



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-165 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 allow commercial athletic facilities in the RC and RR zoning districts.

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[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 Robert Haney

Address P. O. Box 190, Lisbon, MD 21765
Phone No. (W) \_\_\_\_\_ (H) \_\_\_\_\_
Email Address \_\_\_\_\_

3. Counsel for Petitioner Thomas M. Meachum, Carney Kelehan, Bresler Bennett & Scherr, LLP

Counsel's Address 10715 Charter Drive, Suite 200, Columbia, MD 21044
Counsel's Phone No. 410-740-4600
Email Address tmm@carneykelehan.com

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

There is a need for indoor athletic facilities in the western end of Howard County. This will allow private land owners to provide a service the County government and the school system are called upon to do. If outdoor athletic facilities are considered compatible in western Howard County, there is no reason why indoor facilities should not be available to the public too. The Petitioner is already aware of a group of sports enthusiasts who are interested in using such a facility

2016 FEB 12 PM 2:49 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 In the Public Facilities and Services section of Plan Howard 2030 under the Parks and Recreation section, there is much discussion of the benefits of varied types of recreation. It then says this variety requires many different types (p. 113) of facilities (and makes managing the parks and recreation system challenging).  
(See continuation sheet attached)

[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. Allowing indoor athletic facilities in additional locations obviously promotes the health of the community. It also obviously saves the government the cost of paying for a facility.

[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 6, above.

[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

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

**Petitioner: Robert Haney**

Continuation of No. 5:

Pages 115-116 discuss the County government building new community facilities; buying land to construct more facilities; and enhancing community recreational opportunities by cooperating with the school system and coordinating with CA, recreation organizations and private recreation providers. Expanding partnership with other recreation providers is also mentioned.

It would seem that a change in the Zoning Regulations to encourage private recreational facilities would be in harmony with this section of the General Plan.

This concept is also in keeping with the sentiment expressed in Health Services, p. 118, of preventing obesity through physical activity.

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. Presumably more than 12 properties could go through the conditional use process and construct an indoor athletic facility, but given the costs of construction, this seems an unlikely prospect. The impact would seem similar to those of the Glenwood Community Center or Circle D Club.

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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. No other factors.

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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.

Robert Haney

\_\_\_\_\_  
Petitioner’s name (Printed or typed)

*Robt Haney*      *2/4/16*  
\_\_\_\_\_  
Petitioner's Signature      Date

\_\_\_\_\_  
Petitioner’s name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature      Date

\_\_\_\_\_  
Petitioner’s name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature      Date

*Thomas B. Brachman*  
\_\_\_\_\_  
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.**

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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: Robert Haney

**AFFIDAVIT AS TO CONTRIBUTION**

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

I, Robert Haney, the applicant in the above zoning matter  
X, 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.

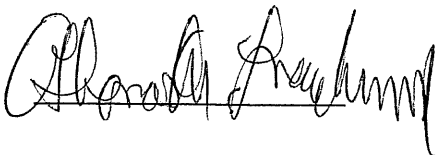
I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Robert Haney

Signature: Robert Haney

Date: 2/4/16





PETITIONER: Robert Haney

**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: Robert Haney

**RECIPIENTS OF CONTRIBUTIONS:**

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Greg Fox</u>	<u>9/24/15</u>	<u>\$500.-</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: Robert Haney  
Signature: *Robert Haney*  
Date: 2/4/16

PETITIONER: Robert Haney

**AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL**

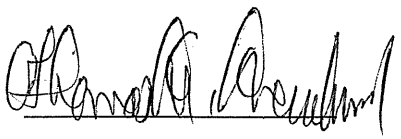
**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, Robert Haney, 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: Robert Haney

Signature: Robert Haney

Date: 2/4/16

PETITIONER'S PROPOSED TEXT

6. **Athletic Facilities, Commercial**

A conditional use may be granted in the RC and RR Districts for a commercial athletic facility ~~on properties that are not ALPP purchased or dedicated easement properties~~ provided that:

- a. A Conditional Use shall not be required for facilities which are reserved for use by residents of a community and their guests, and which are located within neighborhoods or communities where all properties are included within recorded covenants and liens which provide for the operation and maintenance of the facilities.
- b. If any adjoining properties are used for a residence, buildings, AND parking areas ~~and outdoor activity areas~~ will be at least 100 feet from such properties.
- ~~e. Adequate landscaping or other acceptable forms of buffering will be provided to screen outdoor areas from adjacent properties used as a residence.~~
- cd. Reasonable standards for hours of operation and a lighting plan in compliance with Section 134.0 shall be proposed by the Petitioner and approved by the Hearing Authority.
- ~~e. Outdoor sound amplification will be permitted only if the source of the sound is a minimum 200 feet from adjoining property used as a residence and it will not constitute a nuisance to properties used as residences in the vicinity. The Petitioner must indicate the purposes of proposed amplification (such as announcing sports events, safety announcements or entertainment), hours of use and the anticipated noise level at the property lines.~~

D. THERE SHALL BE NO OUTDOOR ACTIVITIES.

E. THE LAND AREA USED FOR THE CONDITIONAL USE SHALL NOT BE SUBJECT TO AN ALPP PURCHASED OR OTHER DEDICATED EASEMENT.

## PETITIONER'S PROPOSED TEXT

### 6. **Athletic Facilities, Commercial**

A conditional use may be granted in the RC and RR Districts for a commercial athletic facility provided that:

- a. A Conditional Use shall not be required for facilities which are reserved for use by residents of a community and their guests, and which are located within neighborhoods or communities where all properties are included within recorded covenants and liens which provide for the operation and maintenance of the facilities.
- b. If any adjoining properties are used for a residence, buildings, and parking areas will be at least 100 feet from such properties.
- c. Reasonable standards for hours of operation and a lighting plan in compliance with Section 134.0 shall be proposed by the Petitioner and approved by the Hearing Authority.
- d. There shall be no outdoor activities.
- e. The land area used for the conditional use shall not be subject to an ALPP purchased or other dedicated easement.