



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

2008 AUG 21 1:08

DPZ Office Use Only:

Case No. ZRA- 104

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: \_\_\_\_\_

Amendments to Sections 127.2 (CE: Corridor Employment District); 127.4 (TOD: Transit Oriented Development District); 127.5 (CAC: Corridor Activity Center District); and 103.A. (Definitions) to eliminate the setback from roads for amenity areas in the CE District; increase the setback from public roads for principal structures in the TOD District; increase the setback from Route 1 for principal structures in the CAC District; to create a definition in the Zoning Regulations for amenity areas; and to clarify the definition of setback.

[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 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-2350 (H) \_\_\_\_\_

Email Address Mmclaughling@howardcountymd.gov

**3. Counsel for Petitioner** \_\_\_\_\_

Counsel's Address \_\_\_\_\_

Counsel's Phone No. \_\_\_\_\_

Email Address \_\_\_\_\_

**4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed** To facilitate the promotion of the county's goals for the Rt. 1 corridor. Since the adoption of the noted Rt. 1 zoning districts and the Rt. 1 Manual, the Department of Planning and Zoning has found that certain changes to the Rt. 1 design criteria, if adopted, would better accomplish these goals.

**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 would further the policies of the Community Conservation and Enhancement chapter of the General Plan which established the need for the revitalization of the County's older communities and recommends that future development

regulations should be revised to address scale and orientation of buildings and parking lots, ensure adequate landscaping and buffers, and provide pedestrian amenities. The proposed ZRA amendments are generally in harmony with the Community Conservation and Enhancement Policy No. 5.10 to "Improve the design of commercial areas."

[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. With a principal intent to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses in centers that are located near Route 1 and close to residential communities, the proposed ZRA amendments are also in harmony with the Legislative Intent of the Zoning Regulations 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..." The proposed amendments would be instrumental in furthering the intended purpose of creating the Route 1 zoning districts for revitalizing the Route 1 corridor.

[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) . \_\_\_\_\_  
Addressed above in Section 6.

[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 proposed amendments would likely affect more than 12 properties. In general, the amendments would allow outdoor pedestrian amenity areas to be located closer to roads which will result in greater public visibility of amenity areas. Increasing the setback from public roads for principal structures in the TOD

District will provide some visual relief from multi-story buildings being placed directly on roads. The proposed amendments to the definitions section will clarify for all zoning districts that the right-of-way of a public road is to be measured using the ultimate right-of-way and not necessarily the existing right-of-way, a clarification necessitated by the State Highway Administration for increased right-of-way widths in the Rt. 1 corridor.

[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. N/A

---

[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.

See Attachment A, Proposed Text.

**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.

MARSHA V. McLAUGHLIN

Petitioner's name (Printed or typed)

Marsha V. McLaughlin 8/28/08

Petitioner's Signature

Date

Petitioner's name (Printed or typed)

Petitioner's Signature

Date

Petitioner's name (Printed or typed)

Petitioner's Signature

Date

Paul T. Johnson 8/29/08

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 \$ n/a

## ATTACHMENT A

### Proposed Text

(CAPITALS indicates text to be added; [[brackets indicate text to be deleted]].)

#### SECTION 103.A (Definitions)

117. PEDESTRIAN AMENITY AREA: A USABLE OUTDOOR LANDSCAPED AREA SUCH AS A PLAZA, COURTYARD, GARDEN OR SIMILAR AREA WHICH IS DESIGNED TO BE OPEN TO THE PUBLIC, EASILY ACCESSIBLE , AND COMPLIES WITH THE ROUTE 1 MANUAL.

[[147.]] 148. Setback: The distance between a structure or use and a boundary such as a lot line, project boundary, right-of-way line, or zoning district boundary. A setback is measured as the shortest horizontal distance between the project boundary and the nearest point of the use, structure or projection thereof. Where these regulations require a minimum setback from a zoning district or right-of-way, and the property subject to the setback does not abut or adjoin the zoning district or right-of-way, the required setback is measured across the intervening properties. FOR LOTS THAT FRONT DIRECTLY ON A PUBLIC ROAD, THE SETBACK IS MEASURED FROM THE ULTIMATE RIGHT-OF-WAY OF THE PUBLIC ROAD AS DETERMINED BY THE HOWARD COUNTY DESIGN MANUAL VOLUME III, ROADS AND BRIDGES, OR THE STATE HIGHWAY ADMINISTRATION HIGHWAY NEEDS INVENTORY.

[[148.]] 149. Setback, Front: Extends across the full width of the lot, between the front public street right-of-way or front lot line and the nearest line of the structure or enclosed portion thereof:

- a. For lots that front directly on a public street, the front setback is measured from the ULTIMATE public street right-of-way providing access to the lot and towards which the front of the house OR STRUCTURE is to be oriented. THE ULTIMATE RIGHT-OF-WAY OF THE PUBLIC ROAD IS DETERMINED BY THE HOWARD COUNTY DESIGN MANUAL OR THE STATE HIGHWAY ADMINISTRATION HIGHWAY NEEDS INVENTORY
- b. For pipestem lots and lots with no frontage on a public street, the front setback is measured from the front lot line assigned when the lot is recorded. The front lot line is the lot line towards which the front of the house is to be oriented and shall be selected in order to provide the best utilization of the lot and greatest privacy for the adjacent lots.

(The remainder of Section 103.A should be renumbered accordingly.)

## SECTION 127.2 CE (Corridor Employment) District

### E. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

#### 2. Minimum setbacks for development complying with the Route 1 Manual standards

The following minimum setback requirements apply to sites that comply fully with the CE zoning regulations and the Route 1 Manual's requirements:

##### a. From External Public Street right-of-way:

- (1) All structures and uses, except those listed in (2) AND (3).....20 feet
- (2) Parking, loading docks, outdoor storage, dumpsters and fencing  
used to enclose or screen these uses.....40 feet
- (3) PEDESTRIAN AMENITY AREAS.....0 FEET

##### b. From Internal Public Street right-of-way:

- (1) All structures and uses, except those listed in (2), [[and]](3),  
AND (4).....10 feet
- (2) Parking, except truck parking.....20 feet
- (3) Truck parking, loading docks, outdoor storage areas, dumpsters  
and fencing used to enclose or screen these uses.....40 feet
- (4) PEDESTRIAN AMENITY AREAS .....0 FEET

### F. PEDESTRIAN Amenity Area

CE developments of 5 acres or more with any uses other than manufacturing shall include a PEDESTRIAN AMENITY AREA [[landscaped, outdoor amenity area such as a plaza, courtyard, or garden, designed to comply with the Route 1 Manual]].

(There are no proposed changes to the remainder of this section.)

## SECTION 127.4 TOD (Transit Oriented Development) District

- E. Bulk Regulations  
(Also see Section 128.A, Supplementary Bulk Regulations.)

2. Minimum setbacks for development complying with the Route 1 Manual

The following minimum setback requirements apply to sites that comply fully with the Manual's requirements:

- a. Minimum setbacks from public street right-of-way
- (1) From arterial
    - (a) Principal structures.....20 feet
    - (b) All other structures and uses.....30 feet
  - (2) From other public street right-of-way
    - (a) Principal structures.....[[0]] 10 feet
    - (b) All other structures and uses.....30 feet

F. Requirements for TOD Development

1. PEDESTRIAN Amenity Area

TOD developments shall include a PEDESTRIAN AMENITY AREA [[landscaped, outdoor amenity area such as a plaza, courtyard, or garden, designed to comply with the Route 1 Manual]].

(There are no proposed changes to the remainder of this section.)

## SECTION 127.5 CAC (Corridor Activity Center) District

- D. Bulk Regulations  
(Also see Section 128.A, Supplementary Bulk Regulations.)

4. For sites that comply fully with the Route 1 Manual:

- a. Minimum setbacks from public street right-of-way
- (1)Principal structures SETBACK FROM ROUTE 1 [[and amenity areas]].....[[0]] 10 feet
  - [[2]](2)All other structures and uses except those listed in (3) .....10 feet
  - [[1]](3)PEDESTRIAN AMENITY AREAS.....0 FEET

E. Requirements for CAC Development

1. PEDESTRIAN Amenity Area

CAC developments shall include a PEDESTRIAN AMENITY AREA [[landscaped, outdoor amenity area such as a plaza, courtyard, or garden, designed to comply with the Route 1 Manual]].

(There are no proposed changes to the remainder of this section.)