

Introduced 10.06.2025
Public Hearing 10.20.2025
Council Action 11.03.2025
Executive Action 11.06.2025
Effective Date 1/16/2026

County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 14

Bill No. 68 -2025 (ZRA-212)

Introduced by: The Vice-Chair on behalf of Blackrock Capital Investors, LLC

SHORT TITLE: Nursing Homes & Residential Care Facilities – Reduction of Setbacks.

AN ACT amending Section 131.0 of the Howard County Zoning Regulations to add additional Conditional Use criteria for Nursing Homes and Residential Care Facilities that allow for reduced setbacks in certain circumstances; and generally related to Nursing Homes and Residential Care Facilities.

Introduced and read first time Oct 4, 2025. Ordered posted and hearing scheduled.

By order

Michelle Harrod
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Oct 20, 2025.

By order

Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on Nov 3 2025 and Passed ✓, Passed with amendments ✓, Failed .

By order

Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4 day of Nov, 2025 at 5⁰⁰ a.m./p.m.

By order

Michelle Harrod
Michelle Harrod, Administrator

Approved by the County Executive Nov 6, 2025

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are amended as follows:

By amending:

Section 131.0 -. "Conditional Uses"

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

Number 38 -. "Nursing Homes and Residential Care Facilities"

Howard County Zoning Regulations

Section 131.0 – Conditional Uses

N. Conditional Uses and Permissible Zoning Districts

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. FOR SITES UTILIZING BUILDINGS AND PARKING AREAS EXISTING PRIOR TO JANUARY 6, 2026, THE HEARING AUTHORITY MAY REDUCE THIS SETBACK IF THE PETITION INCLUDES DETAILED PLANS FOR SCREENING, CONSISTING OF A COMBINATION OF A SOLID FENCE OR WALL AND LANDSCAPING, OR EQUIVALENT COMBINATION, THAT PRESENTS AN ATTRACTIVE AND

1 EFFECTIVE BUFFER FOR NEIGHBORING PROPERTIES. THIS SETBACK MAY NOT BE REDUCED
2 OR ELIMINATED TO ACCOMMODATE EXPANSIONS TO BUILDINGS OR PARKING AREAS MADE
3 AFTER JANUARY 6, 2026.
4

- 5 e. At least 20% of the area within the building envelope shall not be used for buildings,
6 parking areas or driveways. The building envelope is formed by the required structure
7 and use setbacks of the Zoning Regulations for the zoning district and the Subdivision
8 and Land Development Regulations.
9

10 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
11 *this Act shall become effective 61 days after its enactment.*
12

Amendment 1 to Council Bill No. 68 - 2025

BY: David Yungmann

Legislative Day 15
Date: November 3, 2025

Amendment No. 1

*(This Amendment adds language that would prohibit further encroachment into existing setbacks
for this Conditional Use.)*

- 1 On page 2, in line 2, after the period, insert the following:
- 2 “THIS SETBACK MAY NOT BE REDUCED OR ELIMINATED TO ACCOMMODATE EXPANSIONS TO
- 3 BUILDINGS OR PARKING AREAS MADE AFTER [INSERT EFFECTIVE DATE OF LEGISLATION].”.
- 4

I certify that this a true copy of

Am 1 CB68-2025
passed on 11/3/2025

Michelle Cherry
Council Administrator

**Howard County Maryland****Department of Planning and Zoning**

3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

www.howardcountymd.gov

DPZ Office Use only:

Case No ZRA-212

Date Filed 1/20/2025

Zoning Regulation Amendment Petition**Zoning Regulation Amendment Request:**

The proposed amendment will remove the required 50 ft. setback from residentially zoned properties applicable to Nursing Homes and Residential Care Facilities subject to conditional use approval by deleting Section 131.0.N.38.d. The setbacks imposed by the bulk regulations of the underlying district remain in effect unless otherwise reduced by variance pursuant to Section 130.0.B.2. The proposed amendment would also 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.

Petitioner Information

Name: Blackrock Capital Investors, L.L.C Blackrock Capital Investors, L.L.C.

Trading As: Blackrock Capital Investors, L.L.C. by Arsy Shah

Address: 10605 Clarksville Pike (Rt. 108), Columbia, MD, 21044

Phone: 3016748891

Email: arsyshah@gmail.com

Petitioner's Interest in the Property: Sole Owner

Representative Information

Name: William Erskine

Address: 7021 Columbia Gateway Drive, Columbia, MD, 21046

Phone: 3015750363

Email: werskine@offitkurman.com

Profession: Attorney at Law

Property Information

Property Address: 10605 Clarksville Pike (Rt. 108), Columbia, MD, 21044

Total Site Area: 1.26 acres Use Area (if different): Tax Map: 29 Grid: 12 Parcel: Parcel 32

County Council District: 4 Zoning District: R-12

Subdivision Name: SDP #:

Signatures

The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct.

Blackrock Capital Investors, L.L.C.

Petitioner's Signature _____

By: Rakeshkumar C. Shah, Manager

Date 2/6/25

Property Owner's Signature _____

Petitioner is the sole owner

Date _____

Process information and submittal requirements can be found on the ProjectDox website



AFFIDAVIT AND DISCLOSURE OF CONTRIBUTION

For Petitions to Amend the Zoning Regulations, Zoning Maps and Preliminary Develop Plans of Howard County

Zoning Matter: ZRA-212

AFFIDAVIT AS TO CONTRIBUTIONS TO CANDIDATES AND BUSINESS ENGAGEMENTS WITH ELECTED OFFICIALS

As required by the Maryland Public Ethics Law Annotated Code of Maryland, General
Provisions Article Sections 5-852 through 5-854

ALL BOLDDED TERMS ARE DEFINED BY SECTION 5-852 MARK EACH PARAGRAPH AS
APPLICABLE

1. I, Black Rock Capital Investors, L.L.C., the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief ☐ HAVE / ☒ HAVE NOT made a **Contribution** or contributions having a cumulative value of \$500 or more to the treasurer of a **Candidate** or the treasurer of a **Political Committee** during the 48-month period before the **Application** was filed; and I ☐ AM / ☒ AM NOT currently **Engaging in Business** with an **Elected Official**.
2. I, the ☒ **Applicant** or a ☐ **Party of Record** in the above referenced zoning matter, acknowledge and affirm that, if I or my **Family Member** has made a **Contribution** or contributions having a cumulative total of \$500 or more during the 48-month period before the **Application** was filed or during the pendency of the **Application**, I will file a disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**; and that a **Contribution** made between the filing and the disposition of the **Application** will be disclosed within 5 business days after the **Contribution**.

3. I, the ☒ **Applicant**, acknowledge and affirm that, if I begin **Engaging in Business** with an **Elected Official** between the filing and the disposition of the **Application**, I will file this Affidavit at the time of **Engaging in Business** with the **Elected Official**.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Blackrock Capital Investors, L.L.C.
by Rakeshkumar C. Shah, Manager

(Print Full Name)



(Sign full name & indicate legal capacity, if applicable)

2/5/2025
Date

Zoning Matter: ZRA-212

DISCLOSURE OF CONTRIBUTION

As required by the Maryland Public Ethics Law Annotated Code of Maryland, General Provisions Article Sections 5-852 through 5-854

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852

If the **Applicant** or a **Party of Record** or their **Family Member** has made a **Contribution** or contributions having a cumulative value of \$500 or more during the 48-month period before the **Application** is filed or during the pendency of the **Application**, the **Applicant** or the **Party of Record** must file this disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**.

For a **Contribution** made during the 48-month period before the **Application** is filed, the **Applicant** must file this disclosure when they file their **Application**, and a **Party of Record** must file this disclosure within 2 weeks after entering the above zoning matter.

A **Contribution** made between the filing and the disposition of the **Application** must be disclosed within 5 business days after the **Contribution**.

Any person who knowingly and willfully violates Sections 5-852 through 5-854 of the General Provisions Article of the Annotated Code of Maryland is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

Applicant or Party of Record: Black Rock Capital Investors, L.L.C.
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
None		

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

Blackrock Capital Investors, L.L.C.
by Rakeshkumar C. Shah, Manager

(Print Full Name)



(Sign full name & indicate legal
capacity, if applicable)

2/6/2025
Date

This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at <https://howard-md-us.avolvecloud.com/ProjectDox/>

For more information or questions, contact DPZ at (410) 313-2350.



AFFIDAVIT AND DISCLOSURE OF CONTRIBUTION

For Petitions to Amend the Zoning Regulations, Zoning Maps and Preliminary Develop Plans of Howard County

Zoning Matter: ZRA-212

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1. I, Arsy, LLC, the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief ☐ HAVE / ☒ HAVE NOT made a **Contribution** or contributions having a cumulative value of \$500 or more to the treasurer of a **Candidate** or the treasurer of a **Political Committee** during the 48-month period before the **Application** was filed; and I ☐ AM / ☒ AM NOT currently **Engaging in Business** with an **Elected Official**.
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I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Arsy, LLC
by Rakeshkumar C. Shah, Manager
(Print Full Name)


(Sign full name & indicate legal capacity, if applicable)

2/6/2025
Date

Zoning Matter: ZRA-212

DISCLOSURE OF CONTRIBUTION

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Applicant or Party of Record: Arsy, LLC

(Print Full Name)

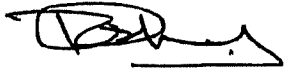
RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
None		

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

Arsy, LLC
by Rakeshkumar C. Shah, Manager

(Print Full Name)



(Sign full name & indicate legal
capacity, if applicable)

2/6/2025
Date

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APPLICABLE

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Rakeshkumar C. Shah

(Print Full Name)



(Sign full name & indicate legal capacity, if applicable)

2/6/2025

Date

Zoning Matter: ZRA-212

DISCLOSURE OF CONTRIBUTION

As required by the Maryland Public Ethics Law Annotated Code of Maryland, General Provisions Article Sections 5-852 through 5-854

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Applicant or Party of Record: Rakeshkumar C. Shah
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
None		

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

Rakeshkumar C. Shah

(Print Full Name)



(Sign full name & indicate legal capacity, if applicable)

2/6/2025

Date

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For more information or questions, contact DPZ at (410) 313-2350.

Petitioner's Proposed Text

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. FOR SITES UTILIZING BUILDINGS AND PARKING AREAS EXISTING PRIOR TO [INSERT EFFECTIVE DATE OF LEGISLATION], THE HEARING AUTHORITY MAY REDUCE OR ELIMINATE THIS SETBACK IF THE PETITION INCLUDES DETAILED PLANS FOR SCREENING, CONSISTING OF A COMBINATION OF A SOLID FENCE OR WALL AND LANDSCAPING, OR EQUIVELENT COMBINATION, THAT PRESENTS AN ATTRACTIVE AND EFFECTIVE BUFFER FOR NEIGHBORING PROPERTIES.
- e. 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.

Proposed Text as it Would Normally Appear 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. 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. For sites utilizing buildings and parking areas existing prior to [INSERT EFFECTIVE DATE OF LEGISLATION], the Hearing Authority may reduce or eliminate this setback if the petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.
- e. 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.



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 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 envelop 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.”

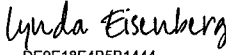
Implementing Action 2 further calls for the County to “provide flexibility in the Zoning Regulations and the Subdivision and Land Development Regulations for adult group homes/communal living and for accessibility modifications for persons with disabilities who wish to live independently or older adults 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.

DocuSigned by:

DE9E18E4B5B1444...

6/4/2025

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

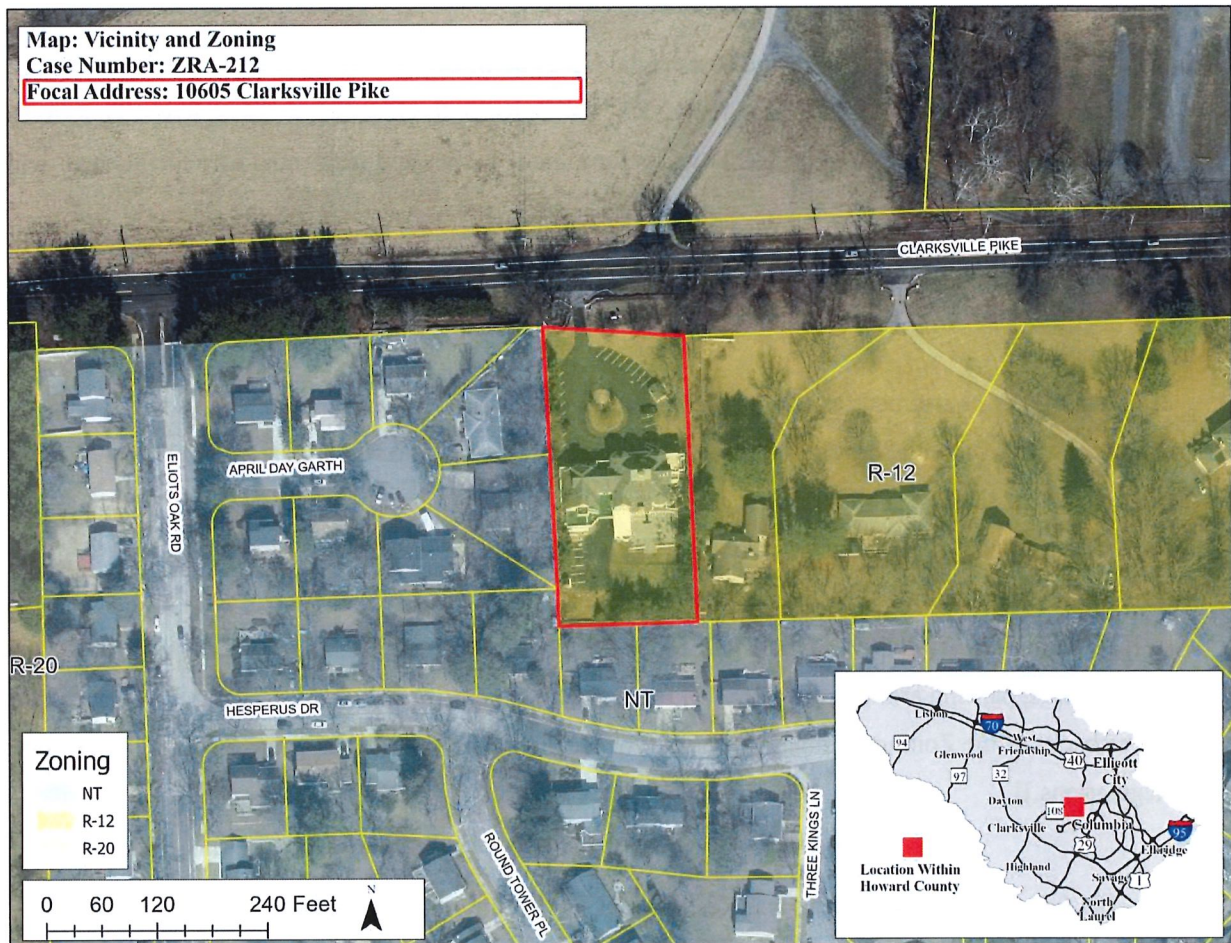
Sec. 131.0.N.38 - Nursing Homes and Residential Care Facilities:

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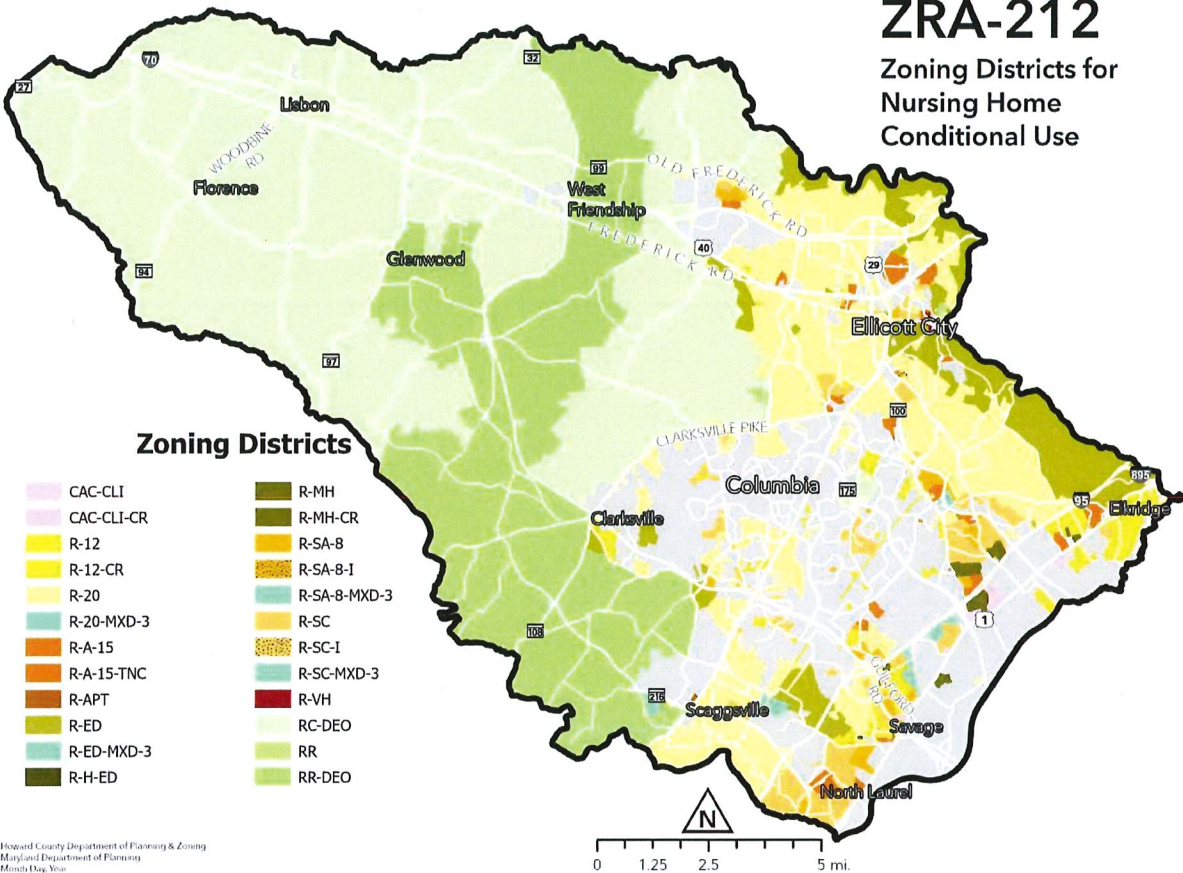
- d. At least 35% of the gross site area shall not be used for buildings, parking areas or driveways.

Attachment A



Attachment B

ZRA-212
Zoning Districts for
Nursing Home
Conditional Use



BLACKROCK CAPITAL INVESTORS, LLC	*	BEFORE THE
PETITIONER	*	PLANNING BOARD OF
ZRA-212	*	HOWARD COUNTY, MARYLAND

MOTION: Recommend approval of ZRA-212.

ACTION: *Approved with Amendments; Vote 5-0.*

RECOMMENDATION

On June 26, 2025, the Planning Board of Howard County, Maryland, considered the petition of Blackrock Capital Investors (Petitioner) to amend the Nursing Homes and Residential Care Facilities conditional use criteria under Section 131.0.N.38. The Petitioner's original Petition included:

- Removing Section 131.0.N.38.d which states, “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.”
- Modifying Section 131.0.N.38.e which states, “At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways” to read “At least 35% of the gross site area shall not be used for buildings, parking areas or driveways.”

Mr. William Erskine, Esq., of Offit Kurman Attorneys at Law, representing the Petitioner, presented an amendment to the original Petition which specifically:

- Keeps Section 131.0.N.38.d. and adds “For sites utilizing buildings and parking areas existing prior to [insert effective date of legislation], the Hearing Authority may reduce or eliminate this setback if the petition includes detailed plans for screening, consisting of combination of a solid fence or wall and landscaping, or equivalent combination, that presents an attractive and effective buffer for neighboring properties.”
- Does not propose any changes to Section 131.0.N.38.e.

The Planning Board considered the amended petition and the Department of Planning and Zoning's (DPZ) Technical Staff Report.

Testimony

Mr. Erskine began testimony on behalf of the Petitioner, Blackrock Capital Investors, LLC. Mr. Erskine noted that Mr. Arsy Shah is in attendance who is also a representative of Blackrock Capital Investors, LLC. Mr. Erskine explained the proposed amendment is being requested to allow the Inn at Peralynna to apply for a

1 conditional use to convert the existing building into a Nursing Home and Residential Care Facility. The Inn is
2 currently used as a bed and breakfast and boutique hotel with up to nineteen rooms, and approved for indoor
3 social assemblies. Mr. Erskine testified that the Inn property is zoned R-12 and requires a 7.5-foot side setback
4 for structures and a 20-foot use setback from lot lines. Mr. Erskine noted that the Inn property received a
5 variance in 2012 for relief from the 20-foot use setback for the limited social assembly conditional use because
6 the existing principal structure is large.

7 Mr. Erskine testified that the revised amendment will narrow the scope and impact for proposed
8 Nursing Homes and Residential Care Facilities located within existing structures and parking areas. Mr. Erskine
9 testified that the Inn directly adjoins residentially-zoned properties and cannot meet the required 50-foot
10 setback. Mr. Erskine further testified that under the conditional use criteria, Nursing Homes and Residential
11 Care Facilities are limited to sixteen beds and is inherently a quieter use than the existing boutique/hotel use.
12 Mr. Erskine stated that the current boutique/hotel does not require the 50-foot setback from residentially-zoned
13 properties as required for Nursing Homes and Residential Care Facilities proposed as a conditional use.

14 Mr. Erskine explained that the proposed language gives the Hearing Authority the power to reduce the
15 50-foot setback from residentially-zoned properties if the property has existing buildings and parking areas.
16 The amendment also adds language for additional screening and fencing from neighboring properties. Mr.
17 Erskine testified that this will give the Hearing Authority the discretion to reduce the 50-foot setback based on
18 the conditional use application and the proposed additional screening and fencing. Mr. Erskine noted that the
19 proposed language is borrowed heavily from the Funeral Homes and Mortuaries' conditional use criteria. Mr.
20 Erskine stated that the Funeral Homes and Mortuaries use also requires a 50-foot setback from residentially-
21 zoned properties and allows the Hearing Authority to reduce the setback to not less than 20-feet, or to the
22 underlying zoning district setback, whichever is greater. Mr. Erskine stated that there is no other use where the
23 Hearing Examiner may completely eliminate a setback, but that the amendment will provide flexibility for
24 establishing this use, which is supported in the County's general plan, HoCo By Design. Mr. Erskine also
25 provided insight into the Hearing Examiner's authority, specifically that no variances from the dimensional
26 conditional use criteria requirements can be sought. This restricts the Petitioner from applying for a variance
27 from the 50-foot setback from residentially-zoned properties.

28 Ms. Barbra Mosier, Planning Board member, asked the Petitioner to clarify the intended setback
29 requirements. Mr. Erskine explained that a 20-foot setback would be too large but the 7.5-foot setback for the
30 underlying R-12 zoning district would work for this property. Ms. Mosier also asked for clarification regarding
31 the landscaping inconsistencies presented by staff. Ms. Lynda Eisenberg, AICP, Secretary to the Planning
32 Board, explained that the amendment would only impact future Nursing Home and Residential Care Facility
33 projects utilizing existing structures and parking areas. For these projects it's assumed landscaping would exist
34 and the proposed amendment would require additional screening with landscaping and fencing. Mr. Erskine

also added that the Hearing Examiner may require additional landscaping as a condition of their approval. Mr. Mason Godsey, Planning Board member, asked about the adverse impacts on future projects. Planning staff explained the difficulty in predicting future development and believes amending the proposal to allow a setback reduction for existing structures and parking areas will lessen the impact on future projects. Mr. James Cecil, Planning Board Vice-Chair, expressed concerns with the Hearing Authority being able to completely eliminate the 50-foot setback from residentially zoned properties. Mr. Erskine stated the Petitioner would be amenable to removing the phrase “or eliminate” from the proposed text. Mr. Kevin McAliley, Planning Board Chair, echoed Mr. Cecil concerns with the word “eliminate” in the proposed text. Mr. McAliley also requested clarification on when the Adequate Public Facilities Ordinance (APFO) is considered in conditional use projects. Ms. Eisenberg explained that the Nursing Homes and Residential Care Facilities only pertain to “beds” not “units” like with age-restricted housing, so this use is not subject to the same APFO requirements. Ms. Eisenberg also stated that the amendment pertains to structures and parking areas that are existing. Mr. McAliley asked how the HoCo By Design Implementing Actions, like DN-12, are implemented. Ms. Eisenberg explained that the Department of Planning and Zoning implements the policies and guidelines in HoCo By Design. Mr. McAliley asked the Board their opinion on the amended language. Mr. Cecil stated he is comfortable with the language because it is limited to the Nursing Homes and Residential Care Facilities conditional use criteria and not all conditional uses.

Mr. Shah, representing Blackrock Capital Investors, echoed Mr. Erskine’s testimony and believes a Nursing Home and Residential Care Facility would be a less impactful on the property than the existing use.

Board Discussion and Recommendation

Ms. Mosier asked if the Board wants to consider adding a minimum setback to which the Hearing Authority may reduce the 50-foot setback to, perhaps, the underlying zoning district. Ms. Mosier explained her concern is that under this amendment, the use on a property would inherently be changing to a Nursing Home and Residential Care Facility, which could benefit from a larger setback than the original approved use. Mr. Cecil explained that he is comfortable with the language since the setback reduction would apply only to structures and parking areas that are existing. Mr. McAliley explained he is comfortable with the language, since it gives the Hearing Examiner the authority to reduce the setback..

Mr. Cecil motioned to recommend approval of ZRA-212 with an amendment. Mr. Mason seconded the motion. The motion passed 5-0.

The amendment is:

1. Strike the phrase “or eliminate” from the proposed language in Section 131.0.N.38.d.

1 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 8th day of
2 July 2025, recommends that ZRA-212, as described above, be APPROVED WITH
3 AMENDMENTS.
4
5

6 HOWARD COUNTY PLANNING BOARD

Signed by:

Kevin McAuley

Kevin McAuley, Chair

Signed by:

James Cecil

James Cecil, Vice-Chair

Signed by:

Mason Godsey

Mason Godsey

Signed by:

Barbara Mosier

Barbara Mosier

Signed by:

Lynn Moore

Lynn Moore

17 ATTEST:

DocuSigned by:

Lynda Eisenberg

18
19 Lynda Eisenberg, AICP, Executive Secretary



Howard County

Department of Planning and Zoning

Subject: ZRA-212
Blackrock Capital Investors, LLC.

To: Howard County Council

From: Julia Sauer, Division Chief
Division of Public Service
and Zoning Administration

^{DS}
JS

Date: July 24, 2025

The Division of Public Service and Zoning Administration respectfully submits this memo informing the Howard County Council that the Technical Staff Report (TSR) regarding ZRA-212 prepared for the Planning Board meeting on June 26, 2025, evaluated the proposed zoning regulation amendment as initially submitted by the Petitioner, and not as amended.

The Petitioner amended the proposed language for ZRA-212 and presented the amended language at the June 26, 2025 Planning Board meeting. The Planning Board's discussion of the amended language is reflected in the Planning Board recommendation submitted to the Council.

The Petitioner's original language removed the 50-foot setback from adjoining residential-zoned properties. The Petitioner's amended language keeps the setback requirement and allows the Hearing Authority to reduce or eliminate the 50-foot setback for existing buildings and parking areas if adequate screening is provided. The amended language does not impact DPZ's evaluation of the proposal, as written in the TSR.

[illegible]

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 14

Bill No. 68 -2025 (ZRA-212)

Introduced by: The Vice-Chair on behalf of Blackrock Capital Investors, LLC

SHORT TITLE: Nursing Homes & Residential Care Facilities – Reduction of Setbacks.

AN ACT amending Section 131.0 of the Howard County Zoning Regulations to add additional Conditional Use criteria for Nursing Homes and Residential Care Facilities that allow for reduced setbacks in certain circumstances; and generally related to Nursing Homes and Residential Care Facilities.

Introduced and read first time Oct 6, 2025. Ordered posted and hearing scheduled.
By order Michelle Harrod
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Oct 20, 2025.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on Nov 3, 2025 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2025 at ____ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2025

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Zoning Regulations are amended as follows:

3 By amending:

4 Section 131.0 -. "Conditional Uses"

5 Subsection N -. "Conditional Uses and Permissible Zoning Districts"

6 Number 38 -. "Nursing Homes and Residential Care Facilities"

7
8 **Howard County Zoning Regulations**

9 **Section 131.0 – Conditional Uses**

10 **N. Conditional Uses and Permissible Zoning Districts**

11
12 **38. Nursing Homes and Residential Care Facilities**

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

- 16
- 17 a. The facility shall have 16 or fewer beds.
- 18
- 19 b. The minimum lot size for a new facility is one acre. An existing facility does not have to
20 comply with this criteria.
- 21
- 22 c. The design of new structures or additions to existing structures will be compatible in
23 scale and character with residential development in the vicinity, as demonstrated by
24 architectural elevations or renderings that shall be submitted with the petition.
- 25
- 26 d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining
27 residentially-zoned properties other than public road right-of-ways. FOR SITES UTILIZING
28 BUILDINGS AND PARKING AREAS EXISTING PRIOR TO [INSERT EFFECTIVE DATE OF
29 LEGISLATION], THE HEARING AUTHORITY MAY REDUCE THIS SETBACK IF THE PETITION
30 INCLUDES DETAILED PLANS FOR SCREENING, CONSISTING OF A COMBINATION OF A SOLID

1 FENCE OR WALL AND LANDSCAPING, OR EQUIVALENT COMBINATION, THAT PRESENTS AN
2 ATTRACTIVE AND EFFECTIVE BUFFER FOR NEIGHBORING PROPERTIES.

- 3
- 4 e. At least 20% of the area within the building envelope shall not be used for buildings,
5 parking areas or driveways. The building envelope is formed by the required structure
6 and use setbacks of the Zoning Regulations for the zoning district and the Subdivision
7 and Land Development Regulations.

8

9 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
10 ***this Act shall become effective 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on November 6, 2025.

Michelle R. Harrod
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2025.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2025.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2025.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2025.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2025.

Michelle R. Harrod, Administrator to the County Council