

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2022 Legislative Session

Legislative day # 6

BILL NO. 27 – 2022 (ZRA – 200)

Introduced by: David Yungmann

AN ACT amending the Howard County Zoning Regulations to permit Age-Restricted Adult Housing conditional uses in the B-1 (Business: Local) District in certain circumstances; and generally relating to Age-Restricted Adult Housings.

Introduced and read first time _____, 2022. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2022.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2022 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2022 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2022

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Zoning Regulations are hereby amended as follows:

3
4 *By Amending:*

5 *Section 131.0: “Conditional Uses”*

6 *Subsection N. “Conditional Uses and Permissible Zoning Districts”*

7 *Number 1. “Age-Restricted Adult Housing”*

8
9
10 **HOWARD COUNTY ZONING REGULATIONS**

11
12 **SECTION 131.0: Conditional Uses**

13
14 **Subsection N. Conditional Uses and Permissible Zoning Districts**

15
16 The Hearing Authority may grant Conditional Uses in the specified districts in accordance
17 with the following minimum criteria.

18 **1.Age-restricted Adult Housing**

19 a. Age-Restricted Adult Housing, General

20 A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-
21 SC, R-SA-8, R-H-ED, R-A-15, or R-APT District, for age-restricted adult
22 housing, provided that:

- 23 (1) Single-family detached, semi-detached, multi-plex, attached and
24 apartment dwelling units shall be permitted, except that only
25 detached, semi-detached, multi-plex and single-family attached
26 units are permitted in developments with less than 50 dwelling
27 units in the RC, RR, R-ED, R-20 and R-12 districts.
- 28 (2) In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-
29 A-15, or R-APT Districts the development shall have a
30 minimum of 20 dwelling units.

1 (3) Only detached and semi-detached units are permitted in the RC
2 and RR Districts.

3 (4) The maximum density shall be as follows:

Zoning District	Number of Dwelling Units in Development	Maximum Units Per Net Acre
RC and RR	20 or more	1
R-ED and R-20	20—49	4
	50 or more	5
R-12	20—49	5
	50 or more	6
R-SC	20—49	7
	50 or more	8
R-SA-8	20 or more	12
R-H-ED	20 or more	10
R-A-15	20 or more	25
R-APT	20 or more	35

4
5 (5) If the development results in increased density according to
6 subsection (4) above, the site must have frontage on and direct
7 access to a collector or arterial road designated in the General
8 Plan.

9 (6) Site Design:

10 The landscape character of the site must blend with adjacent
11 residential properties. To achieve this:

12 (a) Grading and landscaping shall retain and enhance elements
13 that allow the site to blend with the existing neighborhood.

14 (b) The project shall be compatible with residential
15 development in the vicinity by providing either:

16 (i) An architectural transition, with buildings near the
17 perimeter that are similar in scale, materials and

- 1 architectural details to neighboring dwellings as
2 demonstrated by architectural elevations or renderings
3 submitted with the petition; or
- 4 (ii) Additional buffering along the perimeter of the site,
5 through retention of existing forest or landscaping,
6 enhanced landscaping, berms or increased setbacks.
- 7 (c) For projects with less than 50 dwelling units in the RC,
8 RR, R-ED, R-20 and R-12 Districts, setbacks from existing
9 public streets shall be the same as the setback required for
10 residential uses on adjacent properties.
- 11 (7) Bulk Requirements:
- 12 (a) Maximum Height:
- 13 (i) Apartments...40 feet
14 Except in R-SA-8, R-A-15 and R-APT...55 feet
- 15 (ii) Other principal structures...34 feet
- 16 (iii) Accessory structures...15 feet
- 17 (b) Minimum structure and use setback:
- 18 (i) From public street right-of-way...40 feet
- 19 (ii) From residential lots in RC, RR, R-ED, R-20, R-12 or
20 R-SC Districts:
- 21 Apartments...100 feet
22 Single-family attached...75 feet
23 Single-family detached, semi-detached, and multi-
24 plex...40 feet
- 25 (iii) From open space, multi-family or non-residential uses
26 in RC, RR, R-ED, R-20, R-12 or R-SC...30 feet
- 27 (iv) From zoning districts other than RC, RR, R-ED, R-20,
28 R-12 or R-SC...20 feet
- 29 (V) IN B-1 DISTRICTS:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STRUCTURES.....30 FEET

PARKING AND USE.....10 FEET

- (c) Minimum structure setback from interior roadway or driveway for units with garages...20 feet
- (d) Minimum structure setback from lot lines for single-family detached or multi-plex units
 - (i) Side...10 feet
Except zero lot line dwellings...0 feet
A minimum of 10 feet must be provided between structures
 - (ii) Rear...20 feet
- (e) Minimum distance between single-family detached and/or attached dwellings:
 - (i) For units oriented face-to-face...30 feet
 - (ii) For units oriented side-to-side...15 feet
 - (iii) For units oriented face-to-side or rear-to-side...20 feet
 - (iv) For units oriented rear-to-rear...40 feet
 - (v) For units oriented face-to-rear...100 feet
- (f) Minimum distance between apartment buildings or between apartment buildings and single-family dwellings:
 - (i) For units oriented face-to-face...30 feet
 - (ii) For units oriented side-to-side...15 feet
 - (iii) For units oriented face-to-side or rear-to-side...30 feet
 - (iv) For units oriented rear-to-rear...60 feet
 - (v) For units oriented face-to-rear...100 feet

1 (g) Apartment buildings and groups of single-family attached
2 units may not exceed 120 feet in length. However, the
3 Hearing Authority may approve a greater length, up to a
4 maximum of 300 feet in R-SA-8, R-A-15 and R-APT, or
5 200 feet in other districts, based on architectural design
6 that mitigates the visual impact of the increased length.

7 (8) At least 50% of the gross site area in the RC, RR, R-ED
8 Districts, at least 35% in the R-20, R-12, and R-SC Districts,
9 and at least 25% in R-SA-8, R-H-ED, R-A-15 and R-APT
10 Districts, shall be open space or open area in accordance with
11 the Subdivision and Land Development Regulations. The open
12 space or open area shall provide amenities such as pathways,
13 seating areas and recreation areas for the residents, and shall be
14 protective of natural features.

15 (9) Accessory uses may include social, recreational, educational,
16 housekeeping, security, transportation or personal services,
17 provided that use of these services is limited to on-site residents
18 and their guests.

19 (10) At least one on-site community building or interior community
20 space shall be provided that contains a minimum of:

21 (a) 20 square feet of floor area per dwelling unit, for the first
22 99 units with a minimum area of 500 square feet, and

23 (b) 10 square feet of floor area per dwelling unit for each
24 additional unit above 99.

25 (11) Loading and trash storage areas shall be adequately screened
26 from view.

27 (12) For a development that will be built in phases, open space areas,
28 recreational facilities and other accessory facilities shall be
29 provided in each phase to meet the needs of the residents. The
30 developer shall provide a schedule for the installation of
31 facilities at the time the Conditional Use is approved.

1 (13) The petition shall establish how the age restrictions required
2 under the definition of this use will be implemented and
3 maintained over time[[s]]. If the development will not be a
4 rental community under single ownership, an entity such as a
5 condominium association or homeowners association shall be
6 established to maintain and enforce the age restrictions in
7 addition to County enforcement of zoning regulations.

8 (14) All open space, common areas and related improvements shall
9 be managed and maintained by a common entity, either the
10 owner of the development, a condominium association, or a
11 homeowners association.

12 (15) The development shall incorporate universal design features
13 from the Department of Planning and Zoning guidelines that
14 identify required, recommended and optional features. The
15 petition shall include descriptions of the design features of
16 proposed dwellings to demonstrate their appropriateness for the
17 age-restricted population. The material submitted shall indicate
18 how universal design features will be used to make individual
19 dwellings adaptable to persons with mobility or functional
20 limitations and how the design will provide accessible routes
21 between parking areas, sidewalks, dwelling units and common
22 areas.

23 (16) At least 10% of the dwelling units in the RC, RR, R-ED, R-20,
24 R-12 and R-SC Districts, and at least 15% in the R-SA-8, R-H-
25 ED, R-A-15 and R-APT Districts, shall be Moderate Income
26 Housing Units.

27 (17) Housing for the elderly special exceptions uses approved by the
28 Board of Appeals on or prior to July 12, 2001 and constructed
29 under the Zoning Regulations in effect at that time, may convert
30 the existing dwelling units to age-restricted adult housing uses,
31 with respect to minimum age restrictions only, without being
32 subject to further hearing authority review and approval under

1 current Conditional Use requirements, provided that the
2 dwelling units are made subject to the new covenants and other
3 legal means of enforcing the age-restricted adult housing
4 minimum age restrictions, and that a copy of the recorded new
5 covenants is submitted to the Department of Planning and
6 Zoning to be filed in the original special exception case file.

7 (18) The Conditional Use plan and the architectural design of the
8 building(s) shall have been reviewed by the Design Advisory
9 Panel, in accordance with Title 16, Subtitle 15 of the Howard
10 County Code, prior to the submission of the Conditional Use
11 petition to the Department of Planning and Zoning. The
12 Petitioner shall provide documentation with the petition to show
13 compliance with this criterion.

14 b. Age-Restricted Adult Housing, Multi-Plex

15 A Conditional Use may be granted in the R-ED, R-20, R-12, R-SC, R-
16 SA-8, R-H-ED, R-A-15, R-APT, B-1 or B-2 Districts for age-restricted
17 multi-plex adult housing, provided that:

18 (1) The landscape character of the site must blend with adjacent
19 residential development. To achieve this:

20 (a) Grading and all landscaping shall retain and enhance
21 elements that allow the site to blend and be compatible
22 with adjacent residential development.

23 (b) The project shall be compatible with adjacent residential
24 development by providing either:

25 (i) An architectural transition with buildings near the
26 perimeter that are similar to neighboring dwellings in
27 scale, materials and architectural detail as
28 demonstrated by architectural elevations or renderings
29 submitted with the petition, or

1 (ii) Additional buffering along the perimeter of the site,
2 through retention of existing forest or landscaping,
3 enhanced landscaping, berms or increased setbacks.

4 (2) The following criteria shall be met:

- 5 (a) In the residential districts, one multi-plex dwelling unit
6 building is permitted per acre. There shall be no more than
7 five multi-plex dwelling unit buildings in a development.
8 In the B-1 and B-2 Districts, the density shall be
9 determined by available water and septic facilities.
- 10 (b) The net floor area of a multi-plex dwelling unit building is
11 limited to 5,000 square feet.
- 12 (c) The multi-plex dwellings are limited to age-restricted adult
13 housing. The petition must include copies of proposed
14 deed restrictions or covenants that establish how the age
15 restrictions required under the definition of age-restricted
16 adult housing will be implemented and maintained.
- 17 (d) The dwellings will incorporate universal design features
18 from the Department of Planning and Zoning Guidelines
19 that identify required, recommended, and optional features.
20 The petition shall include descriptions of the design
21 features of proposed dwellings to demonstrate their
22 appropriateness for the age-restricted populations. The
23 materials submitted shall indicate how universal design
24 features will be used to make individual dwellings
25 adaptable to persons with mobility or functional limitations
26 and how the design will provide accessible routes between
27 driveways, sidewalks, common areas and dwelling units.
- 28 (e) Properties in the B-1 and B-2 Districts shall be outside of
29 the Planned Service Area and adjoin, or be within 200
30 yards of a community shopping center development with a
31 food store greater than 15,000 square feet.

- 1 (f) The development has frontage on and direct access to a
2 public road.
- 3 (g) The minimum lot size is one gross acre in R-ED and R-20
4 and 20,000 square feet in R-12.
- 5 (3) The development shall comply with the following bulk
6 requirements:
- 7 (a) Maximum Height:
- 8 (i) Principal Structures...34 feet
9 (ii) Accessory Structures...15 feet
- 10 (b) Minimum structure and use setback from perimeter of
11 development:
- 12 (i) From public street right-of-way...40 feet
13 (ii) From RC, RR, R-ED, R-20 or R-SC Districts, the
14 setback applicable in the underlying zoning district.
15 (iii) From Zoning districts other than RC, RR, R-ED, R-20
16 or R-SC...20 feet
- 17 (c) Minimum structure setback from interior roadway or
18 driveway for units with garages...20 feet
- 19 (d) Minimum structure setback from lot lines:
- 20 (i) Side...10 feet
21 Except zero lot line dwellings...0 feet
22 A minimum of 10 feet must be provided between
23 structures
24 (ii) Rear...10 feet
- 25 (e) Minimum distance between principal structures 10 feet
- 26 (4) At least 35% of the gross site area shall be open space or open
27 area in accordance with the Subdivision and Land Development
28 Regulations. The open space or open area shall provide

1 amenities such as pathways, seating areas and outdoor
2 recreation areas for the residents, and shall be protective of
3 natural features.

4 (5) Accessory uses may include social, recreational, educational,
5 housekeeping, security, transportation or personal services,
6 provided that the use of these services is limited to on-site
7 residents and their guests.

8 (6) For developments with more than five multi-plex dwelling unit
9 buildings, at least one on-site community building or interior
10 community space shall be provided that contains a minimum of
11 500 square feet.

12 (7) The Conditional Use plan and the architectural design of the
13 building(s) shall have been reviewed by the Design Advisory
14 Panel, in accordance with Title 16, Subtitle 15 of the Howard
15 County Code, prior to the submission of the Conditional Use
16 petition to the Department of Planning and Zoning. The
17 Petitioner shall provide documentation with the petition to show
18 compliance with this criterion.

19 C. A CONDITIONAL USE MAY BE GRANTED IN THE B-1 DISTRICT FOR AGE-RESTRICTED ADULT
20 HOUSING, PROVIDED THAT:

- 21 (1) THE PARCEL SHALL BE ADJACENT TO AN EXISTING AGE-
22 RESTRICTED ADULT HOUSING OR HOUSING FOR THE ELDERLY
23 DEVELOPMENT.
- 24 (2) THE PARCEL SHALL BE LOCATED WITHIN THE PLANNED SERVICE
25 AREA FOR PUBLIC WATER AND SEWER.
- 26 (3) THE MAXIMUM PARCEL SIZE SHALL BE 3 ACRES.
- 27 (4) SINGLE-FAMILY DETACHED, SEMI-DETACHED, ATTACHED AND
28 MULTI-FAMILY, EXCLUDING APARTMENT DWELLING UNITS SHALL
29 BE PERMITTED IN THE B-1 DISTRICTS.

1 (5) THE MAXIMUM DENSITY SHALL BE 10 DWELLING UNITS PER NET
2 ACRE.

3 (6) UNLESS OTHERWISE SPECIFIED IN THE PROVISIONS IN SUBSECTION
4 C, THE AGE-RESTRICTED ADULT HOUSING DEVELOPMENT SHALL
5 COMPLY WITH THE GENERAL PROVISIONS IN A. 6 FOR SITE DESIGN
6 AND A. 7. FOR BULK REQUIREMENTS.

7 (7) AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INTERIOR
8 COMMUNITY SPACE SHALL BE PROVIDED THAT CONTAINS A
9 MINIMUM OF:

10 a. 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR
11 THE FIRST 99 UNITS WITH A MINIMUM AREA OF 500
12 SQUARE FEET; AND

13 b. 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR
14 EACH ADDITIONAL UNIT ABOVE 99.

15 THE REQUIREMENT FOR AN ON-SITE COMMUNITY BUILDING OR
16 INTERIOR COMMUNITY SPACE WITHIN THE NEW PARCEL MAY BE
17 SATISFIED IF:

18 a. THE PARCEL IS INCORPORATED INTO AND GOVERNED BY
19 THE HOMEOWNERS ASSOCIATION FOR AN EXISTING
20 ADJACENT AGE-RESTRICTED ADULT HOUSING OR HOUSING
21 FOR THE ELDERLY DEVELOPMENT; AND

22 b. THE EXISTING COMMUNITY BUILDING OR INTERIOR
23 COMMUNITY SPACE IN THE EXISTING ADJACENT AGE-
24 RESTRICTED ADULT HOUSING OR HOUSING FOR THE
25 ELDERLY DEVELOPMENT CONTINUES TO MEET THE
26 CONDITIONAL USE REQUIREMENTS IN THIS SUBSECTION
27 WITH THE ADDITION OF THE NEW UNITS; AND

28 c. THERE ARE ADEQUATE PHYSICAL CONNECTIONS BETWEEN
29 THE NEW AGE-RESTRICTED ADULT HOUSING
30 DEVELOPMENT AND THE EXISTING ADJACENT AGE-
31 RESTRICTED ADULT HOUSING OR HOUSING FOR THE

ELDERLY DEVELOPMENT VIA SIDEWALKS, WALKING
PATHS, ROADS, ETC.

- (8) ACCESSORY USES MAY INCLUDE SOCIAL, RECREATIONAL, EDUCATIONAL, HOUSEKEEPING, SECURITY, TRANSPORTATION OR PERSONAL SERVICES, PROVIDED THAT USE OF THESE SERVICES IS LIMITED TO ON-SITE RESIDENTS AND THEIR GUESTS.
- (9) LOADING AND TRASH STORAGE AREAS SHALL BE ADEQUATELY SCREENED FROM VIEW.
- (10) FOR A DEVELOPMENT THAT WILL BE BUILT IN PHASES, OPEN SPACE AREAS, RECREATIONAL FACILITIES AND OTHER ACCESSORY FACILITIES SHALL BE PROVIDED IN EACH PHASE TO MEET THE NEEDS OF THE RESIDENTS. THE DEVELOPER SHALL PROVIDE A SCHEDULE FOR THE INSTALLATION OF FACILITIES AT THE TIME THE CONDITIONAL USE IS APPROVED.
- (11) THE PETITION SHALL ESTABLISH HOW THE AGE RESTRICTIONS REQUIRED UNDER THE DEFINITION OF THIS USE WILL BE IMPLEMENTED AND MAINTAINED OVER TIME. IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE OWNERSHIP, AN ENTITY SUCH AS A CONDOMINIUM ASSOCIATION OR HOMEOWNERS ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN AND ENFORCE THE AGE RESTRICTIONS IN ADDITION TO COUNTY ENFORCEMENT OF ZONING REGULATIONS.
- (12) ALL OPEN SPACE, COMMON AREAS AND RELATED IMPROVEMENTS SHALL BE MANAGED AND MAINTAINED BY A COMMON ENTITY, EITHER THE OWNER OF THE DEVELOPMENT, A CONDOMINIUM ASSOCIATION, OR A HOMEOWNERS ASSOCIATION.
- (13) THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES THAT IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. THE PETITION SHALL INCLUDE

1 DESCRIPTIONS OF THE DESIGN FEATURES OF PROPOSED DWELLINGS
2 TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-
3 RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL
4 INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO
5 MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH
6 MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN
7 WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS,
8 SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

9 (14) THE CONDITIONAL USE PLAN AND THE ARCHITECTURAL DESIGN
10 OF THE BUILDING(S) SHALL HAVE BEEN REVIEWED BY THE DESIGN
11 ADVISORY PANEL, IN ACCORDANCE WITH TITLE 16, SUBTITLE 15
12 OF THE HOWARD COUNTY CODE, PRIOR TO THE SUBMISSION OF
13 THE CONDITIONAL USE PETITION TO THE DEPARTMENT OF
14 PLANNING AND ZONING. THE PETITIONER SHALL PROVIDE
15 DOCUMENTATION WITH THE PETITION TO SHOW COMPLIANCE WITH
16 THIS CRITERION.

17
18 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this*
19 *Act shall become effective 61 days after its enactment.*
20
21
22