

Amendment 1 to Council Bill No. 7-2022

BY: David Yungmann

Legislative Day No. 4

Date: February 7, 2022

Amendment No. 1

(This Amendment adds Age Restricted Adult Housing as a permitted conditional use in the PGCC district.)

1 On the title page, in the third line of the purpose paragraph, immediately after “district” insert “and
2 to add Age Restricted Adult Housing as a permitted conditional use in the Planned Golf Course
3 Community”. On the same line, before the period, insert “and Age-Restricted Adult Housing”.

4
5 On page 1, immediately following line 5, insert “Subsection B. Uses Permitted as a Matter of
6 Right”.

7 On page 1, immediately following line 12, insert the following:

8 **“Subsection B. Uses Permitted as a Matter of Right.**

9 There shall be two subdistricts in the PGCC District: The PGCC-1 or Residential
10 Subdistrict and the PGCC-2 or Multi-use Subdistrict. Delineation of the subdistrict
11 boundaries shall be determined by the Zoning Board and shall be shown on the zoning map
12 of Howard County.

13 1. The following uses shall be permitted as a matter of right in both the Residential
14 Subdistrict and Multi-use Subdistrict.

15 a. One single family detached unit per lot.

16 b. One zero lot line unit per lot.

17 c. Single family attached dwelling units.

18 d. AGE-RESTRICTED ADULT HOUSING.

19 [[d.]] e. Apartment units.

I certify this is a true copy of

Am 1 to CB7-2022

passed on March 7 2022

Michelle Harrod
Council Administrator

1 ~~[[e.]] f. Farming, provided that on a residential lot or parcel of less than 40,000~~
2 ~~square feet no livestock shall be permitted. However, residential chicken~~
3 ~~keeping is allowed as noted in Section 128.0.~~

4 ~~[[f.]] g. Conservation areas, including wildlife and forest preserves, environmental~~
5 ~~management areas, reforestation areas, and similar uses.~~

6 ~~[[g.]] h. Government buildings, facilities and uses, including public schools and~~
7 ~~colleges.~~

8 ~~[[h.]] i. Private recreational facilities, such as parks, athletic fields, swimming~~
9 ~~pools, basketball courts and tennis courts, reserved for use by residents of a~~
10 ~~community and their guests. Such facilities shall be located within~~
11 ~~condominium developments or within communities with recorded covenants~~
12 ~~and liens which govern and provide financial support for operation of the~~
13 ~~facilities.~~

14 ~~[[i.]] j. Golf courses and country clubs.~~

15 ~~[[j.]] k. Riding academies and stables.~~

16 ~~[[k.]] l. Carnivals and fairs sponsored by and operated on a nonprofit basis for the~~
17 ~~benefit of charitable, social, civic or educational organizations, subject to the~~
18 ~~requirements of Section 128.0.D.~~

19 ~~[[l.]] m. Seasonal sales of Christmas trees or other decorative plant materials,~~
20 ~~subject to the requirements of Section 128.0.D.~~

21 ~~[[m.]] n. Underground pipelines; electric transmission and distribution lines;~~
22 ~~telephone, telegraph and CATV lines; mobile transformer units; telephone~~
23 ~~equipment boxes; and other, similar public utility uses not requiring a~~
24 ~~Conditional Use.~~

25 ~~[[n.]] o. Commercial communication antennas attached to structures, subject to~~
26 ~~the requirements of Section 128.0.E.~~

27 ~~[[o.]] p. Commercial communication towers located on government property,~~
28 ~~excluding School Board property, and with a height of less than 200 feet~~

1 measured from ground level, subject to the requirements of Section 128.0.E.
2 This height limit does not apply to government communication towers,
3 which are permitted as a matter of right under the provisions for
4 "Government structures, facilities and uses."

5 [[p.]] r. Volunteer fire departments.

6 [[r.]] s. Rooftop solar collectors".

7 On page 1, immediately following 7, insert:

8 "Section 131.0: "Conditional Uses"

9 Subsection N. "Conditional Uses and Permissible Zoning Districts"

10 Number 1. "Age-Restricted Adult Housing".

11
12 On page 2, in line 14 insert the following:

13 **SECTION 131.0: Conditional Uses**

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

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

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

19 a. Age-Restricted Adult Housing, General

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

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

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

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

6 (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>7</u>
	<u>50 or more</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>

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

11 (6) Site Design:

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

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

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

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

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

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

15 **(7) Bulk Requirements:**

16 **(a) Maximum Height:**

17 **(i) Apartments 40 feet**

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

19 **(ii) Other principal structures 34 feet**

20 **(iii) Accessory structures 15 feet**

21 **(b) Minimum structure and use setback:**

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

23 **(ii) From residential lots in RC, RR, R-ED, PGCC, R-20, R-**
24 **12 or R-SC Districts:**

25 **Apartments 100 feet**

26 **Single-family attached 75 feet**

1 Single-family detached, semi-detached, and multi-
2 plex40 feet

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

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

7 (c) Minimum structure setback from interior roadway or
8 driveway for units with garages20 feet

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

11 (i) Side10 feet

12 Except zero lot line dwellings0 feet

13 A minimum of 10 feet must be provided between structures

14 (ii) Rear20 feet

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

17 (i) For units oriented face-to-face30 feet

18 (ii) For units oriented side-to-side15 feet

19 (iii) For units oriented face-to-side or rear-to-side20 feet

20 (iv) For units oriented rear-to-rear40 feet

21 (v) For units oriented face-to-rear100 feet

22 (f) Minimum distance between apartment buildings or between
23 apartment buildings and single-family dwellings:

24 (i) For units oriented face-to-face30 feet

25 (ii) For units oriented side-to-side15 feet

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

2 (iv) For units oriented rear-to-rear 60 feet

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

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

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

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

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

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

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

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

27 (12) For a development that will be built in phases, open space areas,
28 recreational facilities and other accessory facilities shall be provided in each
29 phase to meet the needs of the residents. The developer shall provide a

1 schedule for the installation of facilities at the time the Conditional Use is
2 approved.

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

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

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

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

24 (17) Housing for the elderly special exceptions uses approved by the Board of
25 Appeals on or prior to July 12, 2001 and constructed under the Zoning
26 Regulations in effect at that time, may convert the existing dwelling units to
27 age-restricted adult housing uses, with respect to minimum age restrictions
28 only, without being subject to further hearing authority review and approval
29 under current Conditional Use requirements, provided that the dwelling units
30 are made subject to the new covenants and other legal means of enforcing the
31 age-restricted adult housing minimum age restrictions, and that a copy of the

1 recorded new covenants is submitted to the Department of Planning and
2 Zoning to be filed in the original special exception case file.

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

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

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

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

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

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

20 (i) An architectural transition with buildings near the
21 perimeter that are similar to neighboring dwellings in
22 scale, materials and architectural detail as demonstrated
23 by architectural elevations or renderings submitted with
24 the petition, or

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

28 (2) The following criteria shall be met:

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

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

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

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

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

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

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

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

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

12

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

I certify this is a true copy of
Am 1 to Am 1 CB 7-2022
passed on March 7, 2022
Michelle Howard
Council Administrator

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>7</u>
	<u>50 or more</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>

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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.

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.

Amendment 2 to Council Bill No. 7-2022

BY: David Yungmann

Legislative Day No. 4

Date: February 7, 2022

Amendment No. 2

(This Amendment lowers the 15% Moderate Income Housing Unit (MIHU) requirement to a 10% MIHU requirement.)

- 1 On page 2, in line 12, strike "15%" and substitute "10%".

I certify this is a true copy of

Am 2 to CB 7-2022

~~passed~~ on April 4, 2022

Failed
Lack of second

Michael H. ...
Council Administrator

Amendment 3 to Council Bill No. 7 - 2022

BY: Liz Walsh

Legislative Day 4
Date: February 7, 2022

Amendment No. 3

(Clarifies that the exception for developments larger than 300 units that have site development plans processed on at least 50% of the overall site does not apply to developments in the PGCC zoning district.)

- 1 On page 2, in line 12, strike “AT” and substitute “NOTWITHSTANDING SECTION 100(E)(B)(3) OF
- 2 THESE REGULATIONS, AT”.
- 3
- 4
- 5
- 6

I certify this is a true copy of
Am 3 To CB7 -2022
~~passed on~~ April 4 2022
Not Moved Michelle Gerson
Council Administrator

Amendment 4 to Council Bill No. 7 - 2022

BY: Christiana Rigby

Legislative Day 5

Date: March 7, 2022

Amendment No. 4

(This amendment establishes a 5-year cap on the amount of time that a development that is larger than 300 units and has had a site development plan processed on at least 50% of the overall site to be considered non-pending.)

1 On the title page, in line 3 of the title, after the semi-colon, insert "amending certain construction
2 and effective dates for developments larger than 300 units;". On the same line, before the period,
3 insert "and construction and effective dates".

4
5 On page 1, immediately following line 4, insert the following:

6 "Section 100.0: "General Provisions"
7 Subsection E. "Construction and Effective Dates"
8 Number 3
9 Letter b" .

10
11 On page 1, immediately following line 10, insert the following:

12 "SECTION 100.0: General Provisions

13
14 Subsection E. Construction and Effective Dates

15 3. b. Applications for subdivision or Site Development Plan approval are considered pending

I certify this is a true copy of

Am 4 to CB 7-2022
passed on March 7, 2022

Michelle Guerra
Council Administrator

1 unless the initial residential plan submittal, as defined in the Subdivision and Land Development
2 Regulations, or the Site Development Plans for all other types of development is technically
3 complete prior to the date the legislation is effective, except that development projects of over
4 300 units which have processed Site Development Plans on at least 50% of the overall site shall
5 not be considered pending. ANY DEVELOPMENT PROJECT THAT HAS 300 UNITS OR MORE AND HAS
6 PROCESSED AT LEAST 50% OF THE SITE DEVELOPMENT PLAN AND CONSTRUCTION HAS NOT BEEN
7 COMPLETED WITHIN 5 YEARS OF ITS SITE DEVELOPMENT PLAN APPROVAL SHALL BE CONSIDERED
8 PENDING.”.

Amendment 1 to Amendment 4 Council Bill No. 7 - 2022

BY: David Yungmann

Legislative Day No. 6

Date: April 4, 2022

Amendment No. 1

(This amendment changes the 5-year cap to a 10-year cap.)

1 On page 1, in line 1 of the parenthetical statement, strike "5" and substitute "10".

2

3 On page 2, in line 7, strike "5" and substitute "10".

4

5

6

I certify this is a true copy of

Am 1 to Am 4 CB 7-2022

~~passed~~ on

April 4 2022

Not Moved

Michelle Dore
Council Administrator

Amendment 5 to Council Bill No. 7 - 2022

BY: Liz Walsh

Legislative Day 5

Date: March 7, 2022

Amendment No. 5

(This amendment removes the exception for developments that are larger than 300 units and have had a site development plan processed on at least 50% of the overall site to be considered non-pending.)

1 On the title page, in line 3 of the title, after the semi-colon, insert "amending certain construction
2 and effective dates for developments larger than 300 units;". On the same line, before the period,
3 insert "and construction and effective dates".

4
5 On page 1, immediately following line 4, insert the following:

6 "Section 100.0: "General Provisions"
7 Subsection E. "Construction and Effective Dates"
8 Number 3
9 Letter b" .

10
11 On page 1, immediately following line 10, insert the following:

12 **"SECTION 100.0: General Provisions**

13
14 **Subsection E. Construction and Effective Dates**

15 3. b. Applications for subdivision or Site Development Plan approval are considered pending

I certify this is a true copy of

Am 5 to CB7-2022

~~passed on~~

APRIL 4 2022

Not moved

Nichelle Garcia

Council Administrator

1 unless the initial residential plan submittal, as defined in the Subdivision and Land Development
2 Regulations, or the Site Development Plans for all other types of development is technically
3 complete prior to the date the legislation is effective]], except that development projects of over
4 300 units which have processed Site Development Plans on at least 50% of the overall site shall
5 not be considered pending]].”.

6
7
8
9

Amendment 6 to Council Bill No. 7 - 2022

BY: Liz Walsh

Legislative Day 5

Date: March 7, 2022

Amendment No. 6

(This amendment establishes that a developer of a PGCC development shall indicate the number and location of moderate income housing units to be provided in the Final Development Plan.)

1 On page 2, in line 13, after the period, insert the following:
2 “A developer of a PGCC (Planned Golf Course Community) zoning district development shall
3 submit or amend a Final Development Plan indicating the number and location of each required
4 Moderate Income Housing Unit. Any Site Development Plan submitted after the effective date of
5 this legislation on or after March 1, 2022 must conform to the moderate income housing
6 requirements set forth in the Final Development Plan.”.

7
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I certify this is a true copy of

Am 6 to CB7-2022
passed on April 4 2022

Michelle Hazard
Council Administrator

Amendment 1 to Amendment 6 to Council Bill No. 7-2022

BY: Liz Walsh

Legislative Day No. 5

Date: March 7, 2022

Amendment No. 1

(This Amendment clarifies that the requirements for site development plans applies to those submitted on or after March 1, 2022.)

- 1 Beginning in line 4, strike “after the effective date of this legislation” and substitute “on or after
2 March 1, 2022”.
3

I certify this is a true copy of
Am 1 to Am 6 CB7-2022
~~passed~~ on April 4 2022
Michelle Hester
Council Administrator

Passed

Amendment 7 to Council Bill No. 7-2022

BY: David Yungmann

Legislative Day 5

Date: March 7, 2022

Amendment No. 7

(This amendment clarifies that the Moderate Income Housing Unit (MIHU) requirement does not apply to any site development plans submitted prior to March 1, 2022.)

- 1 On page 2, in line 14, insert "Section 2. Be it further enacted by the County Council of Howard
2 County, Maryland, that the provision of subsection 126.0.E.8 as enacted by Section 1 of this Act,
3 shall not apply to any site development plan or project submitted prior to March 1, 2022.".
4
5 On page 2, in line 15, strike "Section 2." and substitute "Section 3.".

I certify this is a true copy of

Am 7 to CB7-2022

~~passed~~ on April 4, 2022

Michelle Harrod
Council Administrator

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No Second