



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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## TECHNICAL STAFF REPORT

*Planning Board Meeting of March 3, 2022*

**Case No./Petitioner: ZRA-200 - David Yungmann, Councilmember**

**Request:** To amend Howard County Zoning Regulations to allow Age-Restricted Adult Housing in the B-1 (Business: Local) Zoning District as a Conditional Use (Section 131.0), under certain conditions.

### I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

In 1988, Zoning Board case ZB-849R added “Housing for elderly and/or handicapped persons” to the Zoning Regulations as a special exception in seven residential districts – R, R-ED, R-20, R-12, R-SC, R-SA-8 and R-A-15. This use was created to incentivize development of housing for the elderly and/or handicapped persons through an increase in density above the base zoning. The use allowed all dwelling unit types and was restricted to persons 60 years of age and older, or handicapped persons under the age of 60. The maximum allowed density was permitted to exceed the base zoning, as shown in the chart below, based on the assumption that this housing type would have less impact on public services such as schools and traffic due to the population’s age and smaller household size. The special exception allowed “housing for elderly and/or handicapped persons” to exceed the base zoning in R-ED and R-20 districts (2 dwelling units per acre) by 250% or 2.5 times (5 dwelling units per acre).

Zoning District	Maximum Dwelling Units Per Acre - Base Zoning District	Maximum Dwelling Units Per Acre – Special Exception
R	.33	2
R-ED	2	5
R-20	2	5
R-12	3	6
R-SC	4	8
R-SA-8	8	12
R-A-15	15	15

In 1993, the “Housing for elderly and/or handicapped persons” Special Exception was revised to require that “safe public road access” and “transportation to medical services, shopping areas, recreational and other community services” be available if not provided on-site. These requirements recognized the need for seniors to have access to goods and services via safe roads and through public transit service.

In 2001, Council Bill 11-2001 created and replaced the “Housing for elderly and/or handicapped persons” Special Exception category with the “Age-restricted Adult Housing (ARAH)” Conditional Use category. The definition of Age-restricted Adult Housing reduced the minimum age requirement from 60 to 55 and allowed persons less than 55 to live in the dwelling unit in certain situations.

In 2003, ZRA-42 amended Section 131.0.N.1 to change the minimum structure and use setbacks from the perimeter of the development as follows: (1) From the (then) current 30 feet to 40 feet for setbacks from an external right-of-way other than from an arterial or collector public street right-of-way and (2) From the (then) current 75 feet for apartments, and from the (then) current 50 feet for setbacks for other uses from RC, RR, R-ED, R-20 or R-SC Districts to 40 feet if adjoining a parcel developed with multi-family or non-residential uses.

In 2005, Council Bill 2-2005 (implemented a portion of the 2003 Comprehensive Rezoning Plan) clarified provisions for Community Center minimum sizes, permitted Multi-plex units in the RC and RR districts, and limited projects with less than 50 dwelling units in the R-ED, R-20 AND R-12 districts to detached, semi-detached, multi-plex and single family attached units only. Also, the allowed density was amended as shown below:

<b>[[Zoning District</b>	<b>Maximum Dwelling Units per Acre of Lot Area</b>
[[RC or RR	1 per net acre
R-20 or R-ED	5 per net acre
R-12	6 per net acre
R-SC	8 per net acre
R-SA-8	12 per net acre
R-A-15	25 per net acre]]

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-A-15	20 OR MORE	25

In 2019, ZRA-187 amended Section 131.0.N.1 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.

## II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner's proposed amendment. The Petitioner's proposed amendment text is attached as Exhibit A.

The Petitioner states that the intent of the proposed amendment is to allow ARAH on underutilized commercial properties that are adjacent to existing age-restricted developments. The amendment will allow for more housing opportunities for the County's senior population and eliminate blight/adverse impacts associated with dilapidated commercial properties.

### Sec. 131.0.N.1.a.(7)(b)

This section contains the bulk regulations for ARAH developments, except for certain Multiplex Dwellings that are governed by Sec 131.0.N.1.b.

The petitioner proposes specific setbacks for the single-family detached, semi-detached and attached dwelling units that will be permitted in the B-1 zoning district as follows:

- 30 feet for structures
- 10 feet for parking and use

### Sec. 131.0.N.1.

The section contains the requirements for the ARAH Conditional Use. It contains two (2) subsections. Subsection "a" pertains to General Age-Restricted Adult Housing and subsection "b" pertains to certain Multi-Plex Age-Restricted Adult Housing.

The petitioner proposes adding a new subsection "c" to allow ARAH in the B-1 zoning district, subject to the following criteria:

- 1) The parcel shall be adjacent to an existing age-restricted 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) The maximum density shall be 10 dwelling units per net acre.
- 5) The age-restricted adult housing development shall comply with the general provisions in a. 6 for site design and a.7 for bulk requirements.
- 6) The requirement for an on-site community building or interior community space within the new parcel may be satisfied if:

- a. There are adequate physical connections between the new age-restricted adult housing development and the existing adjacent age-restricted development via sidewalks, walking paths, roads, etc.; and
- b. The parcel is incorporated into and governed by the homeowner's association for the existing adjacent age-restricted development; and
- c. The existing community building or interior community space in the existing adjacent age-restricted development continues to meet the conditional use requirements in this subsection with the addition of the new units.

### III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-200 in accordance with Section 16.208.(d) of the Howard County Code. The Petitioner's proposed amendment text is attached as Exhibit A.

#### **1. The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.**

##### **Sec. 131.0.N.1.a.(7)(b)**

This amendment is unlikely to result in adverse impacts to surrounding properties or those in the B-1 zoning district, since the proposed setbacks are the same as those in B-1 and the adjoining properties will be predominantly age-restricted housing.

##### **Sec. 131.0.N.1.**

This amendment allows ARAH on properties that are adjacent to commercial areas and existing age-restricted developments. Therefore, it is unlikely to result in adverse impacts, since the adjacent uses are similar or more intense.

#### **2. The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties.**

##### **Sec. 131.0.N.1.**

The proposed subsection "c" includes the following criteria that impact which properties will be eligible for the ARAH Conditional Use in the B-1 zoning district:

- 1) The parcel shall be adjacent to an existing age-restricted 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.

There are three B-1 properties in the PSA that meet these criteria (Attachment A is a map of these properties).

### 3. Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.

#### Sec. 131.0.N.1.a.(7)(b)

While not a conflict, for clarity, the “multifamily” land use could be added to the list of uses to address condominium developments where all dwelling units are located on one lot, which is classified as multifamily. If this amendment is intended to permit condominium developments, this clarification would be needed since absent this language, a condominium development would not be permitted.

#### Sec. 131.0.N.1.

Section 131.0.N.1.C requires that the general provisions of A.6 & A.7 apply, but does not address the requirements of A.8-A.18. It is unclear why these standards would be inapplicable to the subset of ARAH development envisioned by this amendment. The following describes conflicts that may occur by not requiring Universal Design Standards (A.15) and Design Advisory Panel (DAP) review (A.18).

#### A.15: Universal Design Standards.

The Universal Design Standards require individual dwellings to incorporate certain design features for residents with mobility and functional limitations that often result from aging. Dwelling units that do not provide these features may not be consistent with the definition of ARAH, which requires the dwellings to be designed for occupants who are over 55 years of age. See the definition below.

Age-Restricted Adult Housing : A development that contains independent dwelling units, each with a full kitchen that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. An exception is allowed for up to five years following the death or departure, due to incapacity, of a household member 55 years or older, provided a surviving household member who is at least 50 years old continues to live in the unit. Children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year. Age-restricted adult housing may include accessory structures or uses for the residents, such as social, recreational or educational facilities and housekeeping, security, transportation or personal services.

#### A.18: Design Advisory Panel (DAP) review prior to the Conditional Use hearing.

Exempting DAP review prior to the Conditional Use hearing may conflict with Sections 16.1501(a)(1)(3) and 16.1504(b)(3), which require DAP review/recommendations of new development on which ARAH is to be constructed pursuant to a Conditional Use. The Hearing Examiner considers DAP recommendations when reviewing Conditional Use petitions

and rendering a decision. DAP review after a decision is issued by the Hearing Examiner may result in site/design modifications that conflict with the approved Conditional Use plan, which may require an additional review by the Hearing Examiner.

**4. The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.**

DPZ finds that the proposed amendment is not in conflict with PlanHoward 2030 environmental policies/objectives and is supported by policies that encourage opportunities for senior housing and infill that is compatible with the character of a neighborhood.

#### **Environmental Policies**

While the proposed amendment does not specify open space requirements for ARAH dwellings in B-1, the Subdivision and Land Development Regulations require that environmental resources such as floodplains, streams, wetlands and their buffers be placed in open space, as well as any forest conservation easements created for compliance with the Forest Conservation Act. Additionally, the B-1 zoning district does not have an open space requirement, so the proposed amendment will not result in less required open space in the County.

#### **Infill Development Policies**

B-1 zoned properties in the Planned Service Area are designated either Established Communities or Targeted Growth and Revitalization Areas place types. PlanHoward 2030 recognizes that “the County needs to identify ways to preserve the existing character of established communities while accommodating some continuing growth and creating opportunities for limited, compatible, infill development such as senior housing for residents wishing to downsize but stay in their communities” (p. 138).

Policy 10.1 of the general plan supports the concept of protecting and enhancing “established communities through compatible infill, sustainability improvements, and strategic public infrastructure investments” with the following implementing action “Flexible Infill: Consider zoning modifications that would provide more flexibility in order to allow limited, compatible infill that enhances an existing community” (p. 138).

Furthermore, Established Communities and Targeted Growth and Revitalization Areas are place types identified in the general plan that are located in the eastern half of the County and are inside the PSA boundary (see Map 6-2 on p. 69). These areas represent places in the county where infill development should be located.

#### **Housing Policies**


According to PlanHoward 2030, ARAH opportunities were created in 2001 in the Planned Senior Community (PSC) and Planned Office Research (POR) Zoning Districts and through

the conditional use process in other residential districts. The general plan anticipated these changes in policy would result in the construction of thousands of ARAH units countywide. Data in PlanHoward 2030 shows that nearly 20% of Howard County residents will be over the age of 65 by 2030 (which is a 127% increase of that age group compared to 2010). Therefore, PlanHoward 2030 recognizes the need for senior housing that is affordable and universally designed for the County's aging population that wish or need to downsize.

Howard County's choice location has created high housing demand – including housing for seniors. The County's first-class library system, high quality senior centers, celebrated parks and other services, make it desirable for seniors to remain in Howard County as they age. PlanHoward 2030, Policy 9.4 calls for expanded housing options "to accommodate the County's senior populations who prefer to age in place."

#### **Current County Initiatives Relevant to ZRA-200**

Since the adoption of PlanHoward 2030, the County has led initiatives, such as the recent Housing Opportunities Master Plan Task Force and the Age Friendly Action Plan (recently approved by AARP). These initiatives have highlighted the need for housing, especially for the County's senior population. These plans recommend that the County consider making land use, planning and zoning changes to facilitate the development of housing that meets the needs of seniors.

 2-17-22  
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Amy Gowan, Director                      Date

## **Exhibit A**

### **Petitioner's Proposed Text**

(CAPITALS indicate text to be added; text in [[brackets]] indicates text to be deleted.)

#### Section 131.0.N.1.a.(7)(b) Age-Restricted Adult Housing

- (V) SINGLE FAMILY DETACHED, SEMI DETACHED AND ATTACHED IN B-1 DISTRICTS:  
30 FEET FOR STRUCTURES  
10 FEET FOR PARKING AND USE

#### Section 131.0.N.1. Age-Restricted Adult Housing

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 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) THE MAXIMUM DENSITY SHALL BE 10 DWELLING UNITS PER NET ACRE.
- (5) THE AGE-RESTRICTED ADULT HOUSING DEVELOPMENT SHALL COMPLY WITH THE GENERAL PROVISIONS IN A. 6 FOR SITE DESIGN AND A. 7. FOR BULK REQUIREMENTS.
- (6) THE REQUIREMENT FOR AN ON-SITE COMMUNITY BUILDING OR INTERIOR COMMUNITY SPACE WITHIN THE NEW PARCEL MAY BE SATISFIED IF:
  - A. THERE ARE ADEQUATE PHYSICAL CONNECTIONS BETWEEN NEW AGE-RESTRICTED ADULT HOUSING DEVELOPMENT AND THE EXISTING ADJACENT COMMUNITY VIA SIDEWALKS, WALKING PATHS, ROADS, ETC.;
  - AND

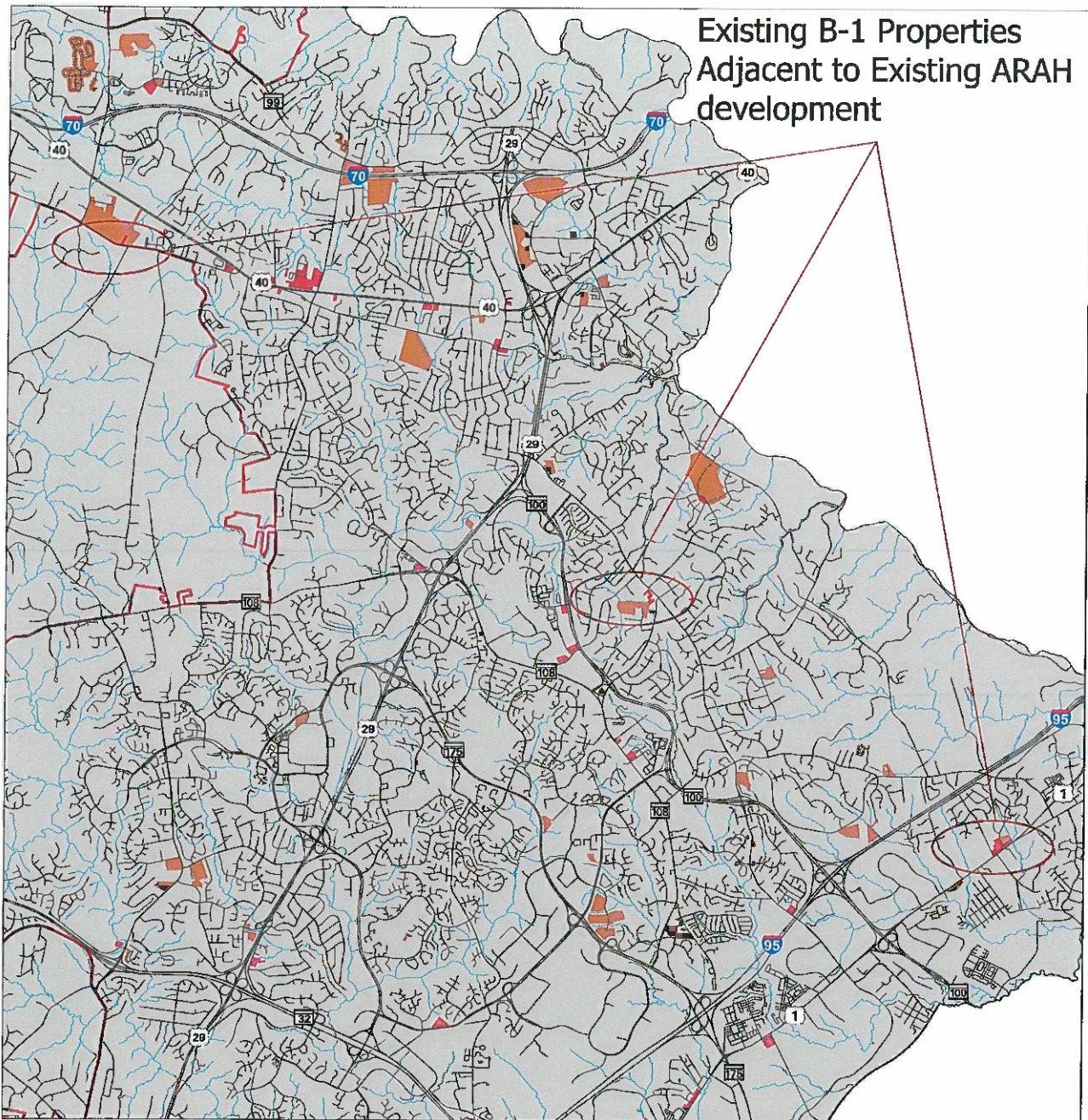


B. THE PARCEL IS INCORPORATED INTO AND GOVERNED BY THE HOMEOWNERS ASSOCIATION FOR THE EXISTING ADJOINING AGE-RESTRICTED ADULT HOUSING DEVELOPMENT; AND

C. THE EXISTING COMMUNITY BUILDING OR INTERIOR COMMUNITY SPACE IN THE EXISTING ADJACENT COMMUNITY CONTINUES TO MEET THE CONDITIONAL USE REQUIREMENTS IN THIS SUBSECTION WITH THE ADDITION OF THE NEW UNITS.

# ZRA-200

## Potentially Affected Properties\*



Existing B-1 Properties  
Adjacent to Existing ARAH  
development

- Planned Service Area (PSA) Line
- Existing ARAH
- B-1 Properties
- Road Centerlines
- Streams
- Major Roads

0 0.5 1 2 3 4 Miles



February 24, 2022

Circled Properties displayed meet the following criteria:

- 1) The parcel is adjacent to an existing age-restricted development.
- 2) The parcel is located within the planned service area for public water and sewer.
- 3) The maximum parcel size is 3 acres.