



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

DPZ Office Use Only:

Case No. ZRA-152

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: To amend Section 107.0. of the R-ED Zoning Regulations to create a new Section 107.0.J. to add provisions concerning the use and subdivision of R-ED properties that have Agricultural Land Preservation Easements.

[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 Marsha S. McLaughlin, 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 msmclaughlin@howardcountymd.gov

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

Email Address

- 4.** Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed The Department of Planning and Zoning has been made aware of an approximately 51 acre property adjoining the Patapsco Valley State Park in the Woodstock area that the owner proposes to have incorporated into the Agricultural Land Preservation Program ("ALPP"). This property is comprised of two parcels and is split-zoned; part of the property is zoned RC-DEO, and part of the property is zoned R-ED, and although there are no R-ED-zoned properties in the ALPP currently, there is nothing in the program that precludes such a possibility. The property is larger than 50 acres, so if it were to be incorporated into the ALPP it would qualify for the creation of one residential lot, however, the current R-ED regulations do not address the issue of the creation of lots on ALPP properties as are addressed in both the RC and RR regulations. The reason for the requested amendment is to add regulations to the R-ED regulations concerning the creation of lots on ALPP properties, and the allowable uses on such lots, that are similar to those for the RC and RR regulations.

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 amendment is in harmony with General Plan Policy 4.1 to “Promote additional agricultural preservation opportunities.” Because the proposal to add the subject property to the ALPP will also help to preserve the environmental resources on this property, the amendment is also in general harmony with the main principle of General Plan Policy 3.7 to “Secure better protection of environmental resources within new developments”. Additional justification may be provided at the Planning Board meeting and County Council hearing for this Zoning Regulation Amendment proposal.

[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. In terms of providing more opportunity for preserving environmentally sensitive resources on land in the R-ED District, this proposed amendment is in harmony with the intent “To ensure that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County...” It is also in harmony with the basic intent to “Preserve agricultural land”.

[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) . There is a public benefit to preserving the environmentally sensitive resources on the subject property that happens to be located in both the RC and R-ED Districts.

[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? No, it is very unlikely that there would be other R-ED-zoned properties that would qualify for potential incorporation into the ALPP.

[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. There are no other factors at this time, but more may be provided during the public meeting and public hearing processes for this Zoning Regulation amendment.

[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.
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.
9. 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.

Marsha S. McLaughlin, Director
Petitioner's name (Printed or typed)

Marsha S. McLaughlin 10/13/14
Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Paul T. Johnson
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

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ZRA 152 – Petitioner’s Proposed Text

New Section 107.0.J:

J. REGULATIONS FOR ALPP PURCHASED EASEMENTS

1. USES ON ALPP PURCHASED EASEMENTS SHALL BE IN ACCORDANCE WITH SECTION 106.1.B THROUGH SECTION 106.1.D, PROVIDED, HOWEVER,

FOR THE ALLOWABLE ACCESSORY USES LISTED IN SECTION 106.1.C.1, ONLY THOSE USES WHICH ARE ELIGIBLE AS POTENTIAL FARM USES IN THE R-ED DISTRICT, AS SPECIFIED IN SECTION 128.0.I, ARE PERMITTED, AND

FOR THE ALLOWABLE CONDITIONAL USES LISTED IN SECTION 106.1.D.1.A, ONLY THOSE USES WHICH ARE ELIGIBLE AS CONDITIONAL USES IN THE R-ED DISTRICT, AS SPECIFIED IN SECTION 131.0.N, ARE PERMITTED.

2. BULK REQUIREMENTS FOR ALPP PURCHASED EASEMENTS

ON HOWARD COUNTY ALPP PURCHASED EASEMENT PROPERTIES, LOTS MAY BE CREATED PURSUANT TO THE APPLICABLE HOWARD COUNTY LAWS AND REGULATIONS GOVERNING THE EASEMENT, SUBJECT TO THE FOLLOWING REQUIREMENTS.

- A. THE FOLLOWING REQUIREMENTS SHALL APPLY INSTEAD OF THE REQUIREMENTS OF SECTION 107.0.D.2:

LOT SIZE: MAXIMUM -- 1 ACRE
 MINIMUM -- 40,000 SQUARE FEET

- B. FOR PROPERTIES NOT SERVED BY PUBLIC WATER AND SEWER THE 1 ACRE MAXIMUM LOT SIZE REQUIRED BY THIS SECTION MAY BE INCREASED UP TO A MAXIMUM OF 1.2 ACRES PROVIDED THAT:

- (1) THE LOCATION OF THE PROPOSED LOT HAS BEEN APPROVED BY THE HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD, AND
- (2) THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THAT:
 - (A) THE INCREASE IN LOT SIZE IS NECESSARY TO

- ACCOMMODATE THE HEALTH DEPARTMENT
APPROVED LOCATIONS FOR THE SEWAGE
DISPOSAL EASEMENT AND WELL; AND
- (B) THE PROPOSED LOT IS A REGULARLY SHAPED
LOT IN ACCORDANCE WITH SECTION 16.120 (B)
OF THE HOWARD COUNTY CODE.
- (3) THE INCREASE IN LOT SIZE SHALL BE APPROVED:
 - (A) BY THE DEPARTMENT OF PLANNING AND
ZONING AS AN ADMINISTRATIVE ADJUSTMENT
PURSUANT TO SECTION 100.0.F OF THE ZONING
REGULATIONS; OR
 - (B) BY THE HEARING AUTHORITY AS A VARIANCE
PURSUANT TO SECTION 130.0.B OF THE ZONING
REGULATIONS.

- 3. SECTIONS 107.0.E THROUGH 107.0.I ARE NOT APPLICABLE.