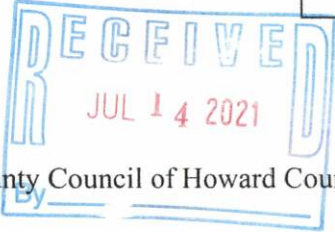




PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-198 Date Filed: 13 July 2021



1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows:

Amend Section 131.0.N.1.a pertaining to conditional use age-restricted adult housing (ARAH) to:

- 1. Reduce the maximum number of dwelling units allowed per net acre in R-ED and R-20 districts by 1.
2. Require at least 25% of dwelling units to have 1,600 sq. ft. maximum of living space above grade to meet the needs of empty nesters who want to downsize from large homes to smaller, more affordable homes.
3. Increase the size of community buildings to 30 sq. ft. of net floor area per dwelling unit for the first 99 units.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Dunteachin Estates Homeowners Association, Inc.

Address 6030 Marshalee Drive, Box 505, Elkridge, MD 21075

Phone No. (W) 410-747-7656 (H)

Email Address dunteachinhoa@dunteachin.net

3. Counsel for Petitioner James Raggio

Counsel's Address 5383 Dunteachin Drive, Ellicott City, MD 21043

Counsel's Phone No. 443-745-6767

Email Address raggio@comcast.net

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed

- 1. The maximum number of dwelling units currently allowed in R-ED and R-20 districts is based on data from the 1980's that is no longer valid. The number should be based on current data.
2. The trend is to build larger dwelling units with more than 2,200 sq. ft. of living space above ground that does not meet the needs of empty nesters who want to downsize from large homes to smaller, more affordable homes. There are designs with less than 1,600 sq. ft. of living space above grade that would meet the needs of this population.
3. The size of community buildings should be based on the occupancy load factors in the Howard County Fire Code (2019) used to determine the maximum capacity of buildings.

HOWARD COUNTY COUNCIL RECEIVED JUL 13 11:02

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County See the attached Supplemental Statement.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. See the attached Supplemental Statement.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . See the attached Supplemental Statement

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more

than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

See the attached Supplemental Statement.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. _____

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled

“Petitioner’s Proposed Text” that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[Double Bold Brackets]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the “Petitioner’s Proposed Text” to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

- 11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
- 12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Dunteachin Estates Homeowners Association, Inc.

Petitioner’s name (Printed or typed)

David M. Zajic, president 7/12/2021

Petitioner's Signature Date

Petitioner’s name (Printed or typed)

Petitioner's Signature Date

Petitioner’s name (Printed or typed)

Petitioner's Signature Date

James Raggio

Counsel for Petitioner’s Signature
[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00*

* The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised: 07/12
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Dunteachin Estates Homeowners Association, Inc.

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Dunteachin Homeowners Association, Inc., the applicant in the above zoning matter

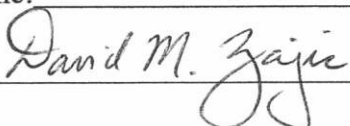
_____, HAVE X HAVE NOT

made any 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 application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: David Zajic, President

Signature: 

Date: 7/12/2021

PETITIONER: Dunteachin Estates Homeowners Association, Inc.

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article 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: Dunteachin Estates Homeowners Association, Inc.

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
NA	NA	NA
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: David Zajic, President
Signature: *David M. Zajic*
Date: 7/12/2021

PETITIONER: Dunteachin Estates Homeowners Association, Inc.

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Dunteachin Estates Homeowners Association, Inc., the applicant in the above zoning matter

_____, AM X AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: David Zajic, President

Signature: David M. Zajic

Date: 7/12/2021

Supplemental Statements

Response to Section 5

As explained below, the proposed amendments are in harmony with the following Plan Howard 2030 policies:

- Policy 9.4 – Expand housing options to accommodate the County’s senior population who prefer to age in place and people with special needs.
- Policy 10.1 – Protect and enhance established communities through compatible infill, sustainability improvements, and strategic public infrastructure investments.
- Policy 10.4 – Review and update all County development regulations to respond to County General Plan development goals and changing market conditions, and to improve the efficiency of the County’s review process.

Proposed Amendment 1: Reduce the maximum number of dwelling units allowed per net acre in R-ED and R-20 districts by 1.

In 1988, a special exception for “housing for elderly and/or handicapped persons” in residential districts was added to the zoning regulations (ZB 849R). The special exception allowed “housing for elderly and/or handicapped persons” to exceed the base zoning in R-ED and R-20 districts (2 dwelling units per acre) by 250% or 2.5 times (5 dwelling units per acre).

In a Technical Staff Report on ZRA-187 dated April 4, 2019, the Department of Planning and Zoning (DPZ) explained the data used to justify allowing the higher density as follows:

“To support the density increase, the DPZ prepared a comparison of the sizes of ‘elderly’ dwellings to typical single family detached dwellings in the R-ED and R-20 zoning districts. The analysis concluded that the standard ‘elderly’ dwelling was 600 square feet and the typical single family detached dwelling was 1,500 square feet. Based on this analysis, DPZ proposed a density multiplier of 2.5 times the base zoning district.”

The “elderly” dwellings that served as the basis for comparison were rental or condominium units in apartment communities for seniors.

In 2001, the special exception for “housing for elderly and/or handicapped persons” was replaced by a conditional use for ARAH (CB 11-2001). The higher density of 5 units per net acre was kept for conditional use ARAH developments in R-ED and R-20 districts.¹ In 2005, the number

¹ The 2001 amendments used the term “net acre.” “Net acre” is defined as an acre of land that includes no land in the 100-year floodplain and no steep slopes existing at the time of subdivision. Section 103.0.

of units permitted in conditional use ARAH developments with 20 to 49 units was reduced to 4 per net acre, or 2 times the base zoning in R-ED and R-20 districts (CB 2-2005).

In the Technical Staff Report referenced above, DPZ acknowledged that:

“The justification for allowing higher density ARAH developments within single-family neighborhoods was based on assumptions and demographics that have changed over time. . . . “[T]he single family attached dwelling units in the most recent approved ARAH Conditional Use (BA-17-030C) were 2,187 feet. Additionally, multiple ARAH Conditional Uses in process propose single family attached and detached dwellings that exceed 2,000 square feet. **Given the change in development patterns and market conditions, the prior multiplier analysis no longer supports the ARAH density increase.**” (Emphasis added.)

The trend is to build larger multi-story units in conditional use ARAH developments in R-20 districts as shown in the table below.²

Conditional Use ARAH Developments in R-20 Districts		Living Space Above Grade (Square Feet)
Enclave at Ellicott Station BA 09-008C	Townhomes	2,725
Enclave at Park Forest BA 11-0026C	Townhomes	2,352
Williamsburg Group LLC BA 18-025C	Townhomes	2,245
	Single Family Detached Homes	1,492 – 2,534

The Design Advisory Panel (DAP) has commented that the higher densities allowed for conditional use ARAH developments in R-ED and R-20 districts are not compatible with the surrounding established communities, especially for in-fill developments on smaller sites less than 10 acres, and has recommended that the number of units proposed for new developments be reduced. See DAP Meeting Summary on Review of Proposed Jordan Overlook Conditional Use ARAH Development (November 28, 2018 and January 9, 2019) and DAP Meeting Summary on Review of Proposed Kerger Pond Conditional Use ARAH Development (April 7, 2021 and June 9, 2021).

In response to the DAP’s recommendations, a recently approved conditional use ARAH development in an R-20 district (Bethany Glen, BA-17-018C) lowered the density of the development from 5 units per net acre to 2.37 units per net acre. Another recently approved conditional use ARAH development in an R-20 district (Williamsburg Group LLC, BA 18-025C) will build 4 units per net acre instead of the maximum 5 units per net acre allowed by the zoning regulations.

² The living space for the townhomes at the Enclave at Ellicott Station and the Enclave at Park Forest is from the Maryland State Department of Assessments and Taxation Real Property Data (<https://sdat.dat.maryland.gov/RealProperty/Pages/default.aspx>). The living space for the Williamsburg Group LLC development is from the Hearing Examiner’s decision.

The proposed amendment would reduce the maximum number of units allowed per net acre in R-ED and R-20 districts by 1. The maximum number of units allowed for new conditional use ARAH developments with 49 or fewer units would be 3, instead of 4, units per net acre. The maximum number of units allowed for new conditional use ARAH developments with 50 or more units would be 4, instead of 5, units per net acre.

Proposed Amendment 2: Require at least 25% of dwelling units to have 1,600 square feet maximum of living space above grade to meet the needs of empty nesters who want to downsize from large family homes to smaller, more affordable homes.

The County's General Plan 2000 first identified the need for smaller, affordable housing options for empty nesters who want to downsize from large family homes to smaller, more affordable homes.

“Many active seniors desire to sell their large family home and yard to purchase a smaller, easier-to-maintain home with a first floor bedroom. This active senior market is the largest segment of the senior housing market, according to the County's Office on Aging, but is not well accommodated in Howard County. Many residents have expressed concern about having to move out of the County to find this type of housing” (Emphasis added.) General Plan 2000, page 82.

Plan Howard 2030 reiterated this need.

“For those who want to relocate from a large family home to a home that is smaller with less maintenance and with a bedroom on the first floor, County housing stock should include options that are affordable. . . .” (Emphasis added.) Plan Howard 2030, page 130.

The zoning regulations for conditional use ARAH developments do not currently address unit size. As shown in the table on the previous page, the trend has been to build larger multi-story units with 2,200 or more square feet of living space above grade in conditional use ARAH developments. These larger units are designed for extended or larger families that have a member who is aged 55 or older, and not for empty nesters who want to downsize from a large family home to a smaller, affordable home as intended by the County's General Plan 2000 and Plan Howard 2030.³

The proposed amendment would require at least 25% of the dwelling units in new conditional use ARAH developments to have 1,600 square feet maximum of living space above grade. There are designs for ARAH homes that would meet this requirement. For instance, Ryan Homes has

³ At least one household member must 55 years of age or older to be eligible for ARAH. 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. Children less than 18 years of age cannot reside in an ARAH unit for more than a total of 90 days per calendar year. Section 103.0.

seven ranch style active adult home models under 1,600 square feet as shown in the table below. The models have 2 to 3 bedrooms and bathrooms on a single level and a two car garage as shown in the floor plans. The models can comply with the County’s Universal Design Guidelines for ARAH, including a no-step front entrance. The models would accommodate seniors who want to age in place in homes where all the living spaces are on one level.

Ryan Homes Ranch Style Active Adult Home Models Under 1,600 Square Feet

Model	Living Space Above Grade (Square Ft.)
Aruba Bay	1,153
Floor Plan: https://webassetsprdnvrsan.blob.core.windows.net/files/fe64edea-e4d5-4ed8-824b-ee565f2db27e	
Spruce	1,296
Floor Plan: https://webassetsprdnvrsan.blob.core.windows.net/files/77873925-6ae6-414e-9017-48f65c8f4e4e	
Grand Bahama	1,338
Floor Plan: https://webassetsprdnvrsan.blob.core.windows.net/files/422acf3d-7a1e-4a9c-8279-8fed0372c508	
Pisa Torre	1,407
Floor Plan: https://webassetsprdnvrsan.blob.core.windows.net/files/195e5f8a-6d02-41cc-99a7-4ff5ba3e0e62	
Alberta Ranch	1,410
Floor Plan: https://webassetsprdnvrsan.blob.core.windows.net/files/298f36e0-e619-4995-a1b4-73ddac8aaaf9	
Grand Cayman	1,533
Floor Plan: https://webassetsprdnvrsan.blob.core.windows.net/files/e1aad054-1366-40a5-a77c-855692a7e0ce	
Aviano	1,566
Floor Plan: https://webassetsprdnvrsan.blob.core.windows.net/files/a0361db8-9ac1-44f4-8d6b-e0df4e718f10	

The DAP has commented that the multi-story attached townhome designs typically used in conditional use ARAH developments are monotonous. Single-story detached ranch style homes would result in more diversity of design in conditional use ARAH developments and fit in better with established communities of single family detached homes.

Proposed Amendment 3: Increase the size of community buildings to 30 square feet of net floor area per dwelling unit for the first 99 units.

The zoning regulations require conditional use ARAH developments to provide a community building for social and recreational activities for the residents of the development. The zoning regulations specify that the community building must contain a minimum of:

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

The Design Advisory Panel has commented buildings built to these specifications are inadequate to provide social and recreational activities for the residents of conditional use ARAH developments and has recommended that the buildings be larger.

The proposed amendment would use the Howard Code Fire Code (2019) as the basis for

determining the size of community buildings in conditional use ARAH developments.⁴ The Howard County Fire Code (2019) is based on the National Fire Protection Association (NFPA) Codes, including the NFPA 101 – Life Safety Code (2018).⁵ Section 7.3.1.2 of the NFPA 101 – Life Safety Code (2018) establishes occupancy load factors for determining the maximum capacity of buildings based on their use. Community buildings are assembly uses and the occupancy load factor for assembly uses without fixed seating is 15 square feet net floor area per person. Net floor area is measured within the inside walls of the building with deductions for thickness of interior walls, columns, hallways, stairs, restrooms, closets, utility rooms, pantries, kitchens or kitchenettes, and office rooms.

Dwelling units in conditional use ARAH developments typically have 3 bedrooms with an option for additional bedrooms in the basement and can house from 2 to 4 or more residents. Under the current zoning regulations, a conditional use ARAH development with 30 dwelling units would have to provide a 600 square foot community building. If the building has an accessible restroom, kitchenette, and closet or utility room, the net floor area for purposes of determining the maximum capacity under the Howard County Fire Code (2019) would be 450 square feet and the maximum occupancy of the building would be 30 people. If the development has 60 residents (2 per dwelling unit), the community building would accommodate only 50% of the residents at parties and other largely attended social events. If the development has 120 or more residents (4+ per dwelling unit), the community building would accommodate less than 25% of the residents at parties and other largely attended social events. If more residents attend parties and other social events than the maximum capacity permitted under the Howard County Fire Code (2019), it will result in overcrowding and unsafe conditions.

The proposed amendment would require community buildings to contain a minimum of 30 square feet of net floor space per dwelling unit for the first 99 units based on 2 residents per dwelling unit. A conditional use ARAH development with 30 dwelling units would have to provide community building with 900 square feet net floor area. This is more than a 50% increase in size over the current zoning regulations and would safely accommodate 100% of the residents at parties and other social events assuming 2 residents per dwelling unit.

In sum, the proposed amendments are in harmony with the Plan Howard 2030 policies by:

- Updating the regulations pertaining to conditional use ARAH developments to respond to changing market conditions and changes in the Howard County Fire Code (2019) (Policy 10.4);
- Expanding housing options for the County’s senior population, including empty nesters who want to downsize from large homes to smaller, more affordable homes and seniors

⁴ The Howard County Fire Code (2019) is available at:
<https://www.howardcountymd.gov/sites/default/files/media/2020-03/Fire%20Code%202019.pdf>.

⁵ The NFPA 101 Life Safety Code (2018) is available at:
<https://www.nfpa.org/codes-and-standards/all-codes-and-standards/codes-and-standards/free-access?mode=view>.

who want to age in place in homes where all the living spaces are on one level (Policy 9.4); and

- Protecting and enhancing established communities in R-ED and R-20 districts by making infill conditional use ARAH developments in these districts compatible with the surrounding neighborhoods of single family detached homes (Policy 10.1).

Response to Section 6

The proposed amendments are in harmony with the general purpose of the zoning regulations expressed in Section 100.0.A and will promote the health, safety and welfare of the community by improving the overall quality and livability of conditional use ARAH developments.

The proposed amendments are in harmony with following specific purposes in Section 100.0.A:

“1. To provide adequate light, air and privacy; to secure safety from fire and other danger, and to prevent over-crowding of the land and undue congestion of population;

“2. To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive Zoning Regulations;

“3. To promote the most beneficial relationship between the uses of land and structures, and the road system which serves these uses, having particular regard for the potential amount and intensity of such land and structure uses in relationship to the traffic capacity of the road system, so as to avoid congestion in the streets and roadways, and to promote safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and structures throughout the County; . . .

“5. To provide for adequate housing choices in a suitable living environment within the economic reach of all citizens; . . .”

The proposed amendment would prevent overcrowding of land and undue congestion of population in R-ED and R-20 Districts by reducing the maximum number of dwelling units allowed per net acre in conditional use ARAH developments.

The proposed amendments would protect the character and the social and economic stability of established communities in R-ED and R-20 Districts and would promote the most beneficial relationship between the different land uses by reducing the density of the conditional use ARAH developments and introducing diversity in home designs in the developments to make them compatible with surrounding neighborhoods of single family detached homes.

The proposed amendment would provide adequate housing choices for empty nesters who want to downsize from large homes to smaller, more affordable homes and seniors who want to age in place in homes where all the living spaces are on one level.

Response to Section 7

The proposed amendments would benefit the County's senior population, especially empty nesters who want to downsize from a large home to a smaller, more affordable home and seniors who want to age in place in homes where all the living spaces are on one level. They represent the largest segment of the senior housing market and are not well accommodated in Howard County.

The proposed amendments also would benefit established communities in R-ED and R-20 districts where infill conditional use ARAH developments are proposed to be built by reducing the density of the developments and providing diversity of home designs to make the developments compatible with the surrounding neighborhoods of single family detached homes.

Response to Section 8

The proposed amendments have the potential of affecting more than 12 properties in R-ED and R-20 districts that are developed for conditional use ARAH. The impacts would:

- Reduce the maximum allowable density of the developments by 1 unit per net acre;
- Require at least 25% of the units to be smaller (1,600 square feet maximum of living space above grade); and
- Increase the size of community buildings in the developments by more than 50%.

Petitioner’s Proposed Text

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

Proposed Amendments to Section 131.0.N.1.a

a. Age-Restricted Adult Housing, General

(4) The maximum density shall be as follows:

Zoning District	Number of Dwelling Units in Development	Maximum Units Per Net Acre
RC and RR	20 or more	1
R-ED and R-20	20—49	[[4]] 3
	50 or more	[[5]] 4
R-12	20—49	5
	50 or more	6
R-SC	20—49	7
	50 or more	8
R-SA-8	20 or more	12
R-H-ED	20 or more	10
R-A-15	20 or more	25
R-APT	20 or more	35

(5) AT LEAST 25% OF THE DWELLING UNITS SHALL HAVE 1,600 SQUARE FEET MAXIMUM OF LIVING SPACE ABOVE GRADE.

Renumber subsections (5) through (18) as (6) through (19)

(10) At least one on-site community building or interior community space shall be provided that contains a minimum NET FLOOR AREA AS MEASURED WITHIN THE INSIDE WALLS OF THE BUILDING OR SPACE WITH DEDUCTIONS FOR THICKNESS OF INTERIOR WALLS, COLUMNS, HALLWAYS, STAIRS, RESTROOMS, CLOSETS, UTILITY ROOMS, PANTRIES, KITCHENS OR KITCHENEETES, AND OFFICE ROOMS of:

(a) [[20]] 30 square feet of NET floor area per dwelling unit, for the first 99 units [[with a minimum area of 500 square feet]], and

(b) 10 square feet of NET floor area per dwelling unit for each additional unit above 99.

Example of How Text Would Appear Normally if Adopted

a. Age-Restricted Adult Housing, General

(4) The maximum density shall be as follows:

Zoning District	Number of Dwelling Units in Development	Maximum Units Per Net Acre
RC and RR	20 or more	1
R-ED and R-20	20—49	3
	50 or more	4
R-12	20—49	5
	50 or more	6
R-SC	20—49	7
	50 or more	8
R-SA-8	20 or more	12
R-H-ED	20 or more	10
R-A-15	20 or more	25
R-APT	20 or more	35

(5) At least 25% of the dwelling units shall have 1,600 square feet maximum of living space above grade.

(10) At least one on-site community building or interior community space shall be provided that contains a minimum net floor area as measured within the inside walls of the building or space with deductions for thickness of interior walls, columns, hallways, stairs, restrooms, closets, utility rooms, pantries, kitchens or kitchenettes, and office rooms of:

(a) 30 net square feet of floor area per dwelling unit, for the first 99 units, and

(b) 10 net square feet of floor area per dwelling unit for each additional unit above 99.