



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT

*Petition Accepted on August 29, 2008
Planning Board Meeting of October 16, 2008
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA - 103 – Horse Farm, LLC & Deep Run Property Management, LLC

Request: Zoning Regulation Amendments to Section 127.1 (PSC: Planned Senior Community District) to make it an overlay district allowing use of the underlying zoning district; and Section 103.A.112 (Definitions) to include the PSC District among the list of enumerated overlay districts.

Department of Planning and Zoning Recommendation:

APPROVAL

I. DESCRIPTION OF PROPOSAL

- **The proposal is for one amendment to Section 103.A, and one amendment to Section 127.1 of the Zoning Regulations.**

The Petitioner proposes to amend the regulations to allow the PSC District to be an Overlay District in addition to its current Floating District classification. An Overlay District is a district established to respond to special features or conditions of a land area, such as historic value, physical characteristics, location or other circumstances. An Overlay District supplements or provides an alternative to the regulations of the underlying zoning district.

The Petitioner explains the process by which the PSC Floating District is applied to a property is related to the need for the proposed amendment. The process first requires Zoning Board approval of a Preliminary Development Plan (“PDP”) and Preliminary Development Criteria (“Criteria”). The subsequent PSC development of the property must then conform to this approved PDP and Criteria. Comprehensive Sketch Plan and/or Site Development Plan approvals by the Department of Planning and Zoning and Planning Board are also required. The approval process can be quite lengthy and during this time, the market demand for the various housing products mandated in the PDP and Criteria may have substantially decreased.

The Petitioner requests the amendments in order to enable PSC property owners/developers to retain the option to utilize the underlying zoning until the time of final PSC plan approvals. This option to continue development under the existing zoning would afford property owners/developers flexibility to align project development with current market conditions.

- The complete proposed amendment text is attached to this Technical Staff Report as Attachment A (CAPITALS indicates text to be added; [[brackets indicate text to be deleted]]).

II. EXISTING REGULATIONS

- Currently, the PSC District is a Floating District which was established to provide opportunities for housing that meets the needs of the county's senior population. A Floating District is a district which may only be placed on the zoning map upon petition of a property owner and not by government initiative. This Floating District zoning may only be applied to a specific property if stated criteria are satisfied, a finding of compatibility is made and a development plan is approved for the property. Upon Zoning Board approval of the Floating District zoning and required PDP, the PSC District replaces the prior zoning.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- The proposed amendments are applicable only to the PSC District.

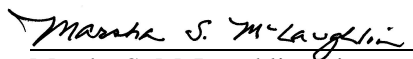
IV. EVALUATIONS AND CONCLUSIONS

- Under the current regulations an approved PSC District replaces the zoning which existed prior to the PSC District zoning. The proposed amendment would provide flexibility to property owners/developers to respond to changing housing market conditions and could assist in moderating a potential oversupply of senior housing.

V. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-103, as noted above, be **APPROVED**.


Marsha S. McLaughlin, Director

10/02/08

Date

ATTACHMENT A

Proposed Text

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

SECTION 103.A (Definitions)

112. Overlay District: A district established to respond to special features or conditions of a land area, such as historic value, physical characteristics, location or other circumstances. An overlay district supplements or provides an alternative to the regulations of the underlying zoning district. In these Zoning Regulations, only the DEO, Historic, special exception, **PSC** and **MXD** Districts are overlay districts.

SECTION 127.1 PSC (Planned Senior Community) District

A. Purpose

The Planned Senior Community District is established to permit the development of housing designed for older adults and elderly persons. This floating **AND OVERLAY** district provides opportunity for housing that meets the diverse needs of Howard County's growing senior population. Each Planned Senior Community District will provide independent living units for seniors within either single-family or multi-family dwellings, and may also include assisted living or nursing care facilities. The communities developed within the PSC District will be characterized by careful site planning that allows them to be compatible with eastern Howard County's residential neighborhoods.

[[C. Uses Permitted As A Matter Of Right

1. Age-restricted adult housing
2. Assisted living facilities for residents 55 years of age or older.
3. Nursing homes]]

C. USES PERMITTED AS A MATTER OF RIGHT PRIOR TO THE FINAL APPROVAL OF ALL REQUIRED COMPREHENSIVE SKETCH PLANS AND/OR SITE DEVELOPMENT PLANS AND DEVELOPMENT CRITERIA BY THE PLANNING BOARD

1. USES ALLOWED IN THE UNDERLYING DISTRICT.

D. USES PERMITTED AS A MATTER OF RIGHT SUBSEQUENT TO THE FINAL APPROVAL OF ALL REQUIRED COMPREHENSIVE SKETCH PLANS AND/OR SITE DEVELOPMENT PLANS AND DEVELOPMENT CRITERIA BY THE PLANNING BOARD

1. AGE-RESTRICTED ADULT HOUSING
2. ASSISTED LIVING FACILITIES FOR RESIDENTS 55 YEARS OF AGE OR OLDER.
3. NURSING HOMES

The remainder of the section should be renumbered accordingly.