



Zoning Regulation Amendment Petition

Zoning Regulation Amendment Request:

The proposed amendment will remove the required 50 ft. setback from residentially zoned properties applicable to Nursing Homes and Residential Care Facilities subject to conditional use approval by deleting Section 131.0.N.38.d. The setbacks imposed by the bulk regulations of the underlying district remain in effect unless otherwise reduced by variance pursuant to Section 130.0.B.2. The proposed amendment would also modify Section 131.0.N.38.e to provide that the area not being used for buildings, parking areas or driveways would be 35% of the gross site area instead of 20% of the building envelope as currently required.

Petitioner Information

Name: Blackrock Capital Investors, L.L.C Blackrock Capital Investors, L.L.C.

Trading As: Blackrock Capital Investors, L.L.C. by Arsy Shah

Address: 10605 Clarksville Pike (Rt. 108), Columbia, MD, 21044

Phone: 3016748891

Email: arsyshah@gmail.com

Petitioner's Interest in the Property: Sole Owner

Representative Information

Name: William Erskine

Address: 7021 Columbia Gateway Drive, Columbia, MD, 21046

Phone: 3015750363

Email: werskine@offitkurman.com

Profession: Attorney at Law

Property Information

Property Address: 10605 Clarksville Pike (Rt. 108), Columbia, MD, 21044

Total Site Area: 1.26 acres Use Area (if different): Tax Map: 29 Grid: 12 Parcel:
Parcel 32

County Council District: 4 Zoning District: R-12

Subdivision Name: SDP #:

Zoning Regulation Amendment Information

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

Howard County is experiencing a severe shortage of Nursing Homes and Residential Care Facilities. The requested amendment is being proposed in order to permit Nursing Homes and Residential Care Facilities to be developed and operated in locations where they would otherwise be precluded due to the excessive 50 ft. setback requirements imposed by Sections 131.0.N.38.d. In addition, the amendment would modify Section 131.0.N.38.e to provide that the area not used for buildings, parking areas and driveways would be 35% of the gross site area instead of 20% of the building envelope as currently required. This area requirement will prevent the overcrowding of land and will ensure that the proposed use remains compatible with adjacent residential uses.

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:

Howard County is experiencing a severe shortage of Nursing Homes and Residential Care Facilities. This critical shortage adversely affects the health, safety, and welfare of the community. The requested amendment is being proposed in order to permit Nursing Homes and Residential Care Facilities in locations where they would otherwise be precluded unnecessarily due to the excessive 50 ft. setback requirements imposed by Sec.131.0.N.38.d.

The proposed amendment will preserve and promote the health, safety, and welfare of the community by increasing the availability of Nursing Homes and Residential Care Facilities in the county. An increase in the supply of Nursing Homes and Residential Care Facilities will help to ensure the availability of such facilities as the population of Howard County residents continues to grow older. An increase in the supply of such facilities will also help to provide adequate nursing care and housing choices in a suitable living environment within the economic reach of all citizens.

For the reasons set forth below, the proposed Amendment is in harmony with the intent of the Zoning Regulations as enumerated in Section 100.0.A.

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

Petitioner's Response: As previously discussed, the proposed Amendment will also modify Sec. 131.0.N.38.e to provide that the area not to be used for buildings, parking areas or driveways would be 35% of the gross site area instead of 20% of the building envelope as currently required. This modification will provide adequate light, air and privacy; to secure safety from fire and other danger, and to prevent over-crowding of the land and undue congestion of population.

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

Petitioner's Response: The proposed Amendment is consistent with the growth policies found in the Howard County general plan and Howard County zoning regulations; and will not adversely impact the land values, character, or social and economic stability of the county. To the contrary, Nursing Homes and Residential Care Facilities are by nature very quiet and low impact uses that are highly compatible with the character of adjoining residential uses. In fact, such facilities when authorized by conditional use approval are limited to a maximum of only 16 beds. As a result, these small facilities typically have less intensity than the residential uses they adjoin. Therefore, the proposed Amendment will not disrupt the social and economic stability of the county.

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

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

4. To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County.

Petitioner's Response: The proposed Amendment will continue to provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County. The development of a Nursing Home and Residential Care Facility, wherever located in the county, will require the proposed facility to satisfy the Howard County Adequate Public Facilities Ordinance, Section 16.1100 et seq. (APFO) for water, sewer, storm water management, and transportation services. Projects that do not meet the requirements of APFO will not be permitted to be developed.

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

Petitioner's Response: The proposed Amendment will help to provide for adequate housing choices in a suitable living environment within the economic reach of all citizens by furthering the HOCO By Design DN-12 Policy Statement by providing a range of affordable, accessible, and adaptable housing options for older adults and persons with disabilities. The proposed amendment is also consistent with DN-12 Implementing Action #2 because it provides flexibility in the Zoning Regulations and the Subdivision and Land Development Regulations for adult group homes/communal living and for accessibility modifications for persons with disabilities who wish to live independently or older adults who wish to age in place or downsize and age in their community at affordable price points.

6. To provide open space that helps preserve natural, environmental, historic, architectural and other landscape resources of the County as well as providing adequate space for recreation.

Petitioner's Response: The proposed Amendment will foster the retention of open space that helps preserve natural, environmental, historic, architectural and other landscape resources of the County as well as providing adequate space for recreation. The Amendment includes a provision modifying Sec. 131.0.N.38.e to provide that the area not being used for buildings, parking areas or driveways would be 35% of the gross site area instead of 20% of the building envelope as currently required. This area requirement will prevent the overcrowding of land and will ensure that the proposed use remains compatible with adjacent residential uses.

7. To ensure that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County, especially highly fragile and environmentally important features such as floodplains, wetlands or steep slopes.

Petitioner's Response: The Amendment will further the intent of the zoning regulations that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County, especially highly fragile and environmentally important features such as floodplains, wetlands or steep slopes. By removing the excessive 50 ft. setback requirement under Sec. 131.0.N.38.d, existing historic or architecturally significant residential dwellings that do not currently satisfy the 50 ft. setback requirement will, where appropriate, be able to be converted into a nursing home or residential care facility without demolishing or significantly altering the historic or architecturally significant structure. As a result, the Amendment will protect and enhance the historic and architectural resources of the county.

8. To preserve agricultural land.

Petitioner's Response: The Amendment is consistent with the intent of the zoning regulations to preserve agricultural land. The use of county preserved agricultural land is governed by Zoning Regulation Section 106.1. Nursing Homes and Residential Care Facilities are not among the conditional use categories permitted on County Preservation Easements including ALPP Purchased Easements, ALPP Dedicated Easements, and Other Dedicated Easements. Therefore, the proposed Amendment will have little to no effect on agricultural land.

Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? 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.

The proposed zoning regulation amendment has the potential to impact more than 12 properties. Notwithstanding, the impact of the proposed amendment on these properties would not be negative or adverse in any way. Nursing Homes and Residential Care Facilities are by nature very quiet and low impact uses that are highly compatible with adjoining residential uses. In fact, such facilities when authorized by conditional use approval are limited to a maximum of only 16 beds. Residents of these facilities typically do not drive motor vehicles. Consequently, these small facilities typically have less intensity than the residential uses they adjoin. Therefore, removing the onerous 50 ft. setback requirement applicable to these small facilities will not adversely impact adjoining properties in any way. The amendment would also modify Section 131.0.N.38.e to provide that the area not used for buildings, parking areas and driveways would be 35% of the gross site area instead of 20% of the building envelope as currently required. This area requirement will prevent the overcrowding of land and will ensure that the proposed use remains compatible with adjacent residential uses.

Provide the address, Tax Map, and Parcel Number for any parcel of land known to be affected by the amendment(s) that the Petitioner owns or has a legal or equitable interest in.

10605 Clarksville Pike (Rt. 108), Columbia, Maryland 21044
Tax Map 29 Grid 12 Parcel 32

Zoning Regulation Amendment Criteria

The compatibility, including potential adverse impacts and consequences, of the proposed zoning regulation amendment with the existing and potential land uses of the surrounding areas and within the same zoning district.

As stated above, the proposed amendment has the potential to impact more than 12 properties. The impact and consequences on these properties however would not be negative or adverse. Smaller sized Nursing Homes and Residential Care Facilities with a maximum of 16 beds are low impact uses that are highly compatible with residential uses. Residents of these facilities typically do not drive motor vehicles. Consequently, these facilities typically have less intensity than the residential uses they adjoin. Removal of the 50 ft. setback requirement will not create adverse impacts or consequences on existing and potential land uses in the surrounding areas and within the same zoning districts where Nursing Homes and Residential Care Facilities are permitted as a conditional use. In addition, the amendment would modify Section 131.0.N.38.e to provide that the area not used for buildings, parking areas and driveways would be 35% of the gross site area instead of 20% of the building envelope as currently required. This area requirement will prevent the overcrowding of land and will ensure that the proposed use remains compatible with adjacent residential uses.

The properties to which the zoning regulation amendment could apply and, if feasible, a map of the impacted properties.

Excepting properties that are subject to a County Preservation Easement, the proposed amendment could apply to any property located in a district that permits Nursing Homes and Residential Care Facilities by conditional use. Under current conditional use regulations, Nursing Homes and Residential Care Facilities are permitted by conditional use in eleven (11) residential districts including: RR, RC, R-ED; R-20; R-12; R-SC; R-H-ED; RA-15; R-Apt; R-MH; and R-VH.

Conflicts in the Howard County Zoning Regulations as a result of the zoning regulation amendment.

If approved, the proposed amendment will not create any conflicts with the Howard County Zoning Regulations.

The compatibility of the proposed zoning regulation amendment with the policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.

The proposed amendment is compatible policies and objectives of the Howard County General Plan ("HOCO By Design") because it will expand the availability of nursing homes and residential care facilities. These facilities serve a critical role in the delivery of health care services in the county. The proposed amendment furthers the INF-8 Policy Statement by supporting entities that provide critical services such as health care facilities.

In addition, the proposed amendment will also furthers the DN-12 Policy Statement by providing a range of affordable, accessible, and adaptable housing options for older adults and persons with disabilities. The proposed amendment is also consistent with DN-12 Implementing Action #2 because it provides flexibility in the Zoning Regulations and the Subdivision and Land Development Regulations for adult group homes/communal living and for accessibility modifications for persons with disabilities who wish to live independently or older adults who wish to age in place or downsize and age in their community at affordable price points. In addition, the amendment would modify Section 131.0.N.38.e to provide that the area not used for buildings, parking areas and driveways would be 35% of the gross site area instead of 20% of the building envelope as currently required. This area requirement is compatible with the policies and objectives of the General Plan and will further the economic policies of the General Plan by preventing the overcrowding of land.

If the zoning regulation text amendment would impact eight (8) parcels of land or less:

- (i) A list of those impacted parcels;**
- (ii) The address of each impacted parcel;**
- (iii) The ownership of each impacted parcel; and**
- (iv) The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.**

The proposed amendment would impact more than eight (8) parcels.

Signatures

The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct.

Blackrock Capital Investors, L.L.C.

Petitioner's Signature



Date

2/6/25

By: Rakeshkumar C. Shah, Manager

Property Owner's Signature

Petitioner is the sole owner

Date

Process information and submittal requirements can be found on the ProjectDox website



AFFIDAVIT AND DISCLOSURE OF CONTRIBUTION

For Petitions to Amend the Zoning Regulations, Zoning Maps and Preliminary Develop Plans of Howard County

Zoning Matter: ZRA-212

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

1. I, Black Rock Capital Investors, L.L.C., 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.

Blackrock Capital Investors, L.L.C.
by Rakeshkumar C. Shah, Manager

(Print Full Name)



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

2/5/2025
Date

DISCLOSURE OF CONTRIBUTION

As required by the Maryland Public Ethics Law Annotated Code of Maryland, General Provisions Article Sections 5-852 through 5-854

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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.

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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: Black Rock Capital Investors, L.L.C.
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
None		

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**.

Blackrock Capital Investors, L.L.C.
by Rakeshkumar C. Shah, Manager

(Print Full Name)



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

2/6/2025
Date

This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at <https://howard-md-us.avolvecloud.com/ProjectDox/>

For more information or questions, contact DPZ at (410) 313-2350.



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APPLICABLE

1. I, Arsy, LLC, 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**.

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I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Arsy, LLC
by Rakeshkumar C. Shah, Manager

(Print Full Name)



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

2/6/2025
Date

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Applicant or Party of Record: Arsy, LLC
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
None		

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**.

Arsy, LLC
by Rakeshkumar C. Shah, Manager

(Print Full Name)



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

2/6/2025
Date

This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at <https://howard-md-us.avolvecloud.com/ProjectDox/>

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APPLICABLE

1. I, Rakeshkumar C. Shah, 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**.

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I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Rakeshkumar C. Shah

(Print Full Name)



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

2/6/2025

Date

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Applicant or Party of Record: Rakeshkumar C. Shah

(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
None		

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Rakeshkumar C. Shah

(Print Full Name)



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

2/6/2025

Date

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For more information or questions, contact DPZ at (410) 313-2350.

Petitioner's Proposed Text

Sec. 131.0.N.38 - Nursing Homes and Residential Care Facilities:

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, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.
- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.

[[d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.]]

[[e]] D. At least [[20%]] 35% of the GROSS SITE area [[within the building envelope]] shall not be used for buildings, parking areas or driveways. [[The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.]]

Proposed Text as it Would Normally Appear if Adopted

Sec. 131.0.N.38 - Nursing Homes and Residential Care Facilities:

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, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.
- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- d. At least 35% of the gross site area shall not be used for buildings, parking areas or driveways.