

Introduced 6/3/19  
Public hearing 6/17/19  
Council action 7/1/19  
Executive action 7/5/19  
Effective date 7/9/19

## County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 8

### BILL NO. 31- 2019 (ZRA - 187)

**Introduced by:** The Chairperson  
at the request of Paul Goldenberg

**AN ACT** amending the Howard County Zoning Regulations to require Age-Restricted Adult Housing Conditional Uses with densities that exceed the base zoning district to have frontage on and direct access to a collector or arterial road; to allow Age-Restricted Adult Housing as a Conditional Use in the Rural Conservation (RC) and Rural Residential (RR) zoning districts; and generally relating to Age-Restricted Adult Housing Conditional Uses.

Introduced and read first time June 3, 2019. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
Jessica Feldmark, 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 June 17, 2019.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on July 1, 2019 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3<sup>rd</sup> day of July, 2019 at 4 a.m. (p.m.)

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive July 5, 2019

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

4  
5 *By Amending:*

6 *Section 131.0: "Conditional Uses"*

7 *Subsection N. "Conditional Uses and Permissible Zoning Districts"*

8 *Number 1. "Age-Restricted Adult Housing"*

9  
10  
11 **HOWARD COUNTY ZONING REGULATIONS**

12  
13 **SECTION 131.0: Conditional Uses**

14  
15 **N. Conditional Uses and Permissible Zoning Districts**

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

17 a. Age-Restricted Adult Housing, General

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

- 21 (1) Single-family detached, semi-detached, multi-plex, attached and  
22 apartment dwelling units shall be permitted, except that only detached,  
23 semi-detached, multi-plex and single-family attached units are  
24 permitted in developments with less than 50 dwelling units in the RC,  
25 RR, R-ED, R-20 and R-12 districts.
- 26 (2) In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or  
27 R-APT Districts the development shall have a minimum of 20 dwelling  
28 units.
- 29 (3) ONLY DETACHED AND SEMI-DETACHED UNITS ARE PERMITTED IN THE RC  
30 AND RR DISTRICTS.
- 31 (34) The maximum density shall be as follows:

Zoning District	Number of Dwelling Units in Development	Maximum Units Per Net Acre
<u>RC and RR</u>	<u>20 or more</u>	<u>1</u>
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

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~~(4)(5)~~ IF THE DEVELOPMENT RESULTS IN INCREASED DENSITY ACCORDING TO  
SUBSECTION ~~(34)~~ ABOVE, THE SITE MUST HAVE FRONTAGE ON AND  
DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE  
GENERAL PLAN

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~~([4])6~~ Site Design:

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

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

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

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

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1 neighboring dwellings as demonstrated by architectural  
2 elevations or renderings submitted with the petition; or

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

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

10 [[5]]7 Bulk Requirements

11 (a) Maximum Height:

12 (i) Apartments ..... 40 feet

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

14 (ii) Other Principal Structures ..... 34 feet

15 (iii) Accessory Structures ..... 15 feet

16 (b) Minimum Structure and Use Setback:

17 (i) From Public Street Right-of-way ..... 40 feet

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

20 Apartments\100 feet

21 Single-family attached\75 feet

22 Single-family detached, semi-detached, and multi-plex\40 feet

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

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

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

3                   (d) Minimum structure setback from lot lines for single-family  
4                   detached or multi-plex units

5                   (i) Side ..... 10 feet

6                   Except zero lot line dwellings\0 feet

7                   A minimum of 10 feet must be provided between structures

8                   (ii) Rear ..... 20 feet

9                   (e) Minimum distance between single-family detached and/or  
10                  attached dwellings:

11                  (i) For units oriented face-to-face ..... 30 feet

12                  (ii) For units oriented side-to-side ..... 15 feet

13                  (iii) For units oriented face-to-side or rear-to-side ..... 20 feet

14                  (iv) For units oriented rear-to-rear ..... 40 feet

15                  (v) For units oriented face-to-rear ..... 100 feet

16                  (f) Minimum distance between apartment buildings or between  
17                  apartment buildings and single-family dwellings:

18                  (i) For units oriented face-to-face ..... 30 feet

19                  (ii) For units oriented side-to-side ..... 15 feet

20                  (iii) For units oriented face-to-side or rear-to-side ..... 30 feet

21                  (iv) For units oriented rear-to-rear ..... 60 feet

22                  (v) For units oriented face-to-rear ..... 100 feet

23                  (g) Apartment buildings and groups of single-family attached units  
24                  may not exceed 120 feet in length. However, the Hearing Authority  
25                  may approve a greater length, up to a maximum of 300 feet in R-  
26                  SA-8, R-A-15 and R-APT, or 200 feet in other districts, based on

1 architectural design that mitigates the visual impact of the increased  
2 length.

3 ([[6]]8) At least 50% of the gross site area in the **RC, RR, R-ED** Districts,  
4 at least 35% in the R-20, R-12, and R-SC Districts, and at least 25% in  
5 R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be open space or  
6 open area in accordance with the Subdivision and Land Development  
7 Regulations. The open space or open area shall provide amenities such  
8 as pathways, seating areas and recreation areas for the residents, and  
9 shall be protective of natural features.

10 ([[7]]9) Accessory uses may include social, recreational, educational,  
11 housekeeping, security, transportation or personal services, provided that  
12 use of these services is limited to on-site residents and their guests.

13 ([[8]]10) At least one on-site community building or interior community  
14 space shall be provided that contains a minimum of:

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

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

19 ([[9]]11) Loading and trash storage areas shall be adequately screened  
20 from view.

21 ([[10]]12) For a development that will be built in phases, open space areas,  
22 recreational facilities and other accessory facilities shall be provided in  
23 each phase to meet the needs of the residents. The developer shall  
24 provide a schedule for the installation of facilities at the time the  
25 Conditional Use is approved.

26 ([[11]]13) The petition shall establish how the age restrictions required  
27 under the definition of this use will be implemented and maintained over  
28 times. If the development will not be a rental community under single  
29 ownership, an entity such as a condominium association or homeowners  
30 association shall be established to maintain and enforce the age  
31 restrictions in addition to County enforcement of zoning regulations.

1 (((12))14) All open space, common areas and related improvements shall  
2 be managed and maintained by a common entity, either the owner of the  
3 development, a condominium association, or a homeowners association.

4 (((13))15) The development shall incorporate universal design features  
5 from the Department of Planning and Zoning guidelines that identify  
6 required, recommended and optional features. The petition shall include  
7 descriptions of the design features of proposed dwellings to demonstrate  
8 their appropriateness for the age-restricted population. The material  
9 submitted shall indicate how universal design features will be used to  
10 make individual dwellings adaptable to persons with mobility or  
11 functional limitations and how the design will provide accessible routes  
12 between parking areas, sidewalks, dwelling units and common areas.

13 (((14))16) At least 10% of the dwelling units in the **RC, RR, R-ED, R-20,**  
14 R-12 and R-SC Districts, and at least 15% in the R-SA-8, R-H-ED, R-  
15 A-15 and R-APT Districts, shall be Moderate Income Housing Units.

16 (((15))17) Housing for the elderly special exceptions uses approved by the  
17 Board of Appeals on or prior to July 12, 2001 and constructed under the  
18 Zoning Regulations in effect at that time, may convert the existing  
19 dwelling units to age-restricted adult housing uses, with respect to  
20 minimum age restrictions only, without being subject to further hearing  
21 authority review and approval under current Conditional Use  
22 requirements, provided that the dwelling units are made subject to the  
23 new covenants and other legal means of enforcing the age-restricted  
24 adult housing minimum age restrictions, and that a copy of the recorded  
25 new covenants is submitted to the Department of Planning and Zoning  
26 to be filed in the original special exception case file.

27 (((16))18) The Conditional Use plan and the architectural design of the  
28 building(s) shall have been reviewed by the Design Advisory Panel, in  
29 accordance with Title 16, Subtitle 15 of the Howard County Code, prior  
30 to the submission of the Conditional Use petition to the Department of  
31 Planning and Zoning. The Petitioner shall provide documentation with  
32 the petition to show compliance with this criterion.

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

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

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

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

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

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

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

19           (2) The following criteria shall be met:

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

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

27           (c) The multi-plex dwellings are limited to age-restricted adult  
28           housing. The petition must include copies of proposed deed  
29           restrictions or covenants that establish how the age restrictions



1 required under the definition of age-restricted adult housing will be  
2 implemented and maintained.

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

13 (e) Properties in the B-1 and B-2 Districts shall be outside of the  
14 Planned Service Area and adjoin, or be within 200 yards of a  
15 community shopping center development with a food store greater  
16 than 15,000 square feet.

17 (f) The development has frontage on and direct access to a public road.

18 (g) The minimum lot size is one gross acre in R-ED and R-20 and  
19 20,000 square feet in R-12.

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

21 (a) Maximum Height

22 (i) Principal Structures ..... 34 feet

23 (ii) Accessory Structures ..... 15 feet

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

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

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

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

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

5                    (d) Minimum structure setback from lot lines:

6                    (i) Side ..... 10 feet

7                    Except zero lot line dwellings\0 feet

8                    A minimum of 10 feet must be provided between structures

9                    (ii) Rear ..... 10 feet

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

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

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

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

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

1 ***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, that items  
2 *4 through 16 of the Section 131.0 N.1.a of the Zoning Regulations are hereby renumbered to*  
3 *be items 5 through 17, respectively.*

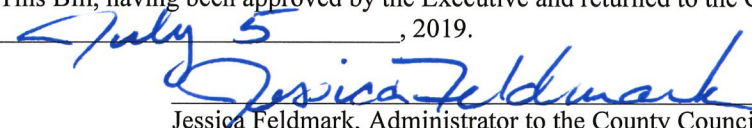
4 ***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, that the  
5 *publisher of the Howard County Zoning Regulations is authorized hereby to amend the*  
6 *Conditional Uses and Permissible Zoning Districts chart attached to Section 131 of the Zoning*  
7 *Regulations in order to reflect the substantive changes made by this Act.*

8  
9 ***Section 3. Be it further enacted*** by the County Council of Howard County, Maryland, that this  
10 *Act shall become effective 61 days after its enactment.*

11  
12  
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BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 5, 2019.

  
\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council