



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

Planning Board Meeting of June 26, 2025

Case No./Petitioner: ZRA-212 – Blackrock Capital Investors, L.L.C

Request: To Amend the Conditional Use criteria for Nursing Homes and Residential Care Facilities (Sections 131.0.N.38) to change setback and lot area coverage requirements.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

Nursing Homes were initially permitted by right in the B-2 district starting in 1954. In 1961, Nursing Homes were eliminated from the B-2 zone as a permitted use and were included as special exceptions in the R-20 and R-90 zoning districts. In 1977, this special exception category was expanded to the R, R-12, R-SC, RA-1, R-ED, R-HR, R-VH and RMH zoning districts. In the 2013 Comprehensive Zoning Plan, Nursing Homes were added to the non-PSA B-1 and the B-2 zoning districts. In 2018, ZRA-182 (CB38-2018), Nursing Homes and Residential Care Facilities were added to the PSA B-2 zoning district as a matter of right.

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 Conditional Use criteria for Nursing Homes and Residential Care Facilities to:

- Remove the required 50 ft. setback from residentially zoned properties by deleting Section 131.0.N.38.d., and
- Modify Section 131.0.N.38.e to provide that the area not being used for buildings, parking areas or driveways would be 35% of the gross site area instead of 20% of the building envelope as currently required.

The petitioner states that the rationale for the proposed amendment include the following:

- Address the severe shortage of Nursing Homes and Residential Care Facilities,
- Permit Nursing Homes and Residential Care Facilities to be developed and operated in locations where they would otherwise be precluded, and
- Prevent the overcrowding of land and will ensure that the proposed use remains compatible with adjacent residential uses.

131.0.N.38.d.

This section contains one of five specific criteria for approving Nursing Homes and Residential Care Facilities. The Petitioner proposes to remove the current criterion “Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.”. Proposed facilities would be subject to the setbacks in the underlying zoning districts.

131.0.N.38.e

This section contains one of five specific criteria for approving Nursing Homes and Residential Care Facilities. The Petitioner proposes to replace the current criterion “At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations” with “At least 35% of the gross site area shall not be used for buildings, parking areas or driveways.”

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-212 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 ZRA would amend the Conditional Use criteria for Nursing Homes and Residential Care Facilities (Sections 131.0.N.38) to change setback and lot area coverage requirements. In terms of the change to the setback requirement, in this petition example the setback would change from 50 feet to the underlying R-12 District setback of 7.5 feet. The Howard County Landscape Manual requires landscaping to be planted around the perimeter of a property to lessen the visual impact of a use, or to visually or physically separate uses. The type of landscaping around the perimeter is based on the type of land use proposed and the compatibility of the proposed land use with adjacent land uses. Typically, nonresidential development in a residential zoning district would require a heavy buffer of shade tree and evergreen tree plantings. Per the Manual, a landscape edge of at least 20 feet wide in width is required, except in districts where zoning setbacks permit parking or principal structures in closer proximity to property lines. Setbacks should provide adequate spacing for the required landscape plantings.

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

The Petitioner has an ownership/interest in 10605 Clarksville Pike (Rt. 108), depicted by the map shown in Attachment A. The proposed Zoning Regulation Amendment could potentially impact over 35,000 properties, due to the large number of zoning districts affected.

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

While there are no obvious conflicts within the Zoning Regulations, there are several conditional uses similar to Nursing Homes and Residential Care Facilities that require a

different setback from the underlying zoning. These include “Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities,” “Funeral Homes and Mortuaries,” “Religious Facilities, Structures and Land Used,” and “Schools.”

Similarly, the following conditional uses also use the building envelope to calculate the required open/green space; “Charitable or Philanthropic Institutions,” “Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities,” “Funeral Homes and Mortuaries,” and “Nonprofit Clubs.”

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 Petitioner is proposing to amend the Conditional Use criteria for Nursing Homes and Residential Care Facilities to:

- Remove the required 50 ft. setback from residentially zoned properties by deleting Section 131.0.N.38.d. The setbacks imposed by the bulk regulations of the underlying district would remain in effect unless otherwise reduced by variance pursuant to Section 130.0.B.2. and
- Modify Section 131.0.N.38.e to provide that the area not being used for buildings, parking areas or driveways would be 35% of the gross site area instead of 20% of the building envelope as currently required.

The petitioner is seeking to adaptively re-use the “Inn at Peralynna” for a Nursing Home and Residential Care Facility. The Property is irregular in shape and current structure as situated on the property does not conform to the setback and lot coverage requirements in the conditional use criteria.

General Plan Evaluation

The HoCo By Design (The General Plan) Dynamic Neighborhoods chapter is supportive of expanding opportunities for housing for older adults and persons with disabilities.

Policy Statement DN-12 proposes “a range of affordable, accessible, and adaptable housing options for older adults and persons with disabilities.”

Implementing Action 2 further calls for the County to “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.”

Conclusion

Overall, DCCP finds that the proposal to Amend the Conditional Use criteria for Nursing Homes and Residential Care Facilities (Sections 131.0.N.38) to change the setbacks and lot area coverage is consistent with the General Plan.

Environmental Policies and Objectives

The proposed ZRA-212 is not in conflict with the environmental policies and objectives in HoCo By Design, the County's General Plan. The proposed ZRA 212 would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

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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.)

Sec. 131.0.N.38 - Nursing Homes and Residential Care Facilities:

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.
- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.

[[d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.]]

[[e]] D. At least [[20%]] 35% of the GROSS SITE area [[within the building envelope]] shall not be used for buildings, parking areas or driveways. [[The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.]]

How the Text Would Appear Normally If Adopted

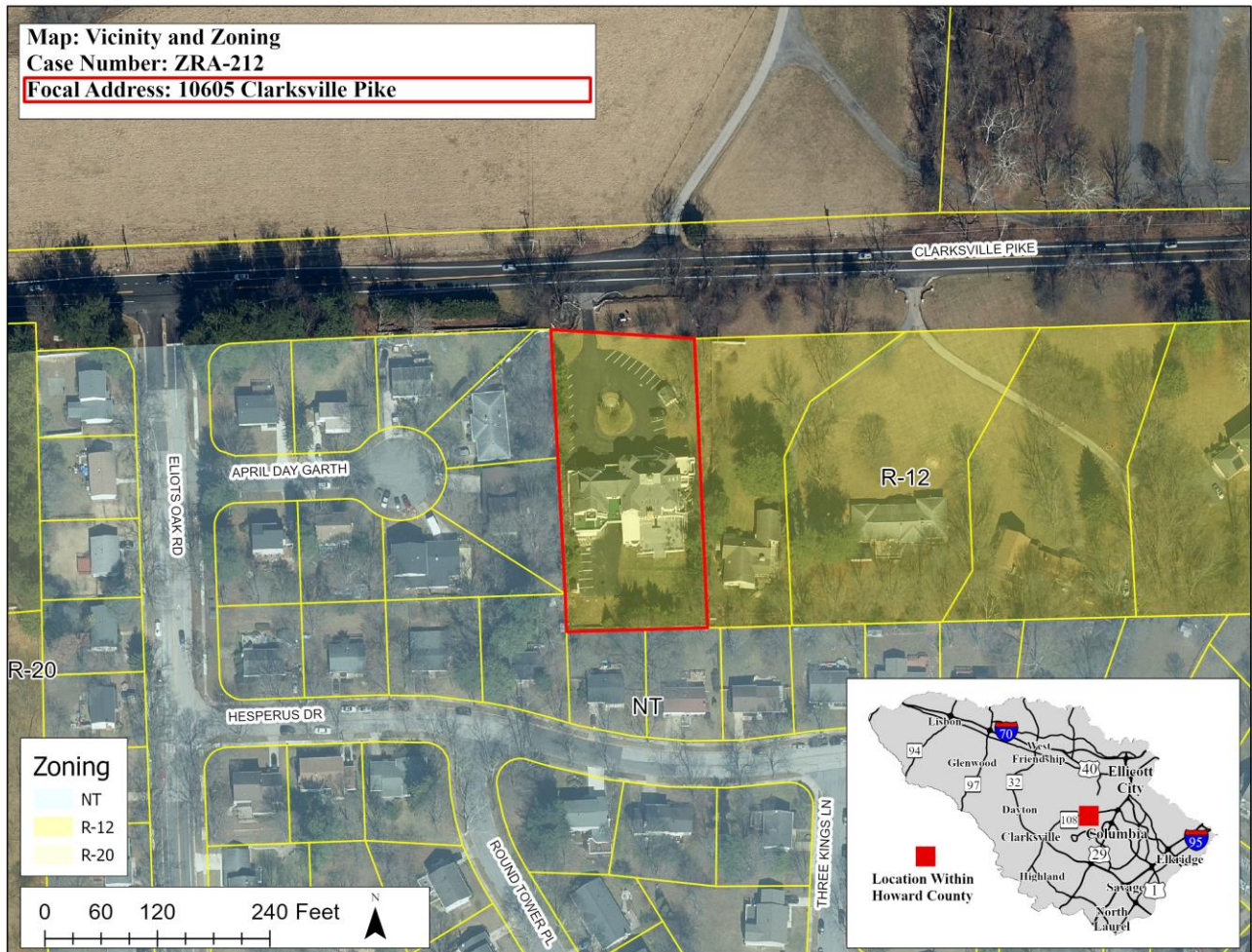
Sec. 131.0.N.38 - Nursing Homes and Residential Care Facilities:

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.
- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.

- d. At least 35% of the gross site area shall not be used for buildings, parking areas or driveways.

Attachment A



Attachment B

ZRA-212

Zoning Districts for
Nursing Home
Conditional Use

