITE OF THE DEVELOPMENT PROJECT.

Example of how the text would appear normally if adopted:

E. Other Provisions

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5. Additional bulk and design regulations including, but not limited to, lot sizes, building setbacks, parking requirements, height and coverage requirements for non-residential uses, minimum lot widths, distances between buildings, and landscaping requirements shall be specified as part of the Final Development Plan. Bulk regulations specified in the Final Development Plan shall be in addition to the requirements of Section 126.0.D.
6. The provisions of Section 128.0 (Supplementary Zoning District Regulations) and Section 133.0 (Off-Street Parking and Loading Facilities) shall apply in the PGCC District unless different requirements are specifically approved in the Final Development Plan.
7. Connection to the public water facilities shall be made when the Howard County Department of Public Works determines that such public facilities are available to the property.
8. At least 15% of the dwelling units shall be Moderate Income Housing units and developed on the site of the development project.

Petitioner	ZBA	Form	Name	Date	Have	Have Not	Name2	Date of Contribution	Amount	Am	Am Not
Liz Walsh	199	Affidavit of Contribution		7/16/2021		X					
Liz Walsh	199	Disclosure of Contribution Affidavit Engaging in	N/A	7/16/2021			N/A	N/A	N/A		
Liz Walsh	199	Business		7/16/2021							X