

**Amendment 1 to Amendment No. 1 to Council Bill No. 7-2022**

**BY: Liz Walsh**

**Legislative Day 5**

**Date: March 7, 2022**

**Amendment No. 1**

*(This amendment allows Age-restricted Adult Housing as a Conditional Use.)*

1 On page 1 of the amendment, in line 2 of the parenthetical statement, strike “permitted” and  
2 substitute, “conditional”.

3  
4 On page 1, of the amendment, in line 2, strike “permitted” and substitute, “conditional”.

5  
6 On page 1 of the amendment, strike beginning with line 5 through line 6 on page 3 and  
7 substitute:

8  
9 “On page 1, immediately following 7, insert:  
10 “Section 131.0: “Conditional Uses”  
11 Subsection N. “Conditional Uses and Permissible Zoning Districts”  
12 Number 1. “Age-Restricted Adult Housing”. ”.

13  
14 On page 2, in line 14 insert the following:  
15 **SECTION 131.0: Conditional Uses**  
16 **Subsection N. Conditional Uses and Permissible Zoning Districts**

17

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

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

4 a. Age-Restricted Adult Housing, General

5 A Conditional Use may be granted in the RC, RR, R-ED, PGCC, R-20, R-  
6 12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT District, for age-restricted  
7 adult housing, provided that:

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

13 (2) In the RC, RR, R-ED, PGCC, R-20, R-12, R-SC, R-SA-8, R-H-  
14 ED, R-A-15, or R-APT Districts the development shall have a  
15 minimum of 20 dwelling units.

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

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

<u>Zoning District</u>	<u>Number of Dwelling Units in Development</u>	<u>Maximum Units Per Net Acre</u>
<u>RC and RR</u>	<u>20 or more</u>	<u>1</u>
<u>R-ED, PGCC, and R-20</u>	<u>20—49</u>	<u>4</u>
	<u>50 or more</u>	<u>5</u>
<u>R-12</u>	<u>20—49</u>	<u>5</u>
	<u>50 or more</u>	<u>6</u>

<u>R-SC</u>	<u>20—49</u> <u>50 or more</u>	<u>7</u> <u>8</u>
<u>R-SA-8</u>	<u>20 or more</u>	<u>12</u>
<u>R-H-ED</u>	<u>20 or more</u>	<u>10</u>
<u>R-A-15</u>	<u>20 or more</u>	<u>25</u>
<u>R-APT</u>	<u>20 or more</u>	<u>35</u>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

(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.

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

5                   (7) Bulk Requirements:

6                   (a) Maximum Height:

7                   (i) Apartments40 feet

8                   Except in R-SA-8, R-A-15 and R-APT55 feet

9                   (ii) Other principal structures34 feet

10                  (iii) Accessory structures15 feet

11                  (b) Minimum structure and use setback:

12                  (i) From public street right-of-way40 feet

13                  (ii) From residential lots in RC, RR, R-ED, PGCC, R-20, R-  
14                  12 or R-SC Districts:

15                         Apartments100 feet

16                         Single-family attached75 feet

17                         Single-family detached, semi-detached, and multi-  
18                         plex40 feet

19                  (iii) From open space, multi-family or non-residential uses in  
20                  RC, RR, R-ED, PGCC, R-20, R-12 or R-SC30 feet

21                  (iv) From zoning districts other than RC, RR, R-ED, PGCC,  
22                  R-20, R-12 or R-SC20 feet

- 1                   (c) Minimum structure setback from interior roadway or  
2                   driveway for units with garages20 feet
- 3                   (d) Minimum structure setback from lot lines for single-family  
4                   detached or multi-plex units
- 5                   (i) Side10 feet
- 6                   Except zero lot line dwellings0 feet
- 7                   A minimum of 10 feet must be provided between structures
- 8                   (ii) Rear20 feet
- 9                   (e) Minimum distance between single-family detached and/or  
10                  attached dwellings:
- 11                  (i) For units oriented face-to-face30 feet
- 12                  (ii) For units oriented side-to-side15 feet
- 13                  (iii) For units oriented face-to-side or rear-to-side20 feet
- 14                  (iv) For units oriented rear-to-rear40 feet
- 15                  (v) For units oriented face-to-rear100 feet
- 16                  (f) Minimum distance between apartment buildings or between  
17                  apartment buildings and single-family dwellings:
- 18                  (i) For units oriented face-to-face30 feet
- 19                  (ii) For units oriented side-to-side15 feet
- 20                  (iii) For units oriented face-to-side or rear-to-side30 feet
- 21                  (iv) For units oriented rear-to-rear60 feet
- 22                  (v) For units oriented face-to-rear100 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 200  
5                   feet in other districts, based on architectural design that  
6                   mitigates the visual impact of the increased length.

7                   (8) At least 50% of the gross site area in the RC, RR, R-ED, AND  
8                   PGCC Districts, at least 35% in the R-20, R-12, and R-SC  
9                   Districts, and at least 25% in R-SA-8, R-H-ED, R-A-15 and R-  
10                  APT 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 99  
22                    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 from  
26                  view.

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

6                   (13) The petition shall establish how the age restrictions required under  
7                   the definition of this use will be implemented and maintained over  
8                   times. If the development will not be a rental community under  
9                   single ownership, an entity such as a condominium association or  
10                  homeowners association shall be established to maintain and  
11                  enforce the age restrictions in addition to County enforcement of  
12                  zoning regulations.

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

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

1 (16) At least 10% of the dwelling units in the RC, RR, R-ED, R-20, R-  
2 12 and R-SC Districts, and at least 15% in the PGCC, R-SA-8, R-  
3 H-ED, R-A-15 and R-APT Districts, shall be Moderate Income  
4 Housing Units.

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

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

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



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

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

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

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

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

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

19 (2) The following criteria shall be met:

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

- 1                   **(b) The net floor area of a multi-plex dwelling unit building is**  
2                   **limited to 5,000 square feet.**
- 3                   **(c) The multi-plex dwellings are limited to age-restricted adult**  
4                   **housing. The petition must include copies of proposed deed**  
5                   **restrictions or covenants that establish how the age**  
6                   **restrictions required under the definition of age-restricted**  
7                   **adult housing will be implemented and maintained.**
- 8                   **(d) The dwellings will incorporate universal design features from**  
9                   **the Department of Planning and Zoning Guidelines that**  
10                   **identify required, recommended, and optional features. The**  
11                   **petition shall include descriptions of the design features of**  
12                   **proposed dwellings to demonstrate their appropriateness for**  
13                   **the age-restricted populations. The materials submitted shall**  
14                   **indicate how universal design features will be used to make**  
15                   **individual dwellings adaptable to persons with mobility or**  
16                   **functional limitations and how the design will provide**  
17                   **accessible routes between driveways, sidewalks, common**  
18                   **areas and dwelling units.**
- 19                   **(e) Properties in the B-1 and B-2 Districts shall be outside of the**  
20                   **Planned Service Area and adjoin, or be within 200 yards of a**  
21                   **community shopping center development with a food store**  
22                   **greater than 15,000 square feet.**
- 23                   **(f) The development has frontage on and direct access to a public**  
24                   **road.**
- 25                   **(g) The minimum lot size is one gross acre in R-ED, PGCC, and**  
26                   **R-20 and 20,000 square feet in R-12.**

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

3                   (a) Maximum Height:

4                   (i) Principal Structures 34 feet

5                   (ii) Accessory Structures 15 feet

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

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

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

11                   (iii) From Zoning districts other than RC, RR, R-ED, **PGCC**,  
12                   R-20 or R-SC 20 feet

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

15                   (d) Minimum structure setback from lot lines:

16                   (i) Side 10 feet

17                   Except zero lot line dwellings 0 feet

18                   A minimum of 10 feet must be provided between structures

19                   (ii) Rear 10 feet

20                   (e) Minimum distance between principal structures 10 feet

21                   (4) At least 35% of the gross site area shall be open space or open area  
22                   in accordance with the Subdivision and Land Development  
23                   Regulations. The open space or open area shall provide amenities

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

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

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

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

18  
19                   Make the necessary changes in the chart of Permitted Conditional Uses found in subsection  
20                   131.0.N.