



**PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY**

DPZ Office Use Only:
Case No. ZRA- 116
Date Filed: _____

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 103: Definitions and Section 127.1: PSC (Planned Senior Community) to provide appropriate regulations for a campus style Continuing Care Retirement Community ("CCRC"). Please see attached Narrative for further details.

[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 Erickson Retirement Communities

Address 701 Maiden Choice Lane, Baltimore, Maryland 21228

Phone No. (W) 410-402-2424 (H) _____

Email Address wayne.rush@erickson.com

3. Counsel for Petitioner William E. Erskine, Esquire - Miles & Stockbridge, P.C.

Counsel's Address 10490 Little Patuxent Parkway, Suite 300, Columbia, Maryland 21044

Counsel's Phone No. 410-312-6730

Email Address werskine@milesstockbridge.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed Please see attached Narrative for further information and discussion.

HOWARD COUNTY COUNCIL
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5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County Please see attached Narrative for further information and discussion.

[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.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.A. Please see attached Narrative for further information and discussion.

[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) . Please see response to item #6 above.

[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.

Please see attached Narrative for further information and discussion.

[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. **Please see attached Narrative for further information and discussion.**

[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.

Erickson Retirement Communities, LLC

Petitioner’s name (Printed or typed)

Wayne M. Rush 2.25.09

Petitioner's Signature

Date

Petitioner’s name (Printed or typed)

Petitioner's Signature

Date

Petitioner’s name (Printed or typed)

Petitioner's Signature

Date

William E. Eskine 2/26/09

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.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:10/08
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

**Narrative in Support of Petition to Amend Section 103: Definitions
and Section 127.1: PSC(Planned Senior Community)
of the Howard County Zoning Regulations**

Item #4 The Petitioner, Erickson Retirement Communities, Inc. (hereinafter referred to as “the Petitioner” or “Erickson”), is the contract purchaser of approximately 191 acres of land located on Route 144 in Ellicott City immediately west of the Kiwanis Wallis Park owned by Howard County. The subject property constitutes a portion of the 892 acre historic Doughoregan Manor now known and described as Parcel 71 on Howard County Tax Map 23. By way of background, Erickson is nationally recognized as an owner, developer and operator of campus style continuing care retirement communities (CCRC). Presently, Erickson has developed in excess of 23 CCRC communities throughout the United States. Erickson’s original CCRC campus, Charles Town, is located on Maiden Choice Lane in nearby Catonsville, Baltimore County. Erickson also owns the Oak Crest and Riderwood CCRC communities located in Baltimore and Montgomery County respectively.

Erickson’s business model is designed to meet the growing needs of seniors for both housing and a continuum of care that is affordable to persons of middle or moderate income. Erickson’s success in meeting the needs of its senior residents is to a significant extent predicated upon the ability to achieve certain efficiencies of scale which are available in the context of relatively larger campus style communities. In order to achieve these operating efficiencies, a typical Erickson community is designed to contain between 1,500 and 2,000 independent living units with additional assisted living and skilled nursing care to meet the needs of its resident population.

Erickson recognizes a demographic trend within Howard County toward a more senior population. Erickson believes that this trend will likely continue in the foreseeable future. Erickson also recognizes that there is currently a shortage of available facilities to meet the combined housing and continuing health care needs of Howard County’s senior population. Erickson further recognizes that the current shortage of housing and appropriate health care for seniors in Howard County will likely intensify in the future. For these and other reasons, Erickson believes that Howard County is an ideal location for campus style CCRC communities.

As previously mentioned, the affordability of an Erickson retirement community for its residents is directly related to the costs of operations and the efficiencies that are available within larger scale campus style settings. Erickson’s experience has been that a successful Erickson CCRC community must be located on a campus of sufficient size, typically 90 acres to 120 acres, more or less. As Howard County approaches build out, the availability of land of this size is becoming increasingly rare, particularly within the currently designated planned service area for public water and sewer.

Erickson’s efforts to locate an appropriate site within Howard County for its proposed CCRC campus has been made more difficult by the fact that the Howard County Zoning Regulations do not specifically contemplate the development and

operation of larger scale campus style CCRC communities. By way of illustration, Montgomery County, Maryland has specific regulations pertaining to the development and operation of CCRC communities. (See for example, Montgomery County Zoning Ordinance, Section 59-G-2.35.1) It is for this reason that the Petitioner is proposing certain amendments to the Howard County Zoning Regulations. In particular, Erickson is proposing certain amendments to Section 103: Definitions and Section 127.1:(PSC) Planned Senior Community in order to provide specific regulations governing the development and operation of larger scale campus style CCRCs.

As is set forth in greater detail on attached Exhibit "A" Erickson is proposing amendments to Section 103: Definitions and Section 127.1: PSC (Planned Senior Community) of the Howard County Zoning Regulations. The proposed amendments include the following:

1. An amendment to Section 103 Definitions of the Howard County Zoning Regulations to add a new subsection #29 establishing a definition for Continuing Care Retirement Community ("CCRC"). As proposed, a CCRC would be defined by the regulations as:

"An institution consisting of a building or group of buildings providing a continuity of residential occupancy and health care for senior adults. Occupancy is restricted as provided in Section 127.1.F.1.C.1(3). A CCRC must include dwelling units for either independent or assisted living, or both, plus a nursing home of suitable size to provide treatment or care of the residents. It may include ancillary facilities for the further enjoyment, service or care of the residents, including, but not limited to: restaurants, fitness centers, medical offices, convenience stores, barber shops, salons, banks, pharmacies, etc."

2. An amendment to Section 127.1.A to establish that the PSC district shall be an overlay district in addition to being a floating district.

3. An amendment to Section 127.1.B.1 to clarify that a PSC district is required to be within the Planned Service Area for both water and sewer at the time of the preliminary development plan stage and all subsequent stages of plan processing and development. This amendment is intended to make it clear that a proposed PSC district is not required to have the infrastructure for public water and sewer installed at the time of the preliminary development plan stage. The requirement at preliminary development plan stage is that the proposed PSC district be located within the Planned Service Area for both water and sewer.

4. An amendment to Section 127.1.C adopting and incorporating the proposed provisions of Council Bill No. 4-2009 as recently approved. CB 4-2009 designates the PSC district as an overlay district thereby permitting development as of right in accordance with the permissible uses and bulk regulations governing the underlying zoning district until such time as final approval by the Planning Board is obtained for all

comprehensive sketch plans and/or site development plans and development criteria required under the PSC zoning regulations.

5. An amendment to Section 127.1 D of the zoning regulations adding Continuing Care Retirement Communities and Governmental Structures, Facilities and Uses Including Public Schools and Colleges as additional permitted uses under the PSC district.

6. An amendment to the PSC bulk regulations under Section 127.1.E (proposed to be re-designated as Section 127.1.F) adding a new subsection (c) and providing residential density up to 15 dwelling units per net acre for CCRC's satisfying certain criteria as more fully described on attached Exhibit "A."

7. An amendment to the maximum height restrictions applicable to qualifying CCRC developments within the PSC district as more fully described in attached exhibit "A." The maximum height restrictions applicable to qualifying CCRC developments are set forth in proposed Section 127.1.F.3 Bulk Regulations. It is proposed that the maximum height of a principal structure (other than apartments) be permitted to increase above the current maximum height restriction of 34 feet to a maximum height of 60 feet provided that an additional 2 feet of minimum setback is provided for each 1 foot increase in building height above 34 feet. The maximum height of a principal structure (other than apartments) that has minimum setbacks would remain 34 feet.

Similarly, it is proposed that the maximum height of an accessory structure be permitted to increase to 25 feet provided an additional 2 feet of additional setback is provided above the required minimum setback for each 1 foot increase in accessory structure height above 15 feet. The maximum accessory structure height of an accessory structure with minimum setbacks is proposed to remain 15 feet.

8. An amendment adding a new proposed section to be designated as Section 127.1.O for the purpose of providing that Zoning Board approval of developments approved under the provisions of proposed Section 127.1.F.1.C shall automatically lapse without further action of the Zoning Board in the event that the development shall fail to obtain signature approval of a final site development plan for the construction of the initial phase of the development not later than four (4) years after the date of issuance of the Decision and Order of the Zoning Board approving the Preliminary Development Plan and Preliminary Development Criteria.

Item #5 The proposed zoning regulation amendments will provide appropriate regulations for the development and operation of larger scale campus style CCRC communities. The proposed amendments are in harmony with the current General Plan for Howard County. In particular, the amendments promote the County's policies and objectives set forth on page 81 (Chapter 4: Balanced and Phased Growth) of the General Plan which provides:

“The county will have to consider programs to help people stay in their homes and to promote services and housing options for seniors who need help with personal or medical care.”

Larger scale campus style CCRC communities allow people to age in place because they have the option of receiving assistance with personal and medical needs as their personal circumstances change over time. A CCRC community affords seniors the opportunity to live independently so long as they are able to meet their own personal and medical needs. As their circumstances change seniors have the opportunity to receive assisted living and skilled nursing care without having to relocate outside of the CCRC community.

In addition, the availability of larger campus style CCRC communities promotes the County’s policy as set forth in Policy 4.3 of the General Plan (page 84) which encourages the County to:

“Ensure an adequate housing supply for the elderly, disabled and special populations”

The proposed zoning regulation amendments further promotes the objectives of Policy 4.22 of the General Plan (page 147) which encourages the county to:

“Develop a Comprehensive Health and Human Services Plan”

- *“Adequacy of Hospital and Nursing Home Beds. Assist public and private providers to ensure that adequate hospital and nursing home beds are available to meet the current and future needs of the County.”*
- *“Residential Opportunities. Meet the needs of special populations in a more traditional residential neighborhood setting. Work cooperatively with State and the private sector to provide a variety of residential options.”*

The proposed zoning regulation amendments provide appropriate regulations for the development and operation of larger scale campus style CCRC communities. The regulations further require that each CCRC community provide adequate skilled nursing care (nursing home beds) sufficient to meet the needs its senior residents.

Item #6

It is the intent of these proposed zoning regulation amendments to provide appropriate regulations for the development and operation of larger scale campus style CCRC communities. The establishment of these communities is in harmony with the express purposes of the zoning regulations as set forth in Section 100.A.

of the Howard County Zoning Regulations. Specifically, the establishment of larger scale campus style CCRC communities will promote the health, safety and welfare of the community.

Larger scale campus style CCRC communities provide an opportunity for residents to satisfy their need for reasonably affordable housing as well as their continuing need for personal and medical care. Larger scale campus style CCRC community residents are afforded the opportunity receive medical care on campus from physicians employed by the CCRC operator. Further, residents within a CCRC community typically receive as part of their services at least one (1) main meal of the day. Because of this, the CCRC operator and staff are in a unique position to observe and interact with residents on a daily basis. This frequent interaction permits CCRC staff to monitor the health and personal needs of senior residents thus helping to ensure and safe guard the residents' health, safety and welfare.

In addition, a larger scale campus style CCRC community permits a CCRC operator to provide private security as part of the services offered to residents further enhancing and safe guarding the health, safety and welfare of its senior residents. Similarly, a larger scale campus style CCRC operator is able to provide private transportation services to its senior residents. Such services provide seniors with a safe and economical means of transportation while at the same time reducing congestion on the County's roadways.

Item #7 In addition to the public benefits described above in Item #6, a larger scale campus style CCRC community offers significant economic and employment benefits to the citizens of Howard County. A typical larger scale campus style CCRC community at build out will create in excess of 650 full time equivalent jobs. These positions offer a wide range of employment opportunities from, for example, highly skilled physicians and nursing staff to lesser skilled grounds maintenance, janitorial service, food preparation, and wait staff positions. A significant number of part-time employment positions are typically filled by local high school and college students thus providing these students with valuable work experience in addition to income.

Item #8 The proposed zoning amendments have the potential of affecting more than 12 properties. Because the PSC (Planned Senior Community) is a floating and overlay district is not possible to give a detailed analysis on all properties that might be affected by the proposed zoning regulation amendments. Notwithstanding, however, all PSC zoning districts must first be established and approved by the Zoning Board in accordance with an approved Preliminary Development Plan and approved Preliminary Development Criteria. Because of this, the Zoning Board will always be in a position to assess the appropriateness of applying the proposed regulations to individual properties on a case by case basis. In light of this oversight opportunity there can be no unintended consequences as a result of these proposed zoning regulation amendments.

Item #9 The proposed zoning regulation amendments provide an appropriate set of regulations to develop and operate larger scale campus style CCRC communities. The proposed regulations establish among other things certain criteria that must be met in order for a CCRC development to qualify for enhanced density levels up to 15 units per net acre. Among the proposed criteria is the requirement that the development must contain a minimum of 100 acres and adjoin a minimum of 300 acres of open space, park land, or land subject to an agricultural preservation easement. The effect of this mechanism will be to encourage more land to be preserved in the form of open space, park land, or agricultural preservation easements all in furtherance of the purposes set forth in Section 100.A. of the Howard County Zoning Regulations.

Exhibit "A"

Petitioner's Proposed Text

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 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] HOMES. 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.

B. Requirements for Planned Senior Community

The Planned Senior Community District may be established at a particular location if the following requirements are met:

1. At the preliminary development plan stage and subsequent stages of plan processing and development, the site shall be [served by] LOCATED WITHIN THE PLANNED SERVICE AREA FOR BOTH PUBLIC WATER AND PUBLIC SEWER.
2. The site has direct access to a collector or arterial road designated in the General Plan.
3. The development shall contain at least 50 dwelling units.
4. The development shall contain at least two of the following types of housing: single-family detached dwellings, single-family attached dwellings, apartments, assisted living facilities, and nursing homes. At least one of the housing types shall be independent single-family or multi-family dwellings.
5. Open space shall constitute at least 35% of the gross acreage of the planned senior community.
6. The community shall include recreation and common areas for residents, including at least pathways and seating areas.
7. At least ten percent of the dwelling units shall be moderate income housing units.

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

[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, PROVIDED ALL PROVISIONS OF THE UNDERLYING DISTRICT ARE USED.

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
4. CONTINUING CARE RETIREMENT COMMUNITIES
5. GOVERNMENTAL STRUCTURES, FACILITIES AND USES INCLUDING PUBLIC SCHOOLS AND COLLEGES

[D] E. Accessory Uses

1. Services and businesses that serve the residents of the PSC District, including recreational, educational, health, personal, professional and business services and retail stores.
2. Home occupations, subject to the requirements of Section 128.C.1.

[E]F. Bulk Regulations

1. Maximum Density
 - a. Developments providing at least 10 percent of the dwelling units as moderate income housing units.....8 dwelling units per net acre.

b. Developments providing an additional 33 percent of all units over 8 dwelling units per net acre as moderate income housing units12 dwelling units per net acre.

C. CONTINUING CARE RETIREMENT COMMUNITY DEVELOPMENTS SATISFYING THE FOLLOWING CRITERIA:

(1) THE AGGREGATE AREA OF THE DEVELOPMENT INCLUSIVE OF ALL PHASES SHALL CONTAIN A MINIMUM AREA OF 100 ACRES WHICH SHALL ADJOIN NOT LESS THAN 300 ACRES OF OPEN SPACE, PARK LAND, OR LAND THAT IS SUBJECT TO A STATE OR COUNTY AGRICULTURAL LAND PRESERVATION EASEMENT.

(2) THE APPLICANT SHALL HAVE FILED WITH THE MARYLAND OFFICE ON AGING A LETTER OF INTENT TO PROVIDE CONTINUING CARE IN A RETIREMENT COMMUNITY AS PROVIDED IN SECTION 10-409 THE HUMAN SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

(3) OCCUPANCY OF THE DWELLING UNITS SHALL BE RESTRICTED TO PERSONS 62 YEARS OF AGE OR OLDER, WITH THE FOLLOWING EXCEPTIONS:

(A) THE SPOUSE OF A RESIDENT, REGARDLESS OF AGE;

OR

(B) ANOTHER RELATIVE OF A RESIDENT, 55 YEARS OF AGE OR OLDER.

(C) IF A RESIDENT DIES WHILE RESIDING AT THE CONTINUING CARE RETIREMENT FACILITY, THE RESIDENT WIDOW, WIDOWER OR OTHER SURVIVING RELATIVE MAY BE ALLOWED TO REMAIN EVEN THOUGH HE OR SHE HAS NOT REACHED THE AGE OF 55.

(D) RESIDENT STAFF NECESSARY FOR OPERATION OF THE CCRC FACILITY ARE ALSO ALLOWED TO LIVE ON SITE.

(E) THE INITIAL PLAN AND DEVELOPMENT CRITERIA AS APPROVED BY THE PLANNING BOARD MUST INCLUDE THE FOLLOWING:

(1) DWELLING UNITS FOR INDEPENDENT LIVING

(2) DWELLING UNITS FOR ASSISTED LIVING. "ASSISTED LIVING" IS DEFINED AS PROVIDING MEALS PLUS OTHER SERVICES TO PERSONS

WHO MAY NEED SOME SUPERVISION OR ASSISTANCE IN THE ACTIVITIES OF DAILY LIVING BUT WHO DO NOT NEED HOSPITAL OR NURSING CARE.

(3) A NURSING HOME.

.....15 DWELLING UNITS PER NET ACRE

D. DEVELOPMENTS APPROVED PURSUANT TO SECTION 127.1.[E]F.1.C SHALL NOT RECEIVE SIGNATURE APPROVAL OF THE FINAL SITE DEVELOPMENT PLAN FOR THE INITIAL PHASE OF CONSTRUCTION UNTIL SUCH TIME AS THE CONDITIONS OF SECTION 127.[E]F.1.C HAVE BEEN SATISFIED.

[c]E. Assisted living and nursing home beds shall be included in density calculations. One bed equals 0.25 dwelling units for the purpose of determining density only. Assisted living and nursing home beds are not subject to MIHU requirements. [Council Bill 72-2007 (ZRA-90) Effective 1/10/08]

2. Minimum structure and use setbacks:

- a. From arterial or collector public street right-of-way.....50 feet
- b. From other public street right-of-way40 feet
- c. From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts50 feet
Except structures containing apartments, assisted living facilities or nursing facilities.....75 feet
- d. From open space and other uses in RC, RR, R-ED, R-20, R-12 or R-SC Districts30 feet
- e. From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC.....30 feet
- f. If a PSC district is separated from another zoning district by a public street, only the setbacks from a public street right-of-way shall apply.

3. Maximum height shall not exceed:

- a. Apartments.....60 feet

- b. Other principal structures WITH MINIMUM SETBACK34 feet
 - c. OTHER PRINCIPAL STRUCTURES WITH AN ADDITIONAL 1 FOOT IN HEIGHT FOR EVERY 2 FEET OF SETBACK ABOVE THE MINIMUM.....60 FEET
 - [c.]D. Accessory structures with minimum setback.....15 feet
 - E. ACCESSORY STRUCTURES WITH AN ADDITIONAL 1 FOOT IN HEIGHT FOR EVERY 2 FEET OF SETBACK ABOVE THE MINIMUM25 FEET
4. Requirements regarding lot sizes, setbacks, distances between structures not located on individual lots, building heights and all other bulk regulations for the PSC District not established in this Section shall be established by the Planning Board through approval of a Comprehensive Sketch Plan and Development Criteria, in addition to any requirements imposed by the Zoning Board in the Preliminary Development Plan and Preliminary Development Criteria. The development criteria may also establish setback and height requirements that are more restrictive than the requirements given in this section.
 5. The provisions of Section 128 (Supplementary Zoning District Regulations) and Section 133 (Off Street Parking and Loading Facilities) shall apply in the PSC district unless different requirements are specifically approved in the Comprehensive Sketch Plan and Development Criteria.

[F]G. Petition Requirements

A petition for designation of a PSC District shall include the following:

1. A boundary survey of the property covered by the petition.
2. A Preliminary Development Plan and Preliminary Development Criteria for the property showing the following:
 - a. Existing topography, 100-year floodplain areas, wetlands, forests and other significant vegetation.
 - b. The availability and adequacy of utilities.
 - c. The location of proposed points of access to the site.
 - d. Existing development within 200 feet of the site.
 - e. Proposed development of the site, including the general location of buildings, parking areas, open space, recreation areas, pathways, community buildings and other accessory uses.
 - f. Proposed vehicular and pedestrian circulation pattern.

- g. Preliminary Development Criteria that establish the maximum density based on the net acreage of the PSC District and the maximum number and types of dwelling units and/or beds for each housing type.
 - h. A generalized landscaping plan which indicates proposed landscape buffer types, existing vegetation, topography and other buffering features along the perimeters of the site adjacent to other residentially-zoned land.
 - i. Proposed number of parking spaces for residents and visitors.
 - j. A phasing plan if the development is to be built in phases.
3. Design analysis to demonstrate the relationship of the development to surrounding land uses, with cross sections, renderings or elevation drawings showing the scale and character of development.
 4. Proposed covenants and other legal means of enforcing the age restrictions and ensuring the ongoing maintenance of open space, recreation facilities and common areas.
 5. Descriptions of the design features and general size and layout of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted must indicate how the use of universal design features will make individual dwelling units 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.

[G]H. Standards for Approval of a Petition

The Zoning Board may grant a petition for a PSC District based upon findings that:

1. The proposed district will accomplish the purposes of the PSC District.
2. The site meets the requirement of Section 127.1.B.
3. Safe public road access is available to and from the site. This includes a determination that roads serving the proposed development have the capacity to handle the increased use which is likely to result from the volume and density of the proposed development as well as development on surrounding properties. The width, curvature, sight distance, and general conditions of surrounding roads shall be considered in making this finding.
4. Proposed buildings and site design are compatible with residential development in the vicinity. 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 designed to be compatible with residential development in the vicinity by providing:
 - (1) An architectural transition, with buildings near the perimeter that are similar in scale, architectural style, materials and details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition, or
 - (2) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.
- 5. Sufficient area is set aside as open space to provide green area and recreational amenities for the residents and transition areas and buffering for adjacent neighborhoods.
- 6. Suitable common areas and amenities are provided for residents, including pathways, seating areas, and an adequately sized community building or interior space.
- 7. Business uses which are permitted as accessory uses will be sized for use solely by residents of the PSC District. Such uses are integrated with the dwelling units and oriented towards the interior of the project. No signs or other evidence of business facilities will be visible from the periphery of the zoning district.
- 8. For a development that will be built in phases, open space areas will be provided in each phase to meet the needs of the residents unless otherwise provided in an earlier phase.
- 9. The development incorporates universal design features from the Department of Planning and Zoning guidelines that identify the 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 person with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.
- 10. The development will be subject to covenants or other legal restrictions enforcing the age restrictions required for this zoning district. The legal entity that will implement and maintain the age restrictions, as well the open space and common facilities, is clearly identified. The legal entity shall be able to provide effective enforcement to supplement County enforcement of Zoning Regulations.
- 11. The location of the proposed site is in conformity with the General Plan.

[H] I. Recommendation of Planning Board

The Planning Board shall hold a public meeting on the petition and make a recommendation to the Zoning Board, based on the "Standards for Approval of a Petition" given in Section 127.1.[G]H.

[I]J. Decision by the Zoning Board

1. The Zoning Board shall hold a public hearing on the petition and may approve, approve with modifications or deny the preliminary development plan and criteria, stating the reasons for its decision. The Zoning Board's Decision shall be based on the "Standards for Approval" given in Section 127.1.[G]H.
2. If the petition is approved a reproducible copy of the Preliminary Development Plan and Criteria including all text material, shall be provided by the petitioner and certified as approved by the Zoning Board. A verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner.

[J]K. Amendments to Preliminary Development Plan and Criteria

1. A petition to amend either a Preliminary Development Plan or the Preliminary Development Criteria which govern the residential density, housing types, and the phasing of development, may be submitted by the developer.
2. The petition shall be reviewed in accordance with the procedures established in Section 127.1. [H]I. and [I]J. The petition may be approved if the Zoning Board determines that the Planned Senior Community, with the proposed amendments, will satisfy the standards given in Section 127.1.[G]H.

[K]L. Initial Plan Submission and Development Criteria

1. The initial plan submission shall encompass the entire area shown on the Preliminary Development Plan. The initial plan submission will be a comprehensive sketch plan for a subdivision or a site development plan for a condominium or rental development. The initial plan submission and Development Criteria shall consist of a plan or series of plans at an appropriate scale, as well as text and drawings, setting forth:
 - a. The environmental and landscape features of the site and immediate environs, including topography, steep slopes, forests, streams, floodplains, wetlands, historic sites, cemeteries, and other features. Immediate environs shall mean a distance of at least 200 feet from the boundary of the Planned Senior Community.
 - b. The boundaries and acreage of each housing type.
 - c. The location and use of all open space land, including the location of any community space, paths, outdoor seating and any recreational facilities and other public uses.
 - d. The location of existing and proposed public roads, stormwater management and utilities.

- e. Development criteria for each type of housing and common areas. The development criteria shall include the preliminary development criteria approved by the Zoning Board and the following additions:
 - (1) bulk regulations specifying lot sizes, setbacks, distances between buildings not on individual lots, structure height, and other bulk requirements; and
 - (2) landscaping and parking standards.

2. Decision by the Planning Board

- a. Planning Board approval of the initial plan submission and Development Criteria shall be required. Before acting upon the Comprehensive Sketch Plan or Site Development Plan and Development Criteria, the Planning Board shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a Public Hearing.
- b. The Planning Board may approve, approve with modifications or disapprove the Comprehensive Sketch plan or site development plan and Development Criteria, stating the reasons for its action. The Planning Board's Decision shall be based on the standards for approval in Section 127.1.[K]L.3.
- c. The Planning Board may, at the time of approval of the Comprehensive Sketch Plan, require the subsequent approval by it of a Site Development Plan, for any portion of the development or category of land use.
- d. If the plan is approved, the petitioner shall provide a reproducible copy of the approved initial plan submission and, on a separate sheet, the Development Criteria. The plan and criteria shall be certified as approved by the Planning Board.
- e. Approval of the initial plan submission and Development Criteria shall bind the lands covered with the full force and effect of specific zoning regulations.

3. Standards for Approval of initial plan submission and Development Criteria

The Planning Board shall approve the Comprehensive Sketch Plan or site development plan if it concludes that the plan, subject to any modifications required by the Board, will satisfy the following criteria:

- a. The Comprehensive Sketch Plan or Site Development Plan and Development Criteria are consistent with the approved Preliminary Development Plan and Preliminary Development Criteria.
- b. The phasing of development is consistent with the phasing schedule indicated in the Preliminary Development Plan.

- c. The Comprehensive Sketch Plan or Site Development Plan and Development Criteria specify how the standards in Section 127.1.[G]H will be met.
4. Additions and amendments to the initial plan submission
- a. The developer of a Planned Senior Community may propose revisions to a previously approved Comprehensive Sketch Plan or Site Development Plan, provided that the entire plan, with revisions, is submitted for review.
 - b. Any proposed addition or amendment to the Comprehensive Sketch Plan or Site Development Plan and Development Criteria shall be reviewed in accordance with this Section.

[L]M. Site Development Plan

- 1. Approval by the Planning Board
 - a. Planning Board approval of a Site Development Plan is required if the Planning Board has reserved that authority for itself when approving the Comprehensive Sketch Plan for a subdivision.
 - b. The Planning Board shall consider a proposed Site Development Plan at a public meeting.
- 2. Standards for Approval of Site Development Plan.

The Planning Board shall approve a Site Development Plan if it finds that the plan:

- a. Is consistent with the approved Preliminary Development Plan, Comprehensive Sketch Plan and Development Criteria;
- b. Satisfies the requirements of Section 127.1.[K]L.3.
- c. Makes effective use of landscaping to provide buffers where needed and to enhance the site design.

[M]N. Minor Additions and Modifications

Minor additions and modifications to Site Development Plans previously approved by the Planning Board that meet the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a Waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not need Planning Board approval. However, all changes of use involving exterior site alterations require Planning Board approval.

- 1. Minor projects not requiring Planning Board approval:

- a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet.
- b. Minor new accessory structures if the location does not interfere with the site layout (e.g. circulation, parking, loading, stormwater management facilities, open space, landscaping or buffering).
- c. Minor additions to parking lots comprising no more than 25 percent of the original number of parking spaces required, not to exceed 25 spaces.
- d. Clearing or grading that does not exceed 5,000 square feet in area.
- e. House model revisions to approved site development plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached and apartment developments.
- f. Similar minor modifications as determined by the Department of Planning and Zoning.

2. Adjustments to Bulk Requirements

The Planning Board may approve parking or bulk requirements for a particular lot or parcel which differ from those required by the applicable development criteria in accordance with the following procedures:

- a. The Planning Board shall hold a public meeting on the proposed Site Development Plan.
- b. If no Site Development Plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting. The plan shall clearly indicate the requirement from which relief is sought and the requested relief.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property which is the subject of the application shall be posted with the date, time and place of the meeting for at least 15 days immediately before the public meeting.
- d. The proposed adjustment shall be granted if the Planning Board finds

that:

- (1) The adjustment is in harmony with the purpose of the PSC District;
- (2) The adjustment will not alter the essential character of the neighborhood or district in which the lot is located; will not impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare; and
- (3) The adjustment either:
 - (a) Is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the development criteria; or

- (b) Results in better design than would be allowed by strict compliance with the Development Criteria.
- e. The Planning Board shall approve, approve with conditions, or deny the requested adjustment, stating the reasons for its actions.

[N]O. LAPSE OF ZONING BOARD APPROVAL AND REVERSION OF ZONING DISTRICT TO ORIGINAL ZONING DESIGNATION

1. **DEVELOPMENTS APPROVED PURSUANT TO THE PROVISIONS OF SECTION 127.1.[E]F.1.C SHALL OBTAIN SIGNATURE APPROVAL OF A FINAL SITE DEVELOPMENT PLAN FOR THE CONSTRUCTION OF THE INITIAL PHASE OF THE DEVELOPMENT NOT LATER THAN FOUR (4) YEARS AFTER THE DATE OF ISSUANCE OF THE DECISION AND ORDER OF THE ZONING BOARD APPROVING THE PRELIMINARY DEVELOPMENT CRITERIA AND PRELIMINARY DEVELOPMENT PLAN.**
2. **IN THE EVENT THAT THE REQUIRED SIGNATURE APPROVAL OF THE FINAL SITE DEVELOPMENT PLAN FOR CONSTRUCTION OF THE INITIAL PHASE OF DEVELOPMENT IS NOT OBTAINED PRIOR TO THE EXPIRATION OF THE LIMITATIONS PERIOD IMMEDIATELY SET FORTH ABOVE, THE PSC DISTRICT ESTABLISHED BY THE DECISION AND ORDER SHALL WITHOUT FURTHER ACTION OF THE ZONING BOARD REVERT TO THE ZONING DISTRICT DESIGNATION IN EXISTENCE IMMEDIATELY PRIOR TO THE FILING OF THE PETITION AS DESCRIBED IN SECTION 127.1.[F]G.**
3. **THE RUNNING OF THE LIMITATIONS PERIOD ESTABLISHED BY THIS SECTION SHALL BE TOLLED DURING THE PENDENCY OF ANY ADMINISTRATIVE AND/OR JUDICIAL APPEAL OF DECISIONS MADE BY THE ZONING BOARD, THE PLANNING BOARD, THE HEARING AUTHORITY, OR ANY BRANCH, DEPARTMENT, AGENCY, OR BOARD OF THE FEDERAL, STATE OR LOCAL GOVERNMENT.**
4. **THE ZONING BOARD MAY UPON THE FILING OF A PETITION TO EXTEND THE LIMITATIONS PERIOD, EXTEND SUCH LIMITATIONS FOR A PERIOD OF TIME NOT TO EXCEED FOUR (4) YEARS, PROVIDED:**
 - A. **A REQUEST FOR EXTENSION SHALL BE SUBMITTED BY THE PROPERTY OWNER OR DEVELOPER PRIOR TO THE EXPIRATION OF THE TIME PERIOD SET FORTH IN PARAGRAPH 127.1.O.1, EXPLAINING IN DETAIL THE STEPS THAT HAVE BEEN TAKEN TO OBTAIN SIGNATURE APPROVAL OF A FINAL SITE DEVELOPMENT PLAN FOR CONSTRUCTION OF THE INITIAL PHASE OF THE DEVELOPMENT.**

- B. THE PROPERTY OWNER OR DEVELOPER SHALL CERTIFY THAT A COPY OF THE REQUEST FOR AN EXTENSION HAS BEEN SENT BY CERTIFIED MAIL TO ADJOINING PROPERTY OWNERS AND TO THE ADDRESSES GIVEN IN THE OFFICIAL RECORD OF THE ZONING BOARD CASE FOR ALL PERSONS WHO TESTIFIED AT THE PUBLIC HEARING ON THE PETITION.**
- C. THE ZONING BOARD SHALL PROVIDE AN OPPORTUNITY FOR ORAL ARGUMENT AT A PUBLIC HEARING UPON REQUEST OF ANY PERSON RECEIVING NOTICE. IF NO REQUEST FOR ORAL ARGUMENT IS RECEIVED WITHIN 15 DAYS OF THE DATE OF WRITTEN NOTIFICATION, A DECISION ON THE REQUEST MAY BE MADE BY THE ZONING BOARD WITHOUT HEARING ORAL ARGUMENT.**
- D. THE ZONING BOARD MAY GRANT THE REQUEST FOR EXTENSION OF THE TIME PERIOD SET FORTH IN PARAGRAPH 127.1.O.1 IF IT FINDS THAT SIGNATURE APPROVAL OF A FINAL SITE DEVELOPMENT PLAN FOR THE CONSTRUCTION OF THE INITIAL PHASE OF THE DEVELOPMENT HAS BEEN DILIGENTLY PURSUED. IF ORAL ARGUMENT IS PRESENTED ON THE REQUEST, THE ZONING BOARD MAY DENY THE REQUEST IF ANY OF THE ORAL ARGUMENTS ALLEGE THAT CHANGES HAVE TAKEN PLACE IN THE CIRCUMSTANCES WHICH LED TO THE ORIGINAL DECISION TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN AND CRITERIA.**

[N.]P. Appeal of Planning Board Decision

Appeals from decisions of the Planning Board shall be made to the Board of Appeals in accordance with Section 16.900(j)(2) of the Howard County Code.

SECTION 103: Definitions

29. CONTINUING CARE RETIREMENT COMMUNITY ("CCRC"): AN INSTITUTION CONSISTING OF A BUILDING OR GROUP OF BUILDINGS PROVIDING A CONTINUITY OF RESIDENTIAL OCCUPANCY AND HEALTH CARE FOR SENIOR ADULTS. OCCUPANCY IS RESTRICTED AS PROVIDED IN SECTION 127.1.F.1.C(3). A CCRC MUST INCLUDE DWELLING UNITS FOR EITHER INDEPENDENT OR ASSISTED LIVING, OR BOTH, PLUS A NURSING HOME OF SUITABLE SIZE TO PROVIDE TREATMENT OR CARE OF THE RESIDENTS; IT MAY INCLUDE ANCILLARY FACILITIES FOR THE FURTHER ENJOYMENT, SERVICE OR CARE OF THE RESIDENTS; INCLUDING, BUT NOT LIMITED TO: RESTAURANTS, FITNESS CENTERS, MEDICAL OFFICES, CONVENIENCE STORES; BARBER SHOPS, SALONS, BANKS, PHARMACIES, ETC.

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 will provide independent living units for seniors within either single-family or multi-family dwellings, and may also include assisted living or nursing homes. 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.

B. Requirements for Planned Senior Community

The Planned Senior Community District may be established at a particular location if the following requirements are met:

1. At the preliminary development plan stage and subsequent stages of plan processing and development, the site shall be located within the planned service area for both public water and public sewer.
2. The site has direct access to a collector or arterial road designated in the General Plan.
3. The development shall contain at least 50 dwelling units.
4. The development shall contain at least two of the following types of housing: single-family detached dwellings, single-family attached dwellings, apartments, assisted living facilities, and nursing homes. At least one of the housing types shall be independent single-family or multi-family dwellings.
5. Open space shall constitute at least 35% of the gross acreage of the planned senior community.
6. The community shall include recreation and common areas for residents, including at least pathways and seating areas.
7. At least ten percent of the dwelling units shall be moderate income housing units.
8. 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 dwelling units, with a minimum area of 500 square feet, and

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

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, provided all provisions of the underlying district are used.

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
- 4. Continuing care retirement communities
- 5. Governmental structures, facilities and uses including public schools and colleges

E. Accessory Uses

- 1. Services and businesses that serve the residents of the PSC District, including recreational, educational, health, personal, professional and business services and retail stores.
- 2. Home occupations, subject to the requirements of Section 128.C.1.

F. Bulk Regulations

- 1. Maximum Density
 - a. Developments providing at least 10 percent of the dwelling units as moderate income housing units.....8 dwelling units per net acre.
 - b. Developments providing an additional 33 percent of all units over 8 dwelling units per net acre as moderate income housing units12 dwelling units per net acre.
 - c. Continuing care retirement community developments satisfying the following criteria:
 - (1) The aggregate area of the development inclusive of all phases shall contain a minimum area of 100 acres which shall adjoin not less than 300 acres of open space, park land, or land that is subject to a state or county agricultural land preservation easement.
 - (2) The applicant shall have filed with the Maryland office on aging a letter of intent to provide continuing care in a retirement community as provided in Section 10-409 the Human Services Article of the Annotated Code of Maryland, as amended.

- (3) Occupancy of the dwelling units shall be restricted to persons 62 years of age or older, with the following exceptions:
 - (a) The spouse of a resident, regardless of age; or
 - (b) Another relative of a resident, 55 years of age or older.
 - (c) If a resident dies while residing at the continuing care retirement facility, the resident widow, widower or other surviving relative may be allowed to remain even though he or she has not reached the age of 55.
 - (d) Resident staff necessary for operation of the CCRC facility are also allowed to live on site.
 - (e) The initial plan and development criteria as approved by the planning board must include the following:
 - (1) Dwelling units for independent living
 - (2) Dwelling units for assisted living. "assisted living" is defined as providing meals plus other services to persons who may need some supervision or assistance in the activities of daily living but who do not need hospital or nursing care.
 - (3) A nursing home.

.....15 dwelling units per net acre

- d. Developments approved pursuant to section 127.1.F.1.c shall not receive signature approval of the final site development plan for the initial phase of construction until such time as the conditions of section 127.F.1.c have been satisfied.
- e. Assisted living and nursing home beds shall be included in density calculations. One bed equals 0.25 dwelling units for the purpose of determining density only. Assisted living and nursing home beds are not subject to MIHU requirements. [Council Bill 72-2007 (ZRA-90) Effective 1/10/08]

2. Minimum structure and use setbacks:

- a. From arterial or collector public street right-of-way.....50 feet
- b. From other public street right-of-way40 feet
- d. From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts50 feet

- Except structures containing apartments, assisted living facilities or nursing facilities.....75 feet
 - d. From open space and other uses in RC, RR, R-ED, R-20, R-12 or R-SC Districts30 feet
 - e. From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC.....30 feet
 - f. If a PSC district is separated from another zoning district by a public street, only the setbacks from a public street right-of-way shall apply.
- 3. Maximum height shall not exceed:
 - a. Apartments.....60 feet
 - b. Other principal structures with minimum setback34 feet
 - c. Other principal structures with an additional 1 foot in height for every 2 feet of setback above the minimum60 feet
 - d. Accessory structures with minimum setback.....15 feet
 - e. Accessory structures with an additional 1 foot in height for every 2 feet of setback above the minimum25 feet
- 4. Requirements regarding lot sizes, setbacks, distances between structures not located on individual lots, building heights and all other bulk regulations for the PSC District not established in this Section shall be established by the Planning Board through approval of a Comprehensive Sketch Plan and Development Criteria, in addition to any requirements imposed by the Zoning Board in the Preliminary Development Plan and Preliminary Development Criteria. The development criteria may also establish setback and height requirements that are more restrictive than the requirements given in this section.
- 5. The provisions of Section 128 (Supplementary Zoning District Regulations) and Section 133 (Off Street Parking and Loading Facilities) shall apply in the PSC district unless different requirements are specifically approved in the Comprehensive Sketch Plan and Development Criteria.

G. Petition Requirements

A petition for designation of a PSC District shall include the following:

- 1. A boundary survey of the property covered by the petition.
- 2. A Preliminary Development Plan and Preliminary Development Criteria for the property showing the following:

- a. Existing topography, 100-year floodplain areas, wetlands, forests and other significant vegetation.
 - b. The availability and adequacy of utilities.
 - c. The location of proposed points of access to the site.
 - d. Existing development within 200 feet of the site.
 - e. Proposed development of the site, including the general location of buildings, parking areas, open space, recreation areas, pathways, community buildings and other accessory uses.
 - f. Proposed vehicular and pedestrian circulation pattern.
 - g. Preliminary Development Criteria that establish the maximum density based on the net acreage of the PSC District and the maximum number and types of dwelling units and/or beds for each housing type.
 - h. A generalized landscaping plan which indicates proposed landscape buffer types, existing vegetation, topography and other buffering features along the perimeters of the site adjacent to other residentially-zoned land.
 - i. Proposed number of parking spaces for residents and visitors.
 - j. A phasing plan if the development is to be built in phases.
3. Design analysis to demonstrate the relationship of the development to surrounding land uses, with cross sections, renderings or elevation drawings showing the scale and character of development.
 4. Proposed covenants and other legal means of enforcing the age restrictions and ensuring the ongoing maintenance of open space, recreation facilities and common areas.
 5. Descriptions of the design features and general size and layout of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted must indicate how the use of universal design features will make individual dwelling units 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.

H. Standards for Approval of a Petition

The Zoning Board may grant a petition for a PSC District based upon findings that:

1. The proposed district will accomplish the purposes of the PSC District.

2. The site meets the requirement of Section 127.1.B.
3. Safe public road access is available to and from the site. This includes a determination that roads serving the proposed development have the capacity to handle the increased use which is likely to result from the volume and density of the proposed development as well as development on surrounding properties. The width, curvature, sight distance, and general conditions of surrounding roads shall be considered in making this finding.
4. Proposed buildings and site design are compatible with residential development in the vicinity. 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 designed to be compatible with residential development in the vicinity by providing:
 - (1) An architectural transition, with buildings near the perimeter that are similar in scale, architectural style, materials and details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition, or
 - (2) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.
5. Sufficient area is set aside as open space to provide green area and recreational amenities for the residents and transition areas and buffering for adjacent neighborhoods.
6. Suitable common areas and amenities are provided for residents, including pathways, seating areas, and an adequately sized community building or interior space.
7. Business uses which are permitted as accessory uses will be sized for use solely by residents of the PSC District. Such uses are integrated with the dwelling units and oriented towards the interior of the project. No signs or other evidence of business facilities will be visible from the periphery of the zoning district.
8. For a development that will be built in phases, open space areas will be provided in each phase to meet the needs of the residents unless otherwise provided in an earlier phase.
9. The development incorporates universal design features from the Department of Planning and Zoning guidelines that identify the 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 person with mobility or

functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

10. The development will be subject to covenants or other legal restrictions enforcing the age restrictions required for this zoning district. The legal entity that will implement and maintain the age restrictions, as well the open space and common facilities, is clearly identified. The legal entity shall be able to provide effective enforcement to supplement County enforcement of Zoning Regulations.
11. The location of the proposed site is in conformity with the General Plan.

I. Recommendation of Planning Board

The Planning Board shall hold a public meeting on the petition and make a recommendation to the Zoning Board, based on the "Standards for Approval of a Petition" given in Section 127.1.H.

J. Decision by the Zoning Board

1. The Zoning Board shall hold a public hearing on the petition and may approve, approve with modifications or deny the preliminary development plan and criteria, stating the reasons for its decision. The Zoning Board's Decision shall be based on the "Standards for Approval" given in Section 127.1.H.
2. If the petition is approved a reproducible copy of the Preliminary Development Plan and Criteria including all text material, shall be provided by the petitioner and certified as approved by the Zoning Board. A verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner.

K. Amendments to Preliminary Development Plan and Criteria

1. A petition to amend either a Preliminary Development Plan or the Preliminary Development Criteria which govern the residential density, housing types, and the phasing of development, may be submitted by the developer.
2. The petition shall be reviewed in accordance with the procedures established in Section 127.1.I and J. The petition may be approved if the Zoning Board determines that the Planned Senior Community, with the proposed amendments, will satisfy the standards given in Section 127.1.H.

L. Initial Plan Submission and Development Criteria

1. The initial plan submission shall encompass the entire area shown on the Preliminary Development Plan. The initial plan submission will be a comprehensive sketch plan for a subdivision or a site development plan for a condominium or rental development. The initial plan submission and Development Criteria shall consist of a plan or series of plans at an appropriate scale, as well as text and drawings, setting forth:

- a. The environmental and landscape features of the site and immediate environs, including topography, steep slopes, forests, streams, floodplains, wetlands, historic sites, cemeteries, and other features. Immediate environs shall mean a distance of at least 200 feet from the boundary of the Planned Senior Community.
- b. The boundaries and acreage of each housing type.
- c. The location and use of all open space land, including the location of any community space, paths, outdoor seating and any recreational facilities and other public uses.
- d. The location of existing and proposed public roads, stormwater management and utilities.
- e. Development criteria for each type of housing and common areas. The development criteria shall include the preliminary development criteria approved by the Zoning Board and the following additions:
 - (1) bulk regulations specifying lot sizes, setbacks, distances between buildings not on individual lots, structure height, and other bulk requirements; and
 - (2) landscaping and parking standards.

2. Decision by the Planning Board

- a. Planning Board approval of the initial plan submission and Development Criteria shall be required. Before acting upon the Comprehensive Sketch Plan or Site Development Plan and Development Criteria, the Planning Board shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a Public Hearing.
- b. The Planning Board may approve, approve with modifications or disapprove the Comprehensive Sketch plan or site development plan and Development Criteria, stating the reasons for its action. The Planning Board's Decision shall be based on the standards for approval in Section 127.1.L.3.
- c. The Planning Board may, at the time of approval of the Comprehensive Sketch Plan, require the subsequent approval by it of a Site Development Plan, for any portion of the development or category of land use.
- d. If the plan is approved, the petitioner shall provide a reproducible copy of the approved initial plan submission and, on a separate sheet, the Development Criteria. The plan and criteria shall be certified as approved by the Planning Board.
- e. Approval of the initial plan submission and Development Criteria shall bind the lands covered with the full force and effect of specific zoning regulations.

3. Standards for Approval of initial plan submission and Development Criteria

The Planning Board shall approve the Comprehensive Sketch Plan or site development plan if it concludes that the plan, subject to any modifications required by the Board, will satisfy the following criteria:

- a. The Comprehensive Sketch Plan or Site Development Plan and Development Criteria are consistent with the approved Preliminary Development Plan and Preliminary Development Criteria.
- b. The phasing of development is consistent with the phasing schedule indicated in the Preliminary Development Plan.
- c. The Comprehensive Sketch Plan or Site Development Plan and Development Criteria specify how the standards in Section 127.1.H will be met.

4. Additions and amendments to the initial plan submission

- a. The developer of a Planned Senior Community may propose revisions to a previously approved Comprehensive Sketch Plan or Site Development Plan, provided that the entire plan, with revisions, is submitted for review.
- b. Any proposed addition or amendment to the Comprehensive Sketch Plan or Site Development Plan and Development Criteria shall be reviewed in accordance with this Section.

M. Site Development Plan

1. Approval by the Planning Board

- a. Planning Board approval of a Site Development Plan is required if the Planning Board has reserved that authority for itself when approving the Comprehensive Sketch Plan for a subdivision.
- b. The Planning Board shall consider a proposed Site Development Plan at a public meeting.

2. Standards for Approval of Site Development Plan.

The Planning Board shall approve a Site Development Plan if it finds that the plan:

- a. Is consistent with the approved Preliminary Development Plan, Comprehensive Sketch Plan and Development Criteria;
- b. Satisfies the requirements of Section 127.1.L.3.

- c. Makes effective use of landscaping to provide buffers where needed and to enhance the site design.

N. Minor Additions and Modifications

Minor additions and modifications to Site Development Plans previously approved by the Planning Board that meet the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a Waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not need Planning Board approval. However, all changes of use involving exterior site alterations require Planning Board approval.

- 1. Minor projects not requiring Planning Board approval:
 - a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet.
 - b. Minor new accessory structures if the location does not interfere with the site layout (e.g. circulation, parking, loading, stormwater management facilities, open space, landscaping or buffering).
 - c. Minor additions to parking lots comprising no more than 25 percent of the original number of parking spaces required, not to exceed 25 spaces.
 - d. Clearing or grading that does not exceed 5,000 square feet in area.
 - e. House model revisions to approved site development plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached and apartment developments.
 - f. Similar minor modifications as determined by the Department of Planning and Zoning.

2. Adjustments to Bulk Requirements

The Planning Board may approve parking or bulk requirements for a particular lot or parcel which differ from those required by the applicable development criteria in accordance with the following procedures:

- a. The Planning Board shall hold a public meeting on the proposed Site Development Plan.
- b. If no Site Development Plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting. The plan shall clearly indicate the requirement from which relief is sought and the requested relief.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property which is the subject of the

application shall be posted with the date, time and place of the meeting for at least 15 days immediately before the public meeting.

- d. The proposed adjustment shall be granted if the Planning Board finds that:
 - (1) The adjustment is in harmony with the purpose of the PSC District;
 - (2) The adjustment will not alter the essential character of the neighborhood or district in which the lot is located; will not impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare; and
 - (3) The adjustment either:
 - (a) Is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the development criteria; or
 - (b) Results in better design than would be allowed by strict compliance with the Development Criteria.
- e. The Planning Board shall approve, approve with conditions, or deny the requested adjustment, stating the reasons for its actions.

O. Lapse Of Zoning Board Approval And Reversion Of Zoning District To Original Zoning Designation

1. Developments approved pursuant to the provisions of Section 127.1.F.1.c shall obtain signature approval of a final site development plan for the construction of the initial phase of the development not later than four (4) years after the date of issuance of the Decision and Order of the Zoning Board approving the Preliminary Development Criteria and Preliminary Development Plan.
2. In the event that the required signature approval of the final site development plan for construction of the initial phase of development is not obtained prior to the expiration of the limitations period immediately set forth above, the PSC district established by the decision and order shall without further action of the Zoning Board revert to the zoning district designation in existence immediately prior to the filing of the petition as described in section 127.1.G.
3. The running of the limitations period established by this section shall be tolled during the pendency of any administrative and/or judicial appeal of decisions made by the zoning board, the planning board, the hearing authority, or any branch, department, agency, or board of the federal, state or local government.
4. The Zoning Board may upon the filing of a petition to extend the limitations period, extend such limitations for a period of time not to exceed four (4) years, provided:
 - A. A request for extension shall be submitted by the property owner or developer prior to the expiration of the time period set forth in paragraph 127.1.O.1, explaining in detail the steps that have been taken to obtain signature approval of a final site development plan for construction of the initial phase of the development.

- B. The property owner or developer shall certify that a copy of the request for an extension has been sent by certified mail to adjoining property owners and to the addresses given in the official record of the zoning board case for all persons who testified at the public hearing on the petition.
- C. The Zoning Board shall provide an opportunity for oral argument at a public hearing upon request of any person receiving notice. If no request for oral argument is received within 15 days of the date of written notification, a decision on the request may be made by the zoning board without hearing oral argument.
- D. The zoning board may grant the request for extension of the time period set forth in paragraph 127.1.O.1 if it finds that signature approval of a final site development plan for the construction of the initial phase of the development has been diligently pursued. If oral argument is presented on the request, the zoning board may deny the request if any of the oral arguments allege that changes have taken place in the circumstances which led to the original decision to approve the Preliminary Development plan and Criteria.

P. Appeal of Planning Board Decision

Appeals from decisions of the Planning Board shall be made to the Board of Appeals in accordance with Section 16.900(j)(2) of the Howard County Code.

SECTION 103: Definitions

29. Continuing Care Retirement Community (“CCRC”): An institution consisting of a building or group of buildings providing a continuity of residential occupancy and health care for senior adults. Occupancy is restricted as provided in section 127.1.F.1.c(3). A CCRC must include dwelling units for either independent or assisted living, or both, plus a nursing home of suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further enjoyment, service or care of the residents; including, but not limited to: restaurants, fitness centers, medical offices, convenience stores; barber shops, salons, banks, pharmacies, etc.