



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 - 108 – Brantly Development Group

Request: Zoning Regulation Amendment to Section 103.A. (Definitions) to permit older adults without children under eighteen (18) years of age to occupy a certain percentage of the dwelling units within an age-restricted adult housing development.

Department of Planning and Zoning Recommendation:

DENIAL

I. DESCRIPTION OF PROPOSAL

- **The proposal is for one amendment to Section 103.A. of the Zoning Regulations. The amendment would remove the restriction that all households within an age-restricted adult housing development be occupied by at least one member who is 55 years of age or older and would add a provision to permit up to 20 percent of the units within an age-restricted adult housing development to be occupied by individuals less than 55 years of age.**

The petition states that the reason for the amendment is to provide more flexibility for Age-restricted Adult Housing while adhering to its overall purpose.

- **The Petitioner states that the proposal addresses some current issues in Howard County's residential housing market and that the requested amendment seeks to expand housing opportunities for the adult population under age 55 and without children. The Petitioner states that many adults desire to live in the type of maintenance-free living environments and avail themselves of amenities that are offered in age-restricted adult housing developments. Other younger adults, including individuals with disabilities would greatly benefit from the universal design standards and other features inherent in age-restricted adult housing developments.**

The Petitioner further states that the proposal is more harmonious with federal law than Howard County's existing law. In addition, the proposal would benefit existing owners of age-restricted adult housing by expanding the universe of potential buyers of units available for resale.

II. EXISTING REGULATIONS

- In the current regulations, households within an age-restricted adult housing development are restricted to occupancy by households having at least one member who is 55 years of age or older.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- The proposed amendment to Section 103.A would affect only Age-restricted Adult Housing developments permitted by Conditional Use in the RC, RR, R-ED, R-20, R-12, F-SC, R-SA-8, OR R-A-15 Districts.

IV. EVALUATIONS AND CONCLUSIONS

The petition states that the amendment would “permit older adults without children under eighteen (18) years of age to occupy a certain percentage of the dwelling units...”. Under the proposal, up to 20 percent of age-restricted adult housing units would be eligible for purchase by anyone over 18 years of age. The petition also mentions that other younger adults including individuals with disabilities would benefit from the universal design features found in age-restricted adult housing units.

The reasons for purchasing units in age-restricted adult housing communities are varied and include the enjoyment of maintenance-free living environments; availability of site amenities; benefits of universal design features that allow aging in place; and social benefits such as a desire to live in a community with people of similar age and without children. Although the petition states that the proposal is intended “...to permit older adults without children under eighteen (18) years of age...”, it does not suggest any qualifying minimum age for residency and the proposal would therefore permit up to 20 percent of units in age-restricted adult housing communities to be occupied by anyone over 18 years of age.

Since the publication of the 2000 General Plan which called for refinements to available housing options for seniors which existed at that time, regulations have been modified and are more harmonious with the recommendations of the General Plan and better respond to the needs of the more active senior segment of the housing market. Many housing opportunities open to people of any age exist throughout the county, including condominium communities which often feature maintenance-free living environments. The General Plan and the Senior Housing Master Plan state that active senior housing developments should be age-restricted; therefore the proposal is not harmonious with established county policies. There is no mandate to align county policies with federal policies.

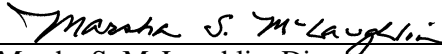
The Petitioner's statement that the proposed amendment would benefit existing owners of age-restricted adult housing by expanding the universe of potential buyers of existing units implies that the amendment would be effectuated retroactively. The Petitioner also states that the proposed amendment is a narrowly-limited change that has many positive and beneficial consequences with no negative ramifications.

It is the position of the Department of Planning and Zoning that the amendment, imposed retroactively would indeed have negative ramifications for unit owners in age-restricted adult housing communities who agreed to certain covenants established at the time of purchase, including the restriction that at least one member of a household be a minimum of 55 years of age. The proposal that the amendment be applied retroactively would potentially result in people who purchased units under certain circumstances living with up to 20 percent of the population who were not required to meet those same restrictions. This would constitute an unreliable process that could not be depended upon by people who purchased units in good faith that the covenants pertaining to age restriction would be upheld.

V. RECOMMENDATION

DENIAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-108, as noted above, be **DENIED**.


Marsha S. McLaughlin, Director

10/03/08
Date

ATTACHMENT A

Proposed Text

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

SECTION 103.A (Definitions)

5. Age-restricted Adult Housing: A development which contains independent dwelling units with full kitchens that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. An exception is allowed for up to [[five years following the death or departure, due to incapacity, of a household member 55 years or older, provided a surviving household member who is at least 50 years old continues to live in the unit.]] 20% OF THE UNITS WITHIN A DEVELOPMENT TO BE OCCUPIED BY INDIVIDUALS LESS THAN 55 YEARS OF AGE PROVIDED HOWEVER THAT [[C]]children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year. Age-restricted adult housing may include related facilities or services for the residents, such as social, recreational or educational facilities and housekeeping, security, transportation or personal services.