§267-80. Housing for the Elderly.

District	Conventional (du/ga)	COS (du/ga)	PRD (du/ga)	Housing for the Elderly (du/go)	CCRC (du/ga)
R1	1.8	2.0	N/A	7	25
R2	3.5	4.5	N/A	7	25
R3	5.0	7.0	10.0	14	30
R4	8.0	10.0	14.0*	14	30

FOH: This chart is from page 160 and is placed here so one can easily see the benefits of added density for this special development.

A. Eligibility. Housing for the elderly shall have the following eligibility requirements:

(1) In the B2, B3 and CI Districts, the minimum lot size shall be 10 acres. In the R1, R2, R3, R4, VR and VB Districts, the minimum lot size shall be 4 acres.

(2) Where such a project cannot be served by public water supply and public sewage disposal systems, water supply and sewage disposal adequate to meet the needs of the residents shall be provided in a system approved by the County Health Department.

B. Development standards.

To preserve AG land by requiring that all Special Development projects require the purchase of TDRs

(1) Permitted uses. The accessory uses permitted in a housing-for-the-elderly project may include convenience goods stores, personal services, professional services, restaurants, health services and medical clinics. Common activity areas, including the above uses, and other areas serving the collective needs of the residents shall not exceed 100 square feet per dwelling unit. Permitted housing types shall include townhouse dwellings, patio/court/atrium dwellings, multiplex dwellings, garden apartment dwellings and mid-rise apartment dwellings.

(2) Density. The maximum density shall be seven units per gross acre in ~~R1 and~~ R2 Districts, 14 units per gross acre in the R3, R4, B2, B3 and CI Districts and 5 units per acre in the VR and VB Districts. No more than 300 units shall be permitted in any such project.

FOH: This code does not carry a specific definition for R1. We feel its du/ga of less than 2 houses per acre makes it incompatible with Elderly housing allowing townhouses or apartment buildings and 7 units to the acre. R2 is double its normal density. However R1 is more than triple its normal density. We recommend R1 not be used for Elderly Housing.

(3) Site design.

(a) The project shall be designed with regard to soils, topography and natural and historic features of the parcel.

(b) All residential structures shall be sited so as to promote privacy and security and to ensure natural light for all living areas.

(c) Buildings near the periphery of the project shall be harmonious with neighborhood areas and shall provide adequate transition in density and type or shall provide a buffer yard as required in §267-30 (Buffer yards), In the B2, B3 and CI Districts, a buffer yard 20 feet wide shall be provided.

FOH: This design requirement points out the problem in R1 zoning where individual houses on ½ acre lots are next to apartment buildings or townhouses with no transition

(d) No building shall be located within 10 feet of the private road right-of-way and parking areas.

(e) Business uses in housing for the elderly shall be designed with their primary orientation to the project and integrated with the dwelling units consistent with the needs of the future residents. Business uses shall occur within completely enclosed buildings. No freestanding signs advertising business uses shall be permitted.

(4) Vehicular circulation and access.

(a) The project roads shall be designed to provide a logical road network adequate for internal movement.

(b) The project must be directly accessible from 1 or more existing ~~or planned~~ arterial, collector or primary residential roads.

FOH: We have seen designs that place these developments on heavily traveled roads; the closest intersection is below LOS C which is deficient. If we allow development specifically for the elderly, we must also allow that the residents should have better than average safe roads to exit and enter on. We recommend traffic signals for arterial roads be required. We recommend extra sight line for lesser roads with no blind hills, curves or other hindrances for exit. While this may be called discrimination, we feel it is common sense that one should build not only for elderly road safety inside the development but especially for entering or exiting that same development. We believe that planned roads may not happen in a timely manner beyond the control of the developer. This may put the developer out of compliance.

(c) Particular attention shall be given to providing safe conditions for both pedestrian and vehicular movements.

(d) Adequate access shall be provided for emergency vehicles and personnel.

(e) Internal roads may be designed and constructed as private roads in accordance with the private road standards established in the Harford County Subdivision Regulations.

(5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. At least 50% of the total parcel area shall be in open space.

FOH: SWM, flood plains, septic reserves shall not be considered Open Space.

(a) Recreational facilities. Adequate recreational facilities shall be constructed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of the facilities at the time the project is approved.

(b) The active recreation space shall be a minimum of ½ acre and may include indoor and outdoor facilities designed to provide opportunity and encouragement for physical activity.

(6) Minimum conditions and covenants regarding age restrictions:

(a) The following conditions and covenants are required, at a minimum, to be contained in deeds of covenants, conditions and restrictions to be recorded at the time that a plat for the housing for the elderly development is recorded:

[1] The project is intended to constitute housing intended and operated for occupancy by at least one person 55 years of age or older per unit, to the extent required by the housing for older persons act of 1995 and Section 807(b)(2)(c) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(c)) (the "Fair Housing Act").

[2] Subject to the provisions of paragraph [6] below, and exceptions otherwise authorized and approved by the Board, each unit must be occupied by at least one resident who is 55 years of age or older.

[3] Residents under 19 years of age or younger are not permitted unless such person is:

[a] necessary to provide a reasonable accommodation to a handicapped resident, or

[b] is a handicapped dependent of a resident, only to the extent permitted and/or required by the provisions of the Fair Housing Act.

[4] Guests of owners or residents who are under 19 years are permitted to stay in the unit for periods of time not to exceed a total of 60 calendar days for each such guest in any one calendar year (with each calendar year being measured from January 1st through December 31st of any given year).

[5] Nothing contained herein shall be deemed to prohibit the daily visitation by persons not otherwise permitted to occupy a unit (including persons under 19 years of age who are family members or guests of the owner or occupant of a unit), provided such visitation shall not be for a period of more than 72 continuous hours.

[6] Subject to the provisions of the Fair Housing Act, a surviving spouse of an owner or resident who was 55 years of age or older may retain the occupancy of the unit without regard to the age of the surviving spouse provided, however, that the continued occupancy of the surviving spouse does not violate the requirements of the Fair Housing Act that at least 80% of the units be occupied by a person who is 55 years of age or older. In the event that less than 80% of the units are occupied exclusively persons who are 55 years of age or older, the owners or residents may be required by the entity named in the covenants and restrictions as having such authority (hereinafter referred to as "The Board") to vacate the units in order to comply with the requirements of the Fair Housing Act. In the event that the Board requires that an owner or resident vacate their unit, the owner or

resident must vacate within 180 days from the date of death or permanent absence of the qualifying 55 year old resident.

[7] The Board shall have the authority to adopt such rules and regulations as it may deem necessary or desirable to implement the foregoing restrictions and to ensure that the property otherwise complies with the Fair Housing Act and any corresponding State or local law or ordinance (and any regulations promulgated thereunder). In the event that the exemptions relating to "Housing For Older Persons" under the "Fair Housing Act or any State or local law or ordinance, as applied to the property, shall be modified, expanded, supplemented, clarified, defined, explained and/or limited, the Board shall have the authority to adopt rules and regulations modifying such restrictions to the extent deemed necessary or desirable by the Board in response thereto provided, however, that no such rule or regulation shall cause or allow the property to no longer qualify for exemption under the Fair Housing Act or any State or local law or ordinance without the express prior written consent of the declarant.

[8] Each owner or occupant of a unit, if and when requested to so do by the Board, shall promptly furnish the Board with the names and ages of all occupants of the unit and shall complete and submit such affidavits and other documents as the Board may reasonably request to verify the age of all unit occupants.

C. In order to modify any of the conditions contained in Subsection B(6) herein, the entity designated in the covenants and restrictions as having such authority must receive the written approval of Harford County. Any such modification must be recorded in the Land Records of Harford County, Maryland to be effective.

D. Specific design requirements.

(1) Front, rear and side yards and maximum height shall be as shown on Table 55-4.2, Design Requirements for Specific Uses/R4 Urban Residential District for residential: PRD.

(2) The project design shall be compatible with residential uses in the neighborhood. Evaluation of the compatibility shall be based upon height, facade, building bulk and architectural features of the project and of the neighborhood.

(3) Maximum building coverage. The maximum building coverage shall be as follows:

Dwelling Types	Maximum Building Coverage (percent of total lot)
Patio/court/atrium, townhouse and multiplex	40%
Garden and mid-rise apartments	30%

(4) Impervious surface ratio. The maximum impervious surface for any housing-for the-elderly project shall not exceed 50% of the total parcel area.

(5) The height of each structure, other than garden or mid-rise apartments, shall comply with the height requirement of the district. The height of a garden or midrise apartment is limited to 50 feet in the R1 and R2 Zone and 60 feet in R3, R4, and CI zoning districts.