



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

■ Ellicott City, Maryland 21043

■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

TECHNICAL STAFF REPORT

Planning Board Meeting of May 15th, 2025

Case No./Petitioner: ZRA-213; County Council President, Liz Walsh

Request: To amend the Planned Employment Center (PEC) zone under Section 116.0 to add ‘Age-Restricted Adult Housing’ as a permitted use, with additional requirements.

Amend the Moderate-Income Housing Units (MIHU) requirements for Age-Restricted Adult Housing (ARAH) Units in the R-SI, POR, CCT, CEF, and PSC zoning districts to require at least 5% of the total dwelling units to be Low-Income Housing Units (LIHU) or Disability Income Housing Units (DIHU).

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

The Planned Employment Center (PEC) district was established with the 1985 Zoning Regulations with the intent to “...provide for comprehensively planned employment centers combining research and development, office, light manufacturing and assembly, limited commercial and other enumerated uses.” The PEC District has largely been scattered, larger parcels, located in the eastern part of the County. There have been multiple amendments to the PEC district specifically to the permitted uses. The proposed amendment would add Age-Restricted Adult Housing (ARAH) as a use permitted as a matter of right.

Age-Restricted Adult Housing (ARAH) was added to the Zoning Regulations with the 1993 Comprehensive Zoning Plan, and included a definition of ARAH, the zoning districts that permitted ARAH, and additional design regulations for ARAH developments. The 2004 Comprehensive Zoning Plan rewrote many of the ARAH regulations, including expanding the number of zoning districts that permit ARAH, adding design regulations for ARAH developments, and adding the requirement for at least 10% of the ARAH dwelling units to be Moderate Income Housing Units (MIHU). The current regulations for ARAH largely reflect the 2004 Zoning Regulations.

In the current zoning regulations, ARAH is either permitted by right, permitted as a conditional use, or not permitted in the following zoning districts:

- Permitted by right: R-SI, CCT, TNC, POR, PSC, CEF.
- Permitted as a Conditional Use: RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, PGCC, B-1, B-2.
- Not permitted: R-MH, R-VH, TOD, HO, HC, PEC, BR, OT, SC, M-1, M-2, I.

The table below depicts the R-SI, POR, CCT, CEF, and PSC zoning districts, when they were established, and when Age-Restricted Adult Housing became a permitted use in the corresponding district.

District	District established	When Age-Restricted became permitted
Planned Office Research (POR)	1977	1993, permitted use
Planned Senior Community (PSC)	1993	1993, permitted use
Community Center Transition (CCT)	2004	2004, permitted use
Community Enhancement Floating (CEF)	2004	2004, permitted use
Residential: Senior Institutional (R-SI)	2004	2004, permitted use

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 is proposing to amend the PEC Zoning District to:

- Add ‘Age-Restricted Adult Housing’ as the 36th permitted use by right for the district.
- Add additional requirements for ARAH in the PEC district related to:
 1. Design for Older Adults
 2. Enforcement of Age Restrictions
 3. Moderate Income and Low-Income Housing Units
 4. Community Center

The Petitioner is proposing to amend the R-SI, POR, CCT, CEF, and PSC districts to:

- Require at least 5% of the ARAH units to be Low-Income Housing Units or Disability Income Housing Units.

The petitioner states, “The goal of the ZRA is to create more opportunities for more affordable age-restricted housing to be built in a larger amount of zoning districts to solve this shortage of age-appropriate housing for Howard County’s older adult population.”

Sec. 116.0.B¹

This section contains the uses permitted as a matter of right in the PEC zoning district. The Petitioner proposes to add “Age-Restricted Adult Housing” to the list of uses permitted as a matter of right.

Sec. 116.0.E²

The petitioner proposes to add additional requirements for ARAH.

Sec. 113.2.E

This section contains the additional requirements for ARAH in the R-SI district. The Petitioner proposes to add the requirement that 5% of the total ARAH units must be LIHU’s or DIHU’s.

Sec. 115.0.E

This section contains the additional requirements for ARAH in the POR district. The Petitioner proposes to add the requirement that 5% of the total ARAH units must be LIHU’s or DIHU’s.

Sec. 117.4.E

This section contains the additional requirements for ARAH in the CCT district. The Petitioner proposes to add the requirement that 5% of the total ARAH units must be LIHU’s or DIHU’s.

Sec. 121.0.E

This section contains the requirements for MIHU’s in the CEF district. The Petitioner proposes to add the requirement that 5% of the total ARAH units must be LIHU’s or DIHU’s.

Sec. 127.1.B

This section contains the requirements for planned senior communities in the PSC district. The Petitioner proposes to add the requirement that 5% of the total ARAH units must be LIHU’s or DIHU’s.

¹ Drafting changes to the section numbering may be needed to list the permitted uses alphabetically.

² The Zoning Regulations currently include a Section 116.0.E. Changes to the numbering system may be needed when legislation is introduced.

Section 127.1.F

This section contains the maximum density requirements in the PSC district. The Petitioner proposes to require at least 15% of the dwelling units as MIHU's and LIHU's to allow a maximum density of 8 dwelling units per net acre.

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-213 in accordance with Section 16.208.(d) of the Howard County Code.

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.

This amendment would add "Age-Restricted Adult Housing" as a permitted use by right in the PEC zoning district. The PEC district was established to provide comprehensively planned employment centers that combine research and development, office, light manufacturing and assembly, limited commercial and other enumerated uses. While housing is not a focus of the PEC zoning district purpose statement, the district does permit residential Housing Commission Housing Developments as a matter of right. The General Plan's Dynamic Neighborhoods chapter is supportive of continuing to grow opportunities for housing for older adults as well as affordable and accessible housing within the County, particularly identified activity centers. This will be further explained in Section III.3 of this TSR.

The amendment would also change the MIHU requirements for ARAH developments in the R-SI, POR, CCT, CEF, and PSC zoning districts to require at least 5% of the total ARAH units to be LIHU's or DIHU's. The proposed amendment is not anticipated to produce adverse impacts on the uses of the surrounding area as the amendment will designate the number of units which must be LIHU or DIHU and will not change the overall density of the development.

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

The proposed ZRA will add ARAH as a permitted use by right to the entire PEC district, and the requirement for LIHU and DIHU's in the R-SI, POR, CCT, CEF, and PSC districts. The ZRA could potentially impact approximately 2,350 parcels zoned PSC, CEF-M, CEF-R, POR, POR-MXD-6, CCT, R-SI, PEC, PEC-MXD-3, totaling nearly 3,330 acres in the County. The average parcel size is approximately 1.5 acres, with the largest parcel being approximately 360 acres. . A map of these potentially impacted parcels are shown in Attachment B.

Any future ARAH developments, or major redevelopment of existing ARAH developments, would require compliance with the proposed amendment, increasing the number of LIHU's and DIHU's.

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

The Zoning Regulations (Sec. 103.0) and Housing and Community Development Regulations (Sec. 13.401) provide definitions for a “Moderate Income Housing Unit” and “Low Income Housing Unit.” The definition of LIHU differs between regulations. The Housing and Community Development ordinance specifies low income as “an annual household income of up to 60% of the median income in Howard County”, whereas the Zoning Regulations specifies low income housing units as “...households with incomes below 50% of the medium income in the Baltimore region.” DPZ believes it may be appropriate to consider changing the Zoning Regulation definition of LIHU to be consistent with the Housing and Community Development ordinance.

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.

The General Plan’s Dynamic Neighborhoods chapter is supportive of continuing to grow opportunities for housing for older adults as well as affordable and accessible housing within the County, particularly identified activity centers.

Policy Statement DN-4 (page DN-44) states that “Future activity centers should include a unique mix of densities, uses, and building forms that provide diverse, accessible, and affordable housing options.” **Implementing Action 3** for DN-4 states the County should “Incentivize the production of LIHU and DIHU affordable to low- and moderate-income households, beyond what is currently required by the MIHU program.”

Policy Statement DN-7 (page DN-52) states that the County should “Provide various incentives that encourage the development of for-sale and rental housing units affordable to low- and moderate-income households and special needs households and preserve the County’s existing affordable housing inventory.” **Implementing Action 4** recommends that the County “Offer additional incentives to encourage the production of more MIHU’s than required, and/or deeper levels of income targeting in the form of LIHU’s or DIHU’s.”

Policy Statement DN-12 (page DN-62) states that the County should “Provide a range of affordable, accessible, and adaptable housing options for older adults and persons with disabilities.” **Implementing Action 2** recommends that the County “Provide flexibility in the Zoning Regulations and the Subdivision and Land Development Regulations for adult group homes/communal living and for accessibility modifications for persons with disabilities who wish to live independently or older adults who wish to age in place or downsize and age in their community at affordable price points.” **Implementing Action: 3** recommends the County “Encourage age-restricted adult housing developments to build small-to medium scale housing units to include apartments, condominiums, townhomes, and missing middle housing types that allow seniors to downsize and are affordable to low-and moderate income Households.”

Policy Statement DN-13 (page DN-62) states the County should “Create greater opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers.”

Conclusion

Overall, DPZ finds that amending the Planned Employment Center “PEC” zoning district to allow ‘Age-Restricted Adult Housing’ as a permitted use with additional requirements and increasing the LIHU and DIHU requirements for Age-Restricted developments in the R-SI, POR, CCT, CEF, and PSC zoning districts is consistent with the Policy Statements and Implementing Actions in the General Plan.

Environmental Policies and Objectives

The proposed ZRA 213 is not in conflict with the environmental policies and objectives in HoCo By Design, the County’s General Plan. The proposed ZRA 213 would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

DocuSigned by:

Lynda Eisenberg

5/1/2025

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Lynda D. Eisenberg, AICP, Director Date

Exhibit A

Petitioner's Proposed Text

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

Section 116.0: - PEC (Planned Employment Center) District

B. Uses Permitted as a Matter of Right

2. AGE-RESTRICTED ADULT HOUSING, SUBJECT TO THE REQUIREMENTS OF SUBSECTION E.

E. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING

1. DESIGN FOR OLDER ADULTS

THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES WHICH IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. PLAN SUBMITTALS SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF THE PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

2.ENFORCEMENT OF AGE RESTRICTIONS

IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE OWNERSHIP, IT SHALL BE SUBJECT TO COVENANTS OR OTHER LEGAL RESTRICTIONS ENFORCING THE AGE RESTRICTIONS FOR THIS USE. PLAN SUBMITTALS SHALL INCLUDE THE PROPOSED COVENANTS AND OTHER LEGAL MEANS OF ENFORCING THE AGE RESTRICTIONS. THE LEGAL ENTITY THAT WILL IMPLEMENT AND MAINTAIN THE AGE RESTRICTIONS MUST BE CLEARLY

IDENTIFIED AND ABLE TO PROVIDE EFFECTIVE ENFORCEMENT TO SUPPLEMENT COUNTY ENFORCEMENT OF ZONING REGULATIONS.

3.MODERATE INCOME AND LOW INCOME HOUSING UNITS

AT LEAST 10% OF THE DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS, AND AT LEAST 5% OF THE DWELLING UNITS SHALL BE LOW INCOME HOUSING UNITS OR DISABILITY INCOME HOUSING UNITS.

4.COMMUNITY CENTER

AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INDOOR COMMUNITY SPACE WITHIN A PRINCIPAL STRUCTURE SHALL BE PROVIDED THAT CONTAINS A MINIMUM OF:

A. 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR THE FIRST 99 DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET, AND

B. 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR EACH ADDITIONAL DWELLING UNIT ABOVE 99.

Example of how the proposed text would look in Section 116.0 if adopted:

Section 116.0: - PEC (Planned Employment Center) District

B. Uses Permitted as a Matter of Right

2. Age-restricted adult housing, subject to the requirements of subsection E.

E. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING

1. Design for Older Adults

The development shall incorporate universal design features from the department of planning and zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with

mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

2. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals shall include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

3. Moderate Income and Low Income Housing Units

At least 10% of the dwelling units shall be Moderate Income Housing units, and at least 5% of the total dwelling units shall be Low Income Housing Units or Disability Income Housing Units.

4. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- A. 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- B. 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

Amend the following text:

Section 113.2 R-SI (Residential: Senior – Institutional) District

E. Additional Requirements for Age-Restricted Adult Housing

3. Moderate Income and LOW INCOME Housing Units

At least 10% shall be Moderate Income Housing Units, AND AT LEAST 5% OF THE DWELLING UNITS SHALL BE LOW INCOME HOUSING UNITS OR DISABILITY INCOME HOUSING UNITS.

Example of how this text would look in Section 113.2 if adopted:

E. Additional Requirements for Age-Restricted Adult Housing

3. Moderate Income and Low Income Housing Units

At least 10% shall be Moderate Income Housing Units, and at least 5% of the dwelling units shall be Low Income Housing Units or Disability Income Housing Units.

Amend the following text:**Section 115.0 POR (Planned Office Research) District****E. Additional Requirements for Age-Restricted Adult Housing**

3. Moderate Income and LOW INCOME Housing Units

At least 10% shall be Moderate Income Housing Units, AND AT LEAST 5% OF THE DWELLING UNITS SHALL BE LOW INCOME HOUSING UNITS OR DISABILITY INCOME HOUSING UNITS.

Example of how this text would look in Section 115.0 if adopted:

E. Additional Requirements for Age-Restricted Adult Housing

3. Moderate Income and Low Income Housing Units

At least 10% shall be Moderate Income Housing Units, and at least 5% of the dwelling units shall be Low Income Housing Units or Disability Income Housing Units.

Amend the following text:**Section 117.4 CCT (Community Center Transition) District****E. Additional Requirements for Age-Restricted Adult Housing**

3. Moderate Income and LOW INCOME Housing Units

At least 10% shall be Moderate Income Housing Units, AND AT LEAST 5% OF THE DWELLING UNITS SHALL BE LOW INCOME HOUSING UNITS OR DISABILITY INCOME HOUSING UNITS.

Example of how this text would look in Section 117.4 if adopted:

E. Additional Requirements for Age-Restricted Adult Housing

3. Moderate Income and Low Income Housing Units

At least 10% shall be Moderate Income Housing Units, and at least 5% of the dwelling units shall be Low Income Housing Units or Disability Income Housing Units.

Amend the following text:

Section 121.0 – CEF (Community Enhancement Floating) District

E. Moderate and LOW INCOME Housing

The CEF petition shall comply with the Moderate Income Housing Unit requirements that were in effect for the zoning district for the property immediately before the CEF District was established on the property. If there were no Moderate-Income Housing Unit requirements for the previous zoning district, a minimum of 10% of the total number of dwelling units shall be Moderate Income Housing Units AND AT LEAST 5% OF THE TOTAL NUMBER OF DWELLING UNITS SHALL BE LOW INCOME HOUSING UNITS OR DISABILITY INCOME HOUSING UNITS.

Example of how this text would look in Section 121.0 if adopted:

Section 121.0 – CEF (Community Enhancement Floating) District

E. Moderate and Low Income Housing

The CEF petition shall comply with the Moderate Income Housing Unit requirements that were in effect for the zoning district for the property immediately before the CEF District was established on the property. If there were no Moderate-Income Housing Unit requirements for the previous zoning district, a minimum of 10% of the total number of dwelling units shall be Moderate Income Housing Units, and at least 5% of the total number of dwelling units shall be Low Income Housing Units or Disability Income Housing Units.

Amend the following text:

Section 127.1 – PSC (Planned Senior Community) District

B. Requirements for Planned Senior Community

The Planned Senior Community District may be established at a particular location if the following requirements are met:

7. At least 10% shall be Moderate Income Housing Units, AND AT LEAST 5% OF THE DWELLING UNITS SHALL BE LOW INCOME HOUSING UNITS OR DISABILITY INCOME HOUSING UNITS.

F. Bulk Regulations

1. Maximum Density

- a. Developments providing at least [[10]] 15% of the dwelling units as Moderate Income AND LOW INCOME Housing Units.....8 dwelling units per net acre.
- b. Developments providing an additional 33% of all units over 8 dwelling units per net acre as Moderate Income Housing Units12 dwelling units per net acre.

Example of how this text would look in Section 127.1 if adopted:

B. Requirements for Planned Senior Community

The Planned Senior Community District may be established at a particular location if the following requirements are met:

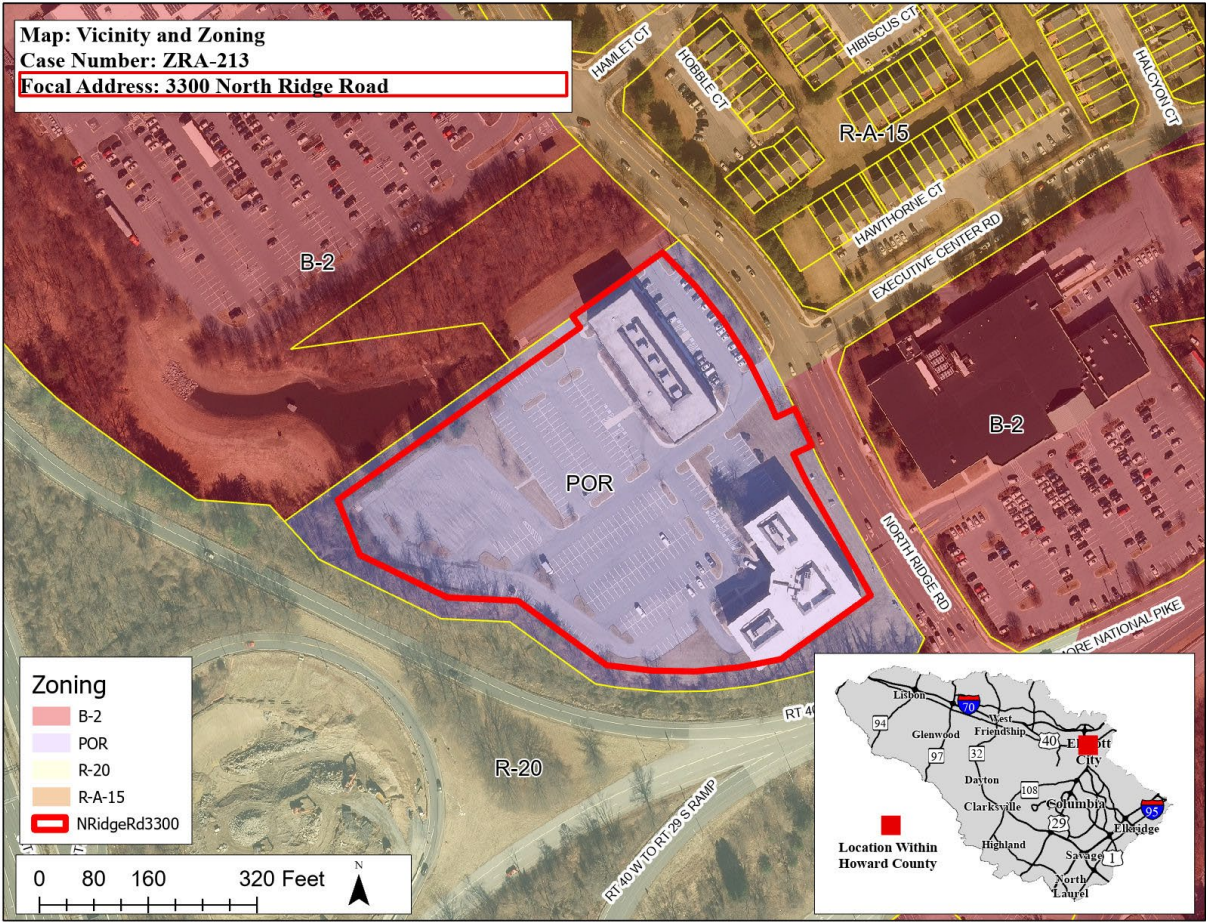
- 7. At least 10% shall be Moderate Income Housing Units, and at least 5% of the dwelling units shall be Low Income Housing Units or Disability Income Housing Units.

F. Bulk Regulations

1. Maximum Density

- a. Developments providing at least 15% of the dwelling units as Moderate Income and Low Income Housing Units.....8 dwelling units per net acre.
- b. Developments providing an additional 33% of all units over 8 dwelling units per net acre as Moderate Income Housing Units12 dwelling units per net acre.

Attachment A



Attachment B

ZRA-213

