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Effective date Q '?• dS-' 'Z 62-2-

County Council of Howard County, Maryland

2022 Legislative Session

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 on April 4, 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 April 19, 2022.

By order Michelle Harrod, Administrator

This Bill was read the third time on May 4, 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 5 day of May, 2022 at 12:00 a.m.

By order Michelle Harrod, Administrator

Approved Vetoed by the County Executive May 5, 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.
Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are hereby amended as follows:

By Amending:

Section 131.0: “Conditional Uses”
Subsection N. “Conditional Uses and Permissible Zoning Districts”
Number 1. “Age-Restricted Adult Housing”

Howard County Zoning Regulations

Section 131.0: Conditional Uses

Subsection N. Conditional Uses and Permissible Zoning Districts

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

1. Age-restricted Adult Housing
   
   a. Age-Restricted Adult Housing, General
   
   A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT District, for age-restricted adult housing, provided that:

   (1) Single-family detached, semi-detached, multi-plex, attached and apartment dwelling units shall be permitted, except that only detached, semi-detached, multi-plex and single-family attached units are permitted in developments with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 districts.

   (2) In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT Districts the development shall have a minimum of 20 dwelling units.
(3) Only detached and semi-detached units are permitted in the RC and RR Districts.

(4) The maximum density shall be as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Number of Dwelling Units in Development</th>
<th>Maximum Units Per Net Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>RC and RR</td>
<td>20 or more</td>
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<td></td>
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<td>12</td>
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<td>R-H-ED</td>
<td>20 or more</td>
<td>10</td>
</tr>
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<td>R-A-15</td>
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<td>25</td>
</tr>
<tr>
<td>R-APT</td>
<td>20 or more</td>
<td>35</td>
</tr>
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(5) If the development results in increased density according to subsection (4) above, the site must have frontage on and direct access to a collector or arterial road designated in the General Plan.

(6) Site Design:

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

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

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

(i) An architectural transition, with buildings near the perimeter that are similar in scale, materials and
architectural details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition; or

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

(c) For projects with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 Districts, setbacks from existing public streets shall be the same as the setback required for residential uses on adjacent properties.

(7) Bulk Requirements:

(a) Maximum Height:

(i) Apartments...40 feet

Except in R-SA-8, R-A-15 and R-APT...55 feet

(ii) Other principal structures...34 feet

(iii) Accessory structures...15 feet

(b) Minimum structure and use setback:

(i) From public street right-of-way...40 feet

(ii) From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts:

Apartments...100 feet

Single-family attached...75 feet

Single-family detached, semi-detached, and multi-plex...40 feet

(iii) From open space, multi-family or non-residential uses in RC, RR, R-ED, R-20, R-12 or R-SC...30 feet

(iv) From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC...20 feet

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

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

(9) 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.

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

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

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

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

(12) 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.
(13) 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.

(14) 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.

(15) 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 descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

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

(17) Housing for the elderly special exception uses approved by the Board of Appeals on or prior to July 12, 2001 and constructed under the Zoning Regulations in effect at that time, may convert the existing dwelling units to age-restricted adult housing uses, with respect to minimum age restrictions only, without being subject to further hearing authority review and approval under
current Conditional Use requirements, provided that the
dwelling units are made subject to the new covenants and other
legal means of enforcing the age-restricted adult housing
minimum age restrictions, and that a copy of the recorded new
covenants is submitted to the Department of Planning and
Zoning to be filed in the original special exception case file.

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

b. Age-Restricted Adult Housing, Multi-Plex

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

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

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

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

(i) An architectural transition with buildings near the
perimeter that are similar to neighboring dwellings in
scale, materials and architectural detail as
demonstrated by architectural elevations or renderings
submitted with the petition, or
(ii) Additional buffering along the perimeter of the site,
through retention of existing forest or landscaping,
enhanced landscaping, berms or increased setbacks.

(2) The following criteria shall be met:

(a) In the residential districts, one multi-plex dwelling unit
building is permitted per acre. There shall be no more than
five multi-plex dwelling unit buildings in a development.
In the B-1 and B-2 Districts, the density shall be
determined by available water and septic facilities.

(b) The net floor area of a multi-plex dwelling unit building is
limited to 5,000 square feet.

(c) The multi-plex dwellings are limited to age-restricted adult
housing. The petition must include copies of proposed
deed restrictions or covenants that establish how the age
restrictions required under the definition of age-restricted
adult housing will be implemented and maintained.

(d) The dwellings will incorporate universal design features
from the Department of Planning and Zoning Guidelines
that identify required, recommended, and optional features.
The petition shall include descriptions of the design
features of proposed dwellings to demonstrate their
appropriateness for the age-restricted populations. The
materials submitted shall indicate how universal design
features will be used to make individual dwellings
adaptable to persons with mobility or functional limitations
and how the design will provide accessible routes between
driveways, sidewalks, common areas and dwelling units.

(e) Properties in the B-1 and B-2 Districts shall be outside of
the Planned Service Area and adjoin, or be within 200
yards of a community shopping center development with a
food store greater than 15,000 square feet.
(f) The development has frontage on and direct access to a public road.

(g) The minimum lot size is one gross acre in R-ED and R-20 and 20,000 square feet in R-12.

(3) The development shall comply with the following bulk requirements:

(a) Maximum Height:
   (i) Principal Structures... 34 feet
   (ii) Accessory Structures... 15 feet

(b) Minimum structure and use setback from perimeter of development:
   (i) From public street right-of-way... 40 feet
   (ii) From RC, RR, R-ED, R-20 or R-SC Districts, the setback applicable in the underlying zoning district.
   (iii) From Zoning districts other than RC, RR, R-ED, R-20 or R-SC... 20 feet

(c) Minimum structure setback from interior roadway or driveway for units with garages... 20 feet

(d) Minimum structure setback from lot lines:
   (i) Side... 10 feet

   Except zero lot line dwellings... 0 feet

   A minimum of 10 feet must be provided between structures

   (ii) Rear... 10 feet

(e) Minimum distance between principal structures... 10 feet

(4) At least 35% of the gross site area shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide
amenities such as pathways, seating areas and outdoor
recreation areas for the residents, and shall be protective of
natural features.

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

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

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

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

(1) THE PARCEL SHALL BE ADJACENT TO AN EXISTING AGE-
RESTRICTED ADULT HOUSING OR HOUSING FOR THE ELDERLY
DEVELOPMENT.

(2) THE PARCEL SHALL BE LOCATED WITHIN THE PLANNED SERVICE
AREA FOR PUBLIC WATER AND SEWER.

(3) THE MAXIMUM PARCEL SIZE SHALL BE 3 ACRES.

(4) SINGLE-FAMILY DETACHED, SEMI-DETACHED, MULTI-PLEX,
ATTACHED AND MULTI-FAMILY, EXCLUDING APARTMENT
DWELLING UNITS SHALL BE PERMITTED IN THE B-1 DISTRICTS.
(5) The maximum density shall be 10 dwelling units per net acre.

(6) Unless otherwise specified in the provisions in subsection C, the age-restricted adult housing development shall comply with the general provisions in A. 6 for site design and A. 7 for bulk requirements.

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

a. 20 square feet of floor area per dwelling unit, for the first 99 units with a minimum area of 500 square feet; and

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

The requirement for an on-site community building or interior community space within the new parcel may be satisfied if:

a. The parcel is incorporated into and governed by the homeowners association for an existing adjacent age-restricted adult housing or housing for the elderly development; and

b. The existing community building or interior community space in the existing adjacent age-restricted adult housing or housing for the elderly development continues to meet the conditional use requirements in this subsection with the addition of the new units; and

c. There are adequate physical connections between the new age-restricted adult housing development and the existing adjacent age-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
DESCRIPTIONS OF THE DESIGN FEATURES OF PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

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

(15) AT LEAST 25% OF THE GROSS SITE AREA IN THE B-1 DISTRICT SHALL BE OPEN SPACE OR OPEN AREA IN ACCORDANCE WITH THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. THE OPEN SPACE OR OPEN AREA SHALL PROVIDE AMENITIES SUCH AS PATHWAYS, SEATING AREAS AND RECREATION AREAS FOR THE RESIDENTS, AND SHALL BE PROTECTIVE OF NATURAL FEATURES.

(16) AT LEAST 15% OF THE DWELLING UNITS IN THE B-1 DISTRICT SHALL BE MODERATE INCOME HOUSING UNITS.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.
BILL NO. 27 - 2022 (ZRA - 202)

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 Housing.

Introduced and read first time April 4, 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 April 15, 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 ___ day of ___, 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.
Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are hereby amended as follows:

By Amending:

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Subsection N. "Conditional Uses and Permissible Zoning Districts"
Number 1. "Age-Restricted Adult Housing"

HOWARD COUNTY ZONING REGULATIONS

SECTION 131.0: Conditional Uses

Subsection N. Conditional Uses and Permissible Zoning Districts

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

1. Age-restricted Adult Housing
   a. Age-Restricted Adult Housing, General

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

      (1) Single-family detached, semi-detached, multi-plex, attached and apartment dwelling units shall be permitted, except that only detached, semi-detached, multi-plex and single-family attached units are permitted in developments with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 districts.

      (2) In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT Districts the development shall have a minimum of 20 dwelling units.
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The landscape character of the site must blend with adjacent residential properties. To achieve this:

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

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

(i) An architectural transition, with buildings near the perimeter that are similar in scale, materials and
architectural details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition; or

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

(c) For projects with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 Districts, setbacks from existing public streets shall be the same as the setback required for residential uses on adjacent properties.

(7) Bulk Requirements:

(a) Maximum Height:

(i) Apartments...40 feet

   Except in R-SA-8, R-A-15 and R-APT...55 feet

(ii) Other principal structures...34 feet

(iii) Accessory structures...15 feet

(b) Minimum structure and use setback:

(i) From public street right-of-way...40 feet

(ii) From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts:

   Apartments...100 feet
   Single-family attached...75 feet
   Single-family detached, semi-detached, and multi-plex...40 feet

(iii) From open space, multi-family or non-residential uses in RC, RR, R-ED, R-20, R-12 or R-SC...30 feet

(iv) From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC...20 feet

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

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

(9) 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.

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

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

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

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

(12) 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.
(13) 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.

(14) 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.

(15) 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 descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

(16) At least 10% of the dwelling units in the RC, RR, R-ED, R-20, R-2-2 and R-SC Districts, and at least 15% in the R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be Moderate Income Housing Units.

(17) Housing for the elderly special exceptions uses approved by the Board of Appeals on or prior to July 12, 2001 and constructed under the Zoning Regulations in effect at that time, may convert the existing dwelling units to age-restricted adult housing uses, with respect to minimum age restrictions only, without being subject to further hearing authority review and approval under
current Conditional Use requirements, provided that the
dwelling units are made subject to the new covenants and other
legal means of enforcing the age-restricted adult housing
minimum age restrictions, and that a copy of the recorded new
covenants is submitted to the Department of Planning and
Zoning to be filed in the original special exception case file.

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

b. Age-Restricted Adult Housing, Multi-Plex

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

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

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

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

(i) An architectural transition with buildings near the
perimeter that are similar to neighboring dwellings in
scale, materials and architectural detail as
demonstrated by architectural elevations or renderings
submitted with the petition, or
Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.

(2) The following criteria shall be met:

(a) In the residential districts, one multi-plex dwelling unit building is permitted per acre. There shall be no more than five multi-plex dwelling unit buildings in a development. In the B-1 and B-2 Districts, the density shall be determined by available water and septic facilities.

(b) The net floor area of a multi-plex dwelling unit building is limited to 5,000 square feet.

(c) The multi-plex dwellings are limited to age-restricted adult housing. The petition must include copies of proposed deed restrictions or covenants that establish how the age restrictions required under the definition of age-restricted adult housing will be implemented and maintained.

(d) The dwellings will incorporate universal design features from the Department of Planning and Zoning Guidelines that identify required, recommended, and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted populations. The materials submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between driveways, sidewalks, common areas and dwelling units.

(e) Properties in the B-1 and B-2 Districts shall be outside of the Planned Service Area and adjoin, or be within 200 yards of a community shopping center development with a food store greater than 15,000 square feet.
(f) The development has frontage on and direct access to a public road.

(g) The minimum lot size is one gross acre in R-ED and R-20 and 20,000 square feet in R-12.

(3) The development shall comply with the following bulk requirements:

(a) Maximum Height:

   (i) Principal Structures...34 feet

   (ii) Accessory Structures...15 feet

(b) Minimum structure and use setback from perimeter of development:

   (i) From public street right-of-way...40 feet

   (ii) From RC, RR, R-ED, R-20 or R-SC Districts, the setback applicable in the underlying zoning district.

   (iii) From Zoning districts other than RC, RR, R-ED, R-20 or R-SC...20 feet

(c) Minimum structure setback from interior roadway or driveway for units with garages...20 feet

(d) Minimum structure setback from lot lines:

   (i) Side...10 feet

      Except zero lot line dwellings...0 feet

      A minimum of 10 feet must be provided between structures

   (ii) Rear...10 feet

(e) Minimum distance between principal structures10 feet

(4) At least 35% of the gross site area shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide
amenities such as pathways, seating areas and outdoor recreation areas for the residents, and shall be protective of natural features.

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

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

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

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

(1) THE PARCEL SHALL BE ADJACENT TO AN EXISTING AGE-RESTRICTED ADULT HOUSING OR HOUSING FOR THE ELDERLY DEVELOPMENT.

(2) THE PARCEL SHALL BE LOCATED WITHIN THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER.

(3) THE MAXIMUM PARCEL SIZE SHALL BE 3 ACRES.

(4) SINGLE-FAMILY DETACHED, SEMI-DETACHED, ATTACHED AND MULTI-FAMILY, EXCLUDING APARTMENT DWELLING UNITS SHALL BE PERMITTED IN THE B-1 DISTRICTS.
(5) The maximum density shall be 10 dwelling units per net acre.

(6) Unless otherwise specified in the provisions in subsection C, the age-restricted adult housing development shall comply with the general provisions in A. 6 for site design and A. 7 for bulk requirements.

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

   a. 20 square feet of floor area per dwelling unit, for the first 99 units with a minimum area of 500 square feet; and

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

The requirement for an on-site community building or interior community space within the new parcel may be satisfied if:

   a. The parcel is incorporated into and governed by the homeowners association for an existing adjacent age-restricted adult housing or housing for the elderly development; and

   b. The existing community building or interior community space in the existing adjacent age-restricted adult housing or housing for the elderly development continues to meet the conditional use requirements in this subsection with the addition of the new units; and

   c. There are adequate physical connections between the new age-restricted adult housing development and the existing adjacent age-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
DESCRIPTIONS OF THE DESIGN FEATURES OF PROPOSED DWELLINGS TO DEMONSTRATE THEIR AppropriatenessFor THE Age-REstricted Population. The material submitted shall indicate how Universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

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

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.
Amendment to Council Bill No. 27 - 2022

BY: David Yungmann

Legislative Day 7
Date: May 4, 2022

Amendment No. 2

(This amendment adds an open space and MIHU requirement for age-restricted adult housing in the B-1 zoning district.)

On page 13, immediately following line 17, insert the following:

“(15) AT LEAST 25% OF THE GROSS SITE AREA IN THE B-1 DISTRICT SHALL BE OPEN SPACE OR OPEN AREA IN ACCORDANCE WITH THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. THE OPEN SPACE OR OPEN AREA SHALL PROVIDE AMENITIES SUCH AS PATHWAYS, SITTING AREAS AND RECREATION AREAS FOR THE RESIDENTS, AND SHALL BE PROTECTIVE OF NATURAL FEATURES.

(16) AT LEAST 10% OF THE DWELLING UNITS IN THE B-1 DISTRICT SHALL BE MODERATE INCOME HOUSING UNITS.”.

I certify this is a true copy of
Am 2 to CB27-2022
passed on May 4, 2022

Mitchell Herst
Council Administrator
BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on __________, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on __________, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on __________, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on __________, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on __________, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on __________, 2022.

Michelle Harrod, Administrator to the County Council
BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on __________, 2022.

Michelle Harrod, Administrator to the County Council

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Michelle Harrod, Administrator to the County Council