



**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 26 December 2018

Subject: Basis for a Moratorium on Conditional Use Age-Restricted Adult Housing (55+) Subdivisions of 10 Acres or Less within R-20 Zoning in Howard County Maryland and Improvements to All Age-Restricted 55+ Design Guidelines

### **Moratorium for Conditional Use Age-Restricted 10 Acres or Less**

A “conditional use” provision in the Howard County land development code allows a developer to be granted a waiver in many different types of zoning areas to provide age-restricted (over 55 years of age) housing at a housing unit density of 2 to 2.5 times the normal density for that zoning type within “infill” parcels. This conditional provision has been in effect since approximately 1998. This discussion will focus on the conditional use age-restricted subdivisions in R-20 zoning areas.

There are a variety of age-restricted subdivisions which have been developed in the County under the conditional use provisions of the County Code. The existing age-restricted subdivisions range from the minimal 5 acres with about 20 housing units to many more acres with over 100 units. In the latter case, the age-restricted conditional use code provisions have incentivized developers to invest in large subdivision communities which in turn have provided many amenities for seniors. Some very pleasant pre and post retirement environments have been created which may include shared community amenities such as a walking, hiking, and biking trail, a swimming pool, an exercise room, a club house with various gathering areas, a kitchen, a dance floor, billiards tables, a library, and even tennis courts. Such an amenity rich environment is made possible by two main factors:

- 1) the economies of scale with costs shared by many dozens of unit owners
- 2) the availability of enough extra acreage to support the footprint of the amenities

Unfortunately, in the former case with the minimal 5 to 10 acre subdivision parcels, unit owners cannot take advantage of either of the two main factors enabling an amenity rich community. The simple math of the cost sharing among 20 to 50 unit owners permitted under the regulations in the smallest subdivisions makes such amenities unaffordable. Then even if they were affordable, since acreage is very limited in the smaller parcels there isn't enough open space room outside the unit lots to locate the desirable amenities.

To demonstrate the inherent amenity handicap for smaller parcels, the following Table I reflects the rectangular raw parcel footprint realities wired into the conditional use age-restricted R-20 County Code. The code requires vegetation and/or berm buffer to screen the higher density clustered housing units from the surrounding half acre R-20 lots. The calculations assume the buffer to be 40 foot wide around the whole subdivision perimeter.

Table I: (all units in acres)

Subdivision size	5	10	15	20
Required open space (35%)	1.75	3.5	5.25	7
Perimeter buffer	1.57	2.28	2.82	3.28
Net amenity open space	0.18	1.22	2.43	3.72

Analysis of the table shows that for a 5 acre parcel only 0.18 acres is available for amenities, aside from a perimeter buffer. It is hard to imagine what kind of interesting amenity could be placed in 0.18 acres. One could place a hiking/biking trail within the buffer, but any screening berms could make it feel cramped. Also, such a trail would be relatively close to houses both inside and outside the subdivision a clubhouse could be provided, but the County Code in this case only requires a 500 square foot structure which at that size would be superfluous as will be addressed later in this discussion.

From the table's 10 acre case, 1.22 acres is available for amenity space, but again that seems fairly limited for outdoor types of recreation, though a quite substantial clubhouse structure could be placed there as well as some outdoor recreational settings. Again, a perimeter hiking/biking trail could be done.

Finally, one can see that a 15 acre subdivision has almost 2.5 acres available for open space amenities, as well as the perimeter trail. A much larger clubhouse or multiple structures could be provided. Some of the amenity acreage could be used to widen the perimeter buffer and make it more effective. In a 20 acre subdivision, amenity open space is even more plentiful at 3.72 acres.

What Table I suggests is that amenity open space is very limited for a 5 acre subdivision, variable in a 10 acre subdivision, and quite manageable for 15 and 20 acre subdivisions.

The following Table II presents relative cost sharing for the same subdivisions based on the maximum number of housing units allowed by the County Code per subdivision. The relative amenity cost factor is set to 1 for the 20 acre subdivision.

Table II:

Subdivision acreage	5	10	15	20
Housing units	20	50	75	100
Amenity cost share per housing unit	.05	.02	.013	.01
Relative amenity cost factor	5	2	1.3	1

What this table demonstrates is that while relative amenity cost is only about 30% more for a 15 acre subdivision over a 20 acre one, by 10 acres the cost has doubled and at 5 acres the relative cost has quintupled. The amenities provided in the 5 or 10 acre subdivisions one will be paying a huge premium over the 15 or 20 acre subdivisions, with respect to value and variety.

Transit is another amenity area where the smaller age-restricted subdivisions are disadvantaged. Smaller subdivisions are much less likely to be sited for a public transit stop when compared to the larger subdivisions. Without a transit stop, seniors in these smaller subdivisions will receive much less benefit from public transportation programs when traveling to medical appointments, continuing education, government facilities and meetings, shopping, and other activities in the community.

Without much available in the way of shared amenities, the smaller age-restricted subdivisions offer little benefit to seniors over what is already available to them in existing communities. For example, if one seeks first floor living, the 1960's subdivision of Dalton contains at least 44 first floor living ranchers/dwellings out of 75 total dwellings. Other subdivisions in eastern Howard County such as Guilford Downs, Allview Estates, Dunloggin, as well as the town of Columbia contain many, many ranchers.

Here's some detail on the nature of the County Code's minimal required 500 square foot clubhouse. For a 20 unit age-restricted subdivision the minimal required 500 sq. ft. community center gatherings could easily be accommodated in any residential dwelling. Many gatherings in a little larger subdivision's clubhouse could be done in any residential dwelling when not everyone needs to be in the same room. Keep in mind that any clubhouse or community center needs a bathroom, utility closet, and small kitchen area, all of which are included in any residential dwelling. Deducting the square footage of those areas reduces the community center gathering area by about 150 square feet, the 500 square foot clubhouse gathering area is only about 350 square feet. Finally, any residence in the subdivision has multiple bathrooms available vs just one sandwiched into the 500 square foot clubhouse.

The final and very important point to be made about the deficiencies of the 5 to 10 acre age-restricted subdivisions concerns stormwater runoff. Age-restricted double density housing of 4 per acre (vs. R20 zoning of about 2 per acre) significantly increases impervious surface while the housing density limits room for stormwater retention. Onsite stormwater retention needs to be used to prevent increased runoff that will likely increase offsite flooding of downstream properties. In the last decade flooding events in Howard County have become much more frequent as storm rainfall has increased dramatically and repeatedly. The devastating storm flash flooding of 2016 and 2018 very sadly and tragically caused fatalities in Ellicott City, and enormous property damage of public and private properties. Much of that has yet to be repaired. A moratorium on Ellicott City development was recently enacted while the problem is studied and addressed.

### **All Age-Restricted Community Design Guidelines**

Up until now, this discussion has focused on several issues where the smaller age-restricted subdivisions are disadvantaged to various degrees when compared to their larger counterparts. However, all sizes of these subdivisions do have serious issues in common that need to be addressed by the County Code and planning. For the age-restricted subdivision common issues a bill is needed to require that proposals to the Design Advisory Panel for 55+ "active adult housing" include specific details on which universal design features, from those listed as *required, desirable, or custom* under the "Howard County Universal Design Guidelines for Age-Restricted Adult Housing in Howard County," are included.

(See <https://www.howardcountymd.gov/LinkClick.aspx?fileticket=BWhtqPbe1EI%3d&portalid=0>).

Required features in the current guidelines include no-step access to the front door entrance of housing and community buildings, 36" wide front door, 36" wide pathway throughout the first floor of the dwelling, and sufficient maneuvering space within the bathroom. As of right now, developers when submitting development proposals are not required to provide any details, meaning that accessibility features required so that residents can age in place are often left out in the actual implementation. Furthermore, without an understanding of how many universal design features are included, it's impossible to ascertain *how long* an individual would be able to stay in a home, given increasing physical limitations of age. The 55+ active adult housing with limited universal design features will no

longer meet the needs of a resident as soon as they have minor physical challenges, and so the usability of these newer homes has a very narrow age and disability range. In addition, the County needs to plan for enhanced public transportation access for the residents of these communities as they age.

Furthermore, the following basic design features which have minimal cost but greatly increase the safety of 55+ residents should be required for the design plans for any 55+ housing proposals: slip-resistant flooring in kitchen and bath, handrails on both sides of exterior and interior stairways, and grab bars pre-installed in bathrooms, all of which improve the safety both for those 55+, as well as all visitors. All of these are currently listed as "custom options" when in reality they should be considered required as they improve safety for all, at a minimal cost. An additional example, which is not included in the existing Howard County guidelines, is that towel bars should be of sufficient strength and screwed into studs, so that when a resident starts to slip and accidentally may grab a towel bar rather than a grab bar, the towel bar will not simply give way and break.

Fortunately Maryland is the home of many national headquarters of disability rights groups, including the National Federation of the Blind, National Association of the Deaf. Furthermore, many disability rights groups are headquartered in Washington DC but have staffs that live in Maryland. Therefore, Maryland should be a leader in the area of accessibility of home design. Yet the requirements for developers to make accessible, visitable homes are currently minimal, with almost no documentation provided. The residents of Maryland should expect better from our developers and builders.

In summary, there are numerous reasons why conditional use for age-restricted subdivisions should be suspended and studied for R-20 parcels of 10 acres or less. Also, the code requirements specified in "Howard County Universal Design Guidelines for Age-Restricted Adult Housing in Howard County" need to be reviewed and upgraded. Please consider supporting/enacting a moratorium for conditional use for age-restricted R-20 subdivisions of 10 acres or less, as well as a bill for improvements to the required features for *all* age-restricted subdivisions and details of the developer's optional accessibility features to be required for submission to the Design Advisory Panel for review.