



REVISED



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-200 Date Filed: 2/4/22

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: To amend the Howard County Zoning Regulations to allow Age-Restricted Adult Housing in the B-1 (Business: Local) Zoning District as a Conditional Use (Section 131.0), under certain conditions.

[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 David Yungmann, Councilmember

Address 3430 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-2001 (H)

Email Address dyungmann@howardcountymd.gov

3. Counsel for Petitioner David Moore, Howard County Office of Law

Counsel's Address 3430 Courthouse Drive, Ellicott City, MD 21043

Counsel's Phone No. 410-313-2101

Email Address dmoore@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed. The petitioner would like to provide limited opportunities for commercial property owners which are located near/adjacent to recently developed residential uses to allow for new uses that are more compatible to the adjacent residential parcels.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County. Policy 9.4 states that the County should "Expand housing options to accommodate the County's senior population who prefer to age in place and people with

special needs.” In fact page 130 of the General Plan further states that, “Figure 9-6 shows that nearly 20% of Howard County residents will be over the age of 65 by 2030, which is a 127% increase of that age group currently residing in the County. The County’s housing stock should support the aging population and will need to continue General Plan 2000 policies to promote diverse senior housing for those that wish or need to downsize to more easily maintained units as they age.”

[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. The justification for this proposed ZRA being in harmony with preserving and promoting the health, safety, and welfare of the community and other issues as set forth in Section 100.A can be found in enumerated additional intent number 2 which states as a goal for the zoning regulations and future development, “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;”.

[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) . One public benefit not expressly stated is the creative reuse of underutilized property to be repurposed into an evolving and desired community use.

[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.

Generally, there are B-1 properties that may be adjacent to Age-Restricted Adult Housing or Housing for the Elderly developments.

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

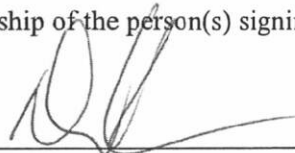
9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. _____ No. _____

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.

David Jungmann
 Petitioner's name (Printed or typed)



 Petitioner's Signature Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature Date


 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\$2,500.00. 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

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

County Website: www.howardcountymd.gov

Revised: 02/14

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.

ZONING MATTER: ZRA 200

**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 BOLDED TERMS ARE DEFINED BY SECTION 5-852
MARK EACH PARAGRAPH AS APPLICABLE**

1. I, David Yungmann, 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.

David Yungman

(Print full name)



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

1-7-22

(Date)

ZONING MATTER: ZRA 200

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.

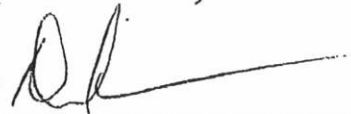
Applicant or Party of Record: David Yungmann
(Print Full Name) 0

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
Friends of Sezin Palmer	2-9-20; 10-22-20	550.00

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**.

David Yungmann
(Print full name)


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

1-7-22
(Date)

PETITIONERS PROPOSED TEXT

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria.

1.Age-restricted Adult Housing

a. Age-Restricted Adult Housing, General

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, or R-APT District, for age-restricted adult housing, provided that:

- (1) Single-family detached, semi-detached, multi-plex, attached and apartment dwelling units shall be permitted, except that only detached, semi-detached, multi-plex and single-family attached units are permitted in developments with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 districts.
- (2) In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT Districts the development shall have a minimum of 20 dwelling units.
- (3) Only detached and semi-detached units are permitted in the RC and RR Districts.
- (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
	50 or more	5
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) If the development results in increased density according to subsection (4) above, the site must have frontage on and direct access to a collector or arterial road designated in the General Plan.

(6) Site Design:

The landscape character of the site must blend with adjacent residential properties. To achieve this:

- (a) Grading and landscaping shall retain and enhance elements that allow the site to blend with the existing neighborhood.
 - (b) The project shall be compatible with residential development in the vicinity by providing either:
 - (i) An architectural transition, with buildings near the perimeter that are similar in scale, materials and architectural details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition; or
 - (ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.
 - (c) For projects with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 Districts, setbacks from existing public streets shall be the same as the setback required for residential uses on adjacent properties.
- (7) Bulk Requirements:
- (a) Maximum Height:
 - (i) Apartments 40 feet
Except in R-SA-8, R-A-15 and R-APT 55 feet
 - (ii) Other principal structures 34 feet
 - (iii) Accessory structures 15 feet
 - (b) Minimum structure and use setback:
 - (i) From public street right-of-way 40 feet
 - (ii) From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts:
 - Apartments 100 feet
 - Single-family attached 75 feet
 - Single-family detached, semi-detached, and multi-plex 40 feet
 - (iii) From open space, multi-family or non-residential uses in RC, RR, R-ED, R-20, R-12 or R-SC 30 feet
 - (iv) From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC 20 feet
 - (v) SINGLE FAMILY DETACHED, SEMI DETACHED AND ATTACHED IN B-1 DISTRICTS:
 - 30 FEET FOR STRUCTURES
 - 10 FEET FOR PARKING AND USE
 - (c) Minimum structure setback from interior roadway or driveway for units with garages 20 feet
 - (d) Minimum structure setback from lot lines for single-family detached or multi-plex units
 - (i) Side 10 feet

Except zero lot line dwellings 0 feet

A minimum of 10 feet must be provided between structures

- (ii) Rear 20 feet
- (e) Minimum distance between single-family detached and/or attached dwellings:
 - (i) For units oriented face-to-face 30 feet
 - (ii) For units oriented side-to-side 15 feet
 - (iii) For units oriented face-to-side or rear-to-side 20 feet
 - (iv) For units oriented rear-to-rear 40 feet
 - (v) For units oriented face-to-rear 100 feet
- (f) Minimum distance between apartment buildings or between apartment buildings and single-family dwellings:
 - (i) For units oriented face-to-face 30 feet
 - (ii) For units oriented side-to-side 15 feet
 - (iii) For units oriented face-to-side or rear-to-side 30 feet
 - (iv) For units oriented rear-to-rear 60 feet
 - (v) For units oriented face-to-rear 100 feet
- (g) Apartment buildings and groups of single-family attached units may not exceed 120 feet in length. However, the Hearing Authority may approve a greater length, up to a maximum of 300 feet in R-SA-8, R-A-15 and R-APT, or 200 feet in other districts, based on architectural design that mitigates the visual impact of the increased length.
- (8) At least 50% of the gross site area in the RC, RR, R-ED Districts, at least 35% in the R-20, R-12, and R-SC Districts, and at least 25% in R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide amenities such as pathways, seating areas and recreation areas for the residents, and shall be protective of natural features.
- (9) Accessory uses may include social, recreational, educational, housekeeping, security, transportation or personal services, provided that use of these services is limited to on-site residents and their guests.
- (10) At least one on-site community building or interior community space shall be provided that contains a minimum of:
 - (a) 20 square feet of floor area per dwelling unit, for the first 99 units with a minimum area of 500 square feet, and
 - (b) 10 square feet of floor area per dwelling unit for each additional unit above 99.
- (11) Loading and trash storage areas shall be adequately screened from view.
- (12) For a development that will be built in phases, open space areas, recreational facilities and other accessory facilities shall be provided in each phase to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the Conditional Use is approved.

- (13) The petition shall establish how the age restrictions required under the definition of this use will be implemented and maintained over times. If the development will not be a rental community under single ownership, an entity such as a condominium association or homeowners association shall be established to maintain and enforce the age restrictions in addition to County enforcement of zoning regulations.
- (14) All open space, common areas and related improvements shall be managed and maintained by a common entity, either the owner of the development, a condominium association, or a homeowners association.
- (15) The development shall incorporate universal design features from the Department of Planning and Zoning guidelines that identify required, recommended and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.
- (16) At least 10% of the dwelling units in the RC, RR, R-ED, R-20, R-12 and R-SC Districts, and at least 15% in the R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be Moderate Income Housing Units.
- (17) Housing for the elderly special exceptions uses approved by the Board of Appeals on or prior to July 12, 2001 and constructed under the Zoning Regulations in effect at that time, may convert the existing dwelling units to age-restricted adult housing uses, with respect to minimum age restrictions only, without being subject to further hearing authority review and approval under current Conditional Use requirements, provided that the dwelling units are made subject to the new covenants and other legal means of enforcing the age-restricted adult housing minimum age restrictions, and that a copy of the recorded new covenants is submitted to the Department of Planning and Zoning to be filed in the original special exception case file.
- (18) The Conditional Use plan and the architectural design of the building(s) shall have been reviewed by the Design Advisory Panel, in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the Conditional Use petition to the Department of Planning and Zoning. The Petitioner shall provide documentation with the petition to show compliance with this criterion.

b. Age-Restricted Adult Housing, Multi-Plex

A Conditional Use may be granted in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, B-1 or B-2 Districts for age-restricted multi-plex adult housing, provided that:

- (1) The landscape character of the site must blend with adjacent residential development. To achieve this:
 - (a) Grading and all landscaping shall retain and enhance elements that allow the site to blend and be compatible with adjacent residential development.
 - (b) The project shall be compatible with adjacent residential development by providing either:

- (i) An architectural transition with buildings near the perimeter that are similar to neighboring dwellings in scale, materials and architectural detail as demonstrated by architectural elevations or renderings submitted with the petition, or
 - (ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.
- (2) The following criteria shall be met:
- (a) In the residential districts, one multi-plex dwelling unit building is permitted per acre. There shall be no more than five multi-plex dwelling unit buildings in a development. In the B-1 and B-2 Districts, the density shall be determined by available water and septic facilities.
 - (b) The net floor area of a multi-plex dwelling unit building is limited to 5,000 square feet.
 - (c) The multi-plex dwellings are limited to age-restricted adult housing. The petition must include copies of proposed deed restrictions or covenants that establish how the age restrictions required under the definition of age-restricted adult housing will be implemented and maintained.
 - (d) The dwellings will incorporate universal design features from the Department of Planning and Zoning Guidelines that identify required, recommended, and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted populations. The materials submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between driveways, sidewalks, common areas and dwelling units.
 - (e) Properties in the B-1 and B-2 Districts shall be outside of the Planned Service Area and adjoin, or be within 200 yards of a community shopping center development with a food store greater than 15,000 square feet.
 - (f) The development has frontage on and direct access to a public road.
 - (g) The minimum lot size is one gross acre in R-ED and R-20 and 20,000 square feet in R-12.
- (3) The development shall comply with the following bulk requirements:
- (a) Maximum Height:
 - (i) Principal Structures 34 feet
 - (ii) Accessory Structures 15 feet
 - (b) Minimum structure and use setback from perimeter of development:
 - (i) From public street right-of-way 40 feet
 - (ii) From RC, RR, R-ED, R-20 or R-SC Districts, the setback applicable in the underlying zoning district.
 - (iii) From Zoning districts other than RC, RR, R-ED, R-20 or R-SC 20 feet
 - (c) Minimum structure setback from interior roadway or driveway for units with garages 20 feet

- (d) Minimum structure setback from lot lines:
 - (i) Side 10 feet
Except zero lot line dwellings 0 feet
A minimum of 10 feet must be provided between structures
 - (ii) Rear 10 feet
- (e) Minimum distance between principal structures 10 feet
- (4) At least 35% of the gross site area shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide amenities such as pathways, seating areas and outdoor recreation areas for the residents, and shall be protective of natural features.
- (5) Accessory uses may include social, recreational, educational, housekeeping, security, transportation or personal services, provided that the use of these services is limited to on-site residents and their guests.
- (6) For developments with more than five multi-plex dwelling unit buildings, at least one on-site community building or interior community space shall be provided that contains a minimum of 500 square feet.
- (7) The Conditional Use plan and the architectural design of the building(s) shall have been reviewed by the Design Advisory Panel, in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the Conditional Use petition to the Department of Planning and Zoning. The Petitioner shall provide documentation with the petition to show compliance with this criterion.

C. A CONDITIONAL USE MAY BE GRANTED IN THE B-1 DISTRICT FOR AGE-RESTRICTED ADULT HOUSING, PROVIDED THAT:

- (1) THE PARCEL SHALL BE ADJACENT TO AN EXISTING AGE-RESTRICTED ADULT HOUSING OR HOUSING FOR THE ELDERLY DEVELOPMENT.
- (2) THE PARCEL SHALL BE LOCATED WITHIN THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER.
- (3) THE MAXIMUM PARCEL SIZE SHALL BE 3 ACRES.
- (4) THE MAXIMUM DENSITY SHALL BE 10 DWELLING UNITS PER NET ACRE.
- (5) THE AGE-RESTRICTED ADULT HOUSING DEVELOPMENT SHALL COMPLY WITH THE GENERAL PROVISIONS IN A. 6 FOR SITE DESIGN AND A. 7. FOR BULK REQUIREMENTS.
- (6) THE REQUIREMENT FOR AN ON-SITE COMMUNITY BUILDING OR INTERIOR COMMUNITY SPACE WITHIN THE NEW PARCEL MAY BE SATISFIED IF:
 - a. THERE ARE ADEQUATE PHYSICAL CONNECTIONS BETWEEN THE NEW AGE-RESTRICTED ADULT HOUSING DEVELOPMENT AND THE EXISTING ADJACENT AGE-RESTRICTED ADULT HOUSING OR HOUSING FOR THE ELDERLY DEVELOPMENT VIA SIDEWALKS, WALKING PATHS, ROADS, ETC.; AND
 - b. THE PARCEL IS INCORPORATED INTO AND GOVERNED BY THE HOMEOWNERS ASSOCIATION FOR THE EXISTING ADJACENT AGE-RESTRICTED ADULT HOUSING OR HOUSING FOR THE ELDERLY DEVELOPMENT; AND
 - c. THE EXISTING COMMUNITY BUILDING OR INTERIOR COMMUNITY SPACE IN THE EXISTING ADJACENT AGE-RESTRICTED ADULT HOUSING OR HOUSING FOR THE ELDERLY

DEVELOPMENT CONTINUES TO MEET THE CONDITIONAL USE REQUIREMENTS IN THIS SUBSECTION WITH THE ADDITION OF THE NEW UNITS.

PETITIONERS PROPOSED TEXT, IF ADOPTED

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria.

1.Age-restricted Adult Housing

a. Age-Restricted Adult Housing, General

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, or R-APT District, for age-restricted adult housing, provided that:

- (1) Single-family detached, semi-detached, multi-plex, attached and apartment dwelling units shall be permitted, except that only detached, semi-detached, multi-plex and single-family attached units are permitted in developments with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 districts.
- (2) In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT Districts the development shall have a minimum of 20 dwelling units.
- (3) Only detached and semi-detached units are permitted in the RC and RR Districts.
- (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
	50 or more	5
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) If the development results in increased density according to subsection (4) above, the site must have frontage on and direct access to a collector or arterial road designated in the General Plan.

(6) Site Design:

The landscape character of the site must blend with adjacent residential properties. To achieve this:

- (a) Grading and landscaping shall retain and enhance elements that allow the site to blend with the existing neighborhood.
- (b) The project shall be compatible with residential development in the vicinity by providing either:
 - (i) An architectural transition, with buildings near the perimeter that are similar in scale, materials and architectural details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition; or
 - (ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.
- (c) For projects with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 Districts, setbacks from existing public streets shall be the same as the setback required for residential uses on adjacent properties.

(7) Bulk Requirements:

(a) Maximum Height:

- (i) Apartments 40 feet

Except in R-SA-8, R-A-15 and R-APT 55 feet

- (ii) Other principal structures 34 feet

- (iii) Accessory structures 15 feet

(b) Minimum structure and use setback:

- (i) From public street right-of-way 40 feet

- (ii) From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts:

 Apartments 100 feet

 Single-family attached 75 feet

 Single-family detached, semi-detached, and multi-plex 40 feet

- (iii) From open space, multi-family or non-residential uses in RC, RR, R-ED, R-20, R-12 or R-SC 30 feet

- (iv) From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC 20 feet

- (v) Single family detached, semi-detached and attached in B-1 districts:
 - 30 feet for structures
 - 10 feet for parking and use

- (c) Minimum structure setback from interior roadway or driveway for units with garages 20 feet

- (d) Minimum structure setback from lot lines for single-family detached or multi-plex units

- (i) Side 10 feet

Except zero lot line dwellings 0 feet

A minimum of 10 feet must be provided between structures

- (ii) Rear 20 feet
- (e) Minimum distance between single-family detached and/or attached dwellings:
 - (i) For units oriented face-to-face 30 feet
 - (ii) For units oriented side-to-side 15 feet
 - (iii) For units oriented face-to-side or rear-to-side 20 feet
 - (iv) For units oriented rear-to-rear 40 feet
 - (v) For units oriented face-to-rear 100 feet
- (f) Minimum distance between apartment buildings or between apartment buildings and single-family dwellings:
 - (i) For units oriented face-to-face 30 feet
 - (ii) For units oriented side-to-side 15 feet
 - (iii) For units oriented face-to-side or rear-to-side 30 feet
 - (iv) For units oriented rear-to-rear 60 feet
 - (v) For units oriented face-to-rear 100 feet
- (g) Apartment buildings and groups of single-family attached units may not exceed 120 feet in length. However, the Hearing Authority may approve a greater length, up to a maximum of 300 feet in R-SA-8, R-A-15 and R-APT, or 200 feet in other districts, based on architectural design that mitigates the visual impact of the increased length.
- (8) At least 50% of the gross site area in the RC, RR, R-ED Districts, at least 35% in the R-20, R-12, and R-SC Districts, and at least 25% in R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide amenities such as pathways, seating areas and recreation areas for the residents, and shall be protective of natural features.
- (9) Accessory uses may include social, recreational, educational, housekeeping, security, transportation or personal services, provided that use of these services is limited to on-site residents and their guests.
- (10) At least one on-site community building or interior community space shall be provided that contains a minimum of:
 - (a) 20 square feet of floor area per dwelling unit, for the first 99 units with a minimum area of 500 square feet, and
 - (b) 10 square feet of floor area per dwelling unit for each additional unit above 99.
- (11) Loading and trash storage areas shall be adequately screened from view.
- (12) For a development that will be built in phases, open space areas, recreational facilities and other accessory facilities shall be provided in each phase to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the Conditional Use is approved.

- (13) The petition shall establish how the age restrictions required under the definition of this use will be implemented and maintained over times. If the development will not be a rental community under single ownership, an entity such as a condominium association or homeowners association shall be established to maintain and enforce the age restrictions in addition to County enforcement of zoning regulations.
- (14) All open space, common areas and related improvements shall be managed and maintained by a common entity, either the owner of the development, a condominium association, or a homeowners association.
- (15) The development shall incorporate universal design features from the Department of Planning and Zoning guidelines that identify required, recommended and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.
- (16) At least 10% of the dwelling units in the RC, RR, R-ED, R-20, R-12 and R-SC Districts, and at least 15% in the R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be Moderate Income Housing Units.
- (17) Housing for the elderly special exceptions uses approved by the Board of Appeals on or prior to July 12, 2001 and constructed under the Zoning Regulations in effect at that time, may convert the existing dwelling units to age-restricted adult housing uses, with respect to minimum age restrictions only, without being subject to further hearing authority review and approval under current Conditional Use requirements, provided that the dwelling units are made subject to the new covenants and other legal means of enforcing the age-restricted adult housing minimum age restrictions, and that a copy of the recorded new covenants is submitted to the Department of Planning and Zoning to be filed in the original special exception case file.
- (18) The Conditional Use plan and the architectural design of the building(s) shall have been reviewed by the Design Advisory Panel, in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the Conditional Use petition to the Department of Planning and Zoning. The Petitioner shall provide documentation with the petition to show compliance with this criterion.

b. Age-Restricted Adult Housing, Multi-Plex

A Conditional Use may be granted in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, B-1 or B-2 Districts for age-restricted multi-plex adult housing, provided that:

- (1) The landscape character of the site must blend with adjacent residential development. To achieve this:
 - (a) Grading and all landscaping shall retain and enhance elements that allow the site to blend and be compatible with adjacent residential development.
 - (b) The project shall be compatible with adjacent residential development by providing either:

- (i) An architectural transition with buildings near the perimeter that are similar to neighboring dwellings in scale, materials and architectural detail as demonstrated by architectural elevations or renderings submitted with the petition, or
 - (ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.
- (2) The following criteria shall be met:
- (a) In the residential districts, one multi-plex dwelling unit building is permitted per acre. There shall be no more than five multi-plex dwelling unit buildings in a development. In the B-1 and B-2 Districts, the density shall be determined by available water and septic facilities.
 - (b) The net floor area of a multi-plex dwelling unit building is limited to 5,000 square feet.
 - (c) The multi-plex dwellings are limited to age-restricted adult housing. The petition must include copies of proposed deed restrictions or covenants that establish how the age restrictions required under the definition of age-restricted adult housing will be implemented and maintained.
 - (d) The dwellings will incorporate universal design features from the Department of Planning and Zoning Guidelines that identify required, recommended, and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted populations. The materials submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between driveways, sidewalks, common areas and dwelling units.
 - (e) Properties in the B-1 and B-2 Districts shall be outside of the Planned Service Area and adjoin, or be within 200 yards of a community shopping center development with a food store greater than 15,000 square feet.
 - (f) The development has frontage on and direct access to a public road.
 - (g) The minimum lot size is one gross acre in R-ED and R-20 and 20,000 square feet in R-12.
- (3) The development shall comply with the following bulk requirements:
- (a) Maximum Height:
 - (i) Principal Structures 34 feet
 - (ii) Accessory Structures 15 feet
 - (b) Minimum structure and use setback from perimeter of development:
 - (i) From public street right-of-way 40 feet
 - (ii) From RC, RR, R-ED, R-20 or R-SC Districts, the setback applicable in the underlying zoning district.
 - (iii) From Zoning districts other than RC, RR, R-ED, R-20 or R-SC 20 feet
 - (c) Minimum structure setback from interior roadway or driveway for units with garages 20 feet

(d) Minimum structure setback from lot lines:

(i) Side 10 feet

Except zero lot line dwellings 0 feet

A minimum of 10 feet must be provided between structures

(ii) Rear 10 feet

(e) Minimum distance between principal structures 10 feet

- (4) At least 35% of the gross site area shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide amenities such as pathways, seating areas and outdoor recreation areas for the residents, and shall be protective of natural features.
- (5) Accessory uses may include social, recreational, educational, housekeeping, security, transportation or personal services, provided that the use of these services is limited to on-site residents and their guests.
- (6) For developments with more than five multi-plex dwelling unit buildings, at least one on-site community building or interior community space shall be provided that contains a minimum of 500 square feet.
- (7) The Conditional Use plan and the architectural design of the building(s) shall have been reviewed by the Design Advisory Panel, in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the Conditional Use petition to the Department of Planning and Zoning. The Petitioner shall provide documentation with the petition to show compliance with this criterion.

C. A conditional use may be granted in the B-1 district for age-restricted adult housing, provided that:

- (1) The parcel shall be adjacent to an existing age-restricted adult housing or Housing for the Elderly development.
- (2) The parcel shall be located within the planned service area for public water and sewer.
- (3) Max parcel size shall be 3 acres
- (4) The maximum density shall be 10 dwelling units per net acre.
- (5) The age-restricted adult housing development shall comply with the general provisions in a. 6 for site design and a. 7. For bulk requirements.
- (6) The requirement for an on-site community building or interior community space within the new parcel may be satisfied if:
 - a. There are adequate physical connections between the new age-restricted adult housing development and the existing adjacent age-restricted adult housing or housing for the elderly via sidewalks, walking paths, roads, etc.; and
 - b. The parcel is incorporated into and governed by the homeowners association for the existing adjacent age-restricted adult housing or housing for the elderly development; and
 - c. The existing community building or interior community space in the existing adjacent age-restricted adult housing or housing for the elderly

development continues to meet the conditional use requirements in this subsection with the addition of the new units.

Summary Complete as of 7 January 2022

AAA

Petitioner	ZRA	Form	Name of Recipients of Contributions	Date Affidavit Signed	Have	Have Not
David Yuungmann	200	Affidavit as to Contribution		1/7/2022	Yes	
David Yungmann	200	Disclosure of Contribution	Friends of Sezin Palmer	1/7/2022		
David Yungmann	200	Affidavit Engaging in Business		1/7/2022		No