



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

DPZ Office Use Only:  
Case No. ZRA- 163  
Date Filed: 10-8-15

**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 127.4.B.8., to remove requirement that single-family attached dwellings may not occupy more than 40% of the residential development area within a project in the TOD zone.

[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** Jonathan Weinstein, Councilperson

Address 3430 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) (410) 313-2001 (H) \_\_\_\_\_

Email Address jweinstein@howardcountymd.gov

**3. Counsel for Petitioner** Paul Johnson, Esq.

Counsel's Address 3430 Courthouse Drive, Ellicott City, MD 21043

Counsel's Phone No. (410) 313-2100

Email Address pjohnson@howardcountymd.gov

**4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed**

To remove the restriction on TOD projects that limits the construction of single-family attached dwelling units to 40% of the total residential development area. This restriction is duplicative of the requirement that single-family attached units will not exceed 30% of the total number of dwelling units built and precludes projects in the TOD zone from constructing single-family attached units in proportion to the required apartments.

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2015 OCT - 8 PM 3:15  
HOWARD COUNTY GOVERNMENT  
COMMUNITY DEVELOPMENT

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 consistent with Plan Howard 2030 Policy 9.2 – *Expand full spectrum housing for residents of diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities.* Diversity of housing is essential to the creation of stable communities. By removing the area restriction on single-family attached units, this amendment will allow residents in TOD projects to have housing options within their community. In order to provide mixed income and multigenerational communities in the TOD zone, it will be necessary to diversify the housing stock available. While apartments will continue to be the predominant housing unit in TOD, increased flexibility in the construction of single-family attached units will bolster the diversity goals set forth in Policy 9.2. Similarly, the proposed amendment is consistent with the goal of providing the full spectrum of housing described in Policy 9.2. While the original intent of the TOD zone may have been to provide proportionate single-family attached units to a majority of apartments, the area restriction has drastically, and arbitrarily, limited the former, creating projects that are almost exclusively apartment buildings. This amendment clarifies the targeted proportionality of apartments and single-family attached units for the TOD zone (70% and 30% respectively) and broadens the spectrum of housing available within TOD communities.

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[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 purpose of this amendment is to create stable communities with proportional apartments and single-family attached units in the TOD zone. Apartments, in the absence of single-family attached units, tend to have high turn-over amongst residents. Single-family attached units are more commonly owner-occupied with less turn-over. A sufficient balance between the two would allow residents to stay within their own neighborhood through multiple life stages, provide stability amongst residents, and foster community development.

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[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) Same as above

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[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.

There is only one TOD project in Howard County at this time, but this amendment will be beneficial to all future TOD projects for the reasons stated above.

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[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. \_\_\_\_\_

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[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.

Jonathan Weinstein, Councilperson  
Petitioner's name (Printed or typed)

  
Petitioner's Signature

10/6/15  
Date

Paul T. Johnson  
Paul T. Johnson, Counsel for Petitioner

10/6/15

[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.**

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**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: Jonathan Weinstein

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**AFFIDAVIT AS TO CONTRIBUTION**

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

I, \_\_\_\_\_, the applicant in the above zoning matter

\_\_\_\_\_, HAVE \_\_\_\_\_, 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: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

PETITIONER: Jonathan Weinstein

**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: \_\_\_\_\_

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</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: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

PETITIONER: Jonathan Weinstein

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**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, \_\_\_\_\_, the applicant in the above zoning matter

\_\_\_\_\_, AM \_\_\_\_\_, 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: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Attachment A**

### Section 127.4.B.8.

8. Dwellings, single-family attached, only within a TOD development project encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units within the project. [[and further subject to the requirement that such dwellings not occupy more than 40% of the residential development area within the project.]]