



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 5, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Edward C. Covahey, Esquire
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, Maryland 21204

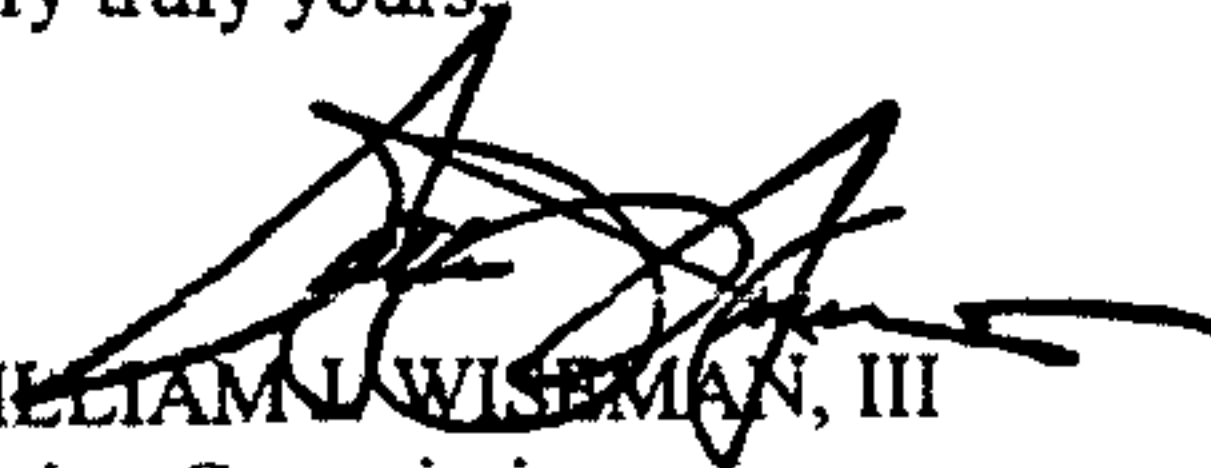
RE: PETITION FOR SPECIAL HEARING
W/S of Mt. Vista Road, 20' N of Batter Brook Court
(6853 Mt. Vista Road)
11th Election District – 3rd Council District
Joseph Glinowiecki, et ux. - Petitioners
Case No. 06-340-SPH

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Mr. & Mrs. Joseph Glinowiecki, 6853 Mt. Vista Road, Kingsville, Md. 21087
Paul W. Faya, 5 Batter Brook Court, Kingsville, Md. 21087
Thomas Weyant, 1 Batter Brook Court, Kingsville, Md. 21087
Mr. & Mrs. Steven Hampton, 6857 Mt. Vista Road, Kingsville, Md. 21087
James J. & Geraldine Clark, 6849 Mt. Vista Road, Kingsville, Md. 21087
People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6853 Mt. Vista Road

which is presently zoned RCS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a use permit for an assisted living facility for one to three residents in a RC 5 (Rural Residential) zone as permitted by Section 1A04.2A4. of the Baltimore County Zoning Regulations, and further, that the provisions of Section 432A are not applicable to the subject request.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Edward C. Covahey, Jr.

Name - Type or Print

Signature

Covahey, Boozer, Devan & Dore, P.A.

Company

614 Bosley Avenue

410-828-9441

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

Joseph Glinowiecki

Name - Type or Print

Signature

Maureen M. Glinowiecki

Name - Type or Print

Signature

6853 Mt. Vista Road

410-817-9211

Address

Telephone No.

Kingsville

MD

21087

City

State

Zip Code

Representative to be Contacted:

Joseph Glinowiecki

Name

6853 Mt. Vista Road

410-817-9211

Address

Telephone No.

Kingsville

MD

21087

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JNP

Date

1/11/06

Case No. 06-340-SPH

9/15/95

ORDER RECEIVED FOR FILING

Zoning Description for 6853 Mount Vista Road, Kingsville, MD. 21087

Beginning at a point on the west side of Mt. Vista Road which is 30 feet of the right – of – way width wide at the distance of 20 feet north of the center line of the nearest improved intersection street, Batterbrook Court which is 30 feet wide. Containing 1.99 acres also known as 6853 Mt. Vista Road, Kingsville, MD. 21087, located in the 11th Election district, 3rd Councilmanic district. As recorded in Deed Liber 2392, Folio 299, metes and bounds, S. 89°37' E. 807.90'ft., S. 23°26' 109.33'ft., N. 89°37' W. 822.72'ft., N.16°30' W. 104.50'ft. to the place of beginning.

06-340-SP4

No. 2572

ACCOUNT

AMOUNT

RECEIVED
FROM: _____

FOR:

06540.3 Km (Glinairi)

DISTRIBUTION
WHITE - CASHIER

YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 06-340-SPH

6853 Mt. Vista Road

West side of Mt. Vista Road, 20 feet north of Batterbrook Court.

11th Election District 3rd Councilmanic District

Legal Owner(s): Joseph and Maureen Glinowiecki

Special Hearing: To approve a use permit for an assisted living facility for one to three residents in an RC 5 zone and that the provisions of Section 432 A are not applicable to the subject request.

Hearing: Wednesday, February 15, 2006 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21284.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

2/011 Feb. 2

82946

CERTIFICATE OF PUBLICATION

2/2/2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/2/2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

REVISED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 06-340-SPH

6853 Mt. Vista Road

West side of Mt. Vista Road, 20 feet north of Batterbrook Court.

11th Election District 3rd Councilmanic District

Legal Owner(s): Joseph and Maureen M. Glinowieck

Special Hearing: To approve a use permit for an assisted living facility for one to three residents in an RC 5 zone and that the provisions of Section 432-A are not applicable to the subject request.

Hearing: Monday, March 6, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
2/26/06 Feb. 16 84507

CERTIFICATE OF PUBLICATION

2/16/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/16/, 2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

RE: Case No.: 06-340-SPH

Petitioner/Developer: _____

JOSEPH & MAUREEN GLINOWIECKI

Date of Hearing/Closing: 3/6/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

6853 MT. VISTA RD.

The sign(s) were posted on 2/18/06
(Month, Day, Year)

CS. # 06-340-SPH

Sincerely,

Richard E. Hoffman 2/18/06
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

6853 MT VISTA RD.

POSTED 2/18/06

Richard E. Hoffman 2/18/06

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 2, 2006 Issue - Jeffersonian

Please forward billing to:

Maureen Glinowiecki 410-817-9211
6853 Mt. Vista Road
Kingsville, Maryland 21087

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-340-SPH

6853 Mt. Vista Road

West side of Mt. Vista Road, 20 feet north of Batterbrook Court.

11th Election District—3rd Councilmanic District

Legal Owners: Joseph and Maureen Glinowiecki

Special Hearing to approve a use permit for an assisted living facility for one to three residents in an RC 5 zone and that the provisions of Section 432 A are not applicable to the subject request.

Hearing: Wednesday, February 15, 2006 @ 9:00 a.m., Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204.



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 16, 2006 Issue - Jeffersonian

Please forward billing to:

Maureen Glinowiecki (410-817-9211)
6853 Mt. Vista Road
Kingsville, MD 21087

REVISED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-340-SPH

6853 Mt. Vista Road

West side of Mt. Vista Road, 20 feet north of Batterbrook Court

11th Election District – 3rd Councilmanic District

Legal Owners: Joseph and Maureen M. Glinowiecki

Special Hearing to approve a use permit for an assisted living facility for one to three residents in an RC 5 zone and that the provisions of Section 432 A are not applicable to the subject request.

Hearing: Monday, March 6, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, MD 21204



WILLIAM L. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS. PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



January 19, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-340-SPH

6853 Mt. Vista Road

West side of Mt. Vista Road, 20 feet north of Batterbrook Court.

11th Election District—3rd Councilmanic District

Legal Owners: Joseph and Maureen Glinowiecki

Special Hearing to approve a use permit for an assisted living facility for one to three residents in an RC 5 zone and that the provisions of Section 432 A are not applicable to the subject request.

Hearing: Wednesday, February 15, 2006 @ 9:00 a.m., Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204.

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:clb

C: Edward C. Covahey, Jr. 614 Bosley Avenue Towson 21204
Joseph and Maureen Glinowiecki 6853 Mt. Vista Road Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 1, 2006.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

February 7, 2006

REVISED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-340-SPH

6853 Mt. Vista Road
West side of Mt. Vista Road, 20 feet north of Batterbrook Court
11th Election District – 3rd Councilmanic District
Legal Owners: Joseph and Maureen M. Glinowiecki

Special Hearing to approve a use permit for an assisted living facility for one to three residents in an RC 5 zone and that the provisions of Section 432 A are not applicable to the subject request.

Hearing: Monday, March 6, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, MD 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:raj

C: Edward C. Covahey, Jr., Esq., Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Ave., Towson, MD 21204
Joseph & Maureen Glinowiecki, 6853 Mt. Vista Rd., Kingsville, MD 21087

- NOTES: (1) **THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 18, 2006.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06-340-SPH

Petitioner: GLINOWIECKI

Address or Location: 6853 MT. VISTA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MAUREEN Glinowiecki

Address: 6853 Mt. Vista Road
KINGSVILLE, MD, 21087

Telephone Number: 410.817.9211 - home
443.271.1633 - cell

Revised 2/20/98 - SCJ

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

March 6, 2006

Edward C. Covahey
614 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Covahey:

RE: Case Number: 06-340-SPH, 6853 Mt. Vista Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 11, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Joseph and Maureen Glinowiecki 6853 Mt. Vista Road Kingsville 21087



County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 25, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 23, 2006

Item No.: 335-A, 6-336-A, 6-337-A, 6-338-A, 6-339-A, 6-340-SPH, 6-341-A, 6-342-A, 6-343-A, 6-344-A and 6-345-SPHXA

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lt. W T Moffitt
Fire Marshal's Office
(O)410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: January 31, 2006

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 30, 2006
Item Nos. 336, 337, 338, 339, 340, 341,
343, 344, and 345

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-01302006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 23, 2006

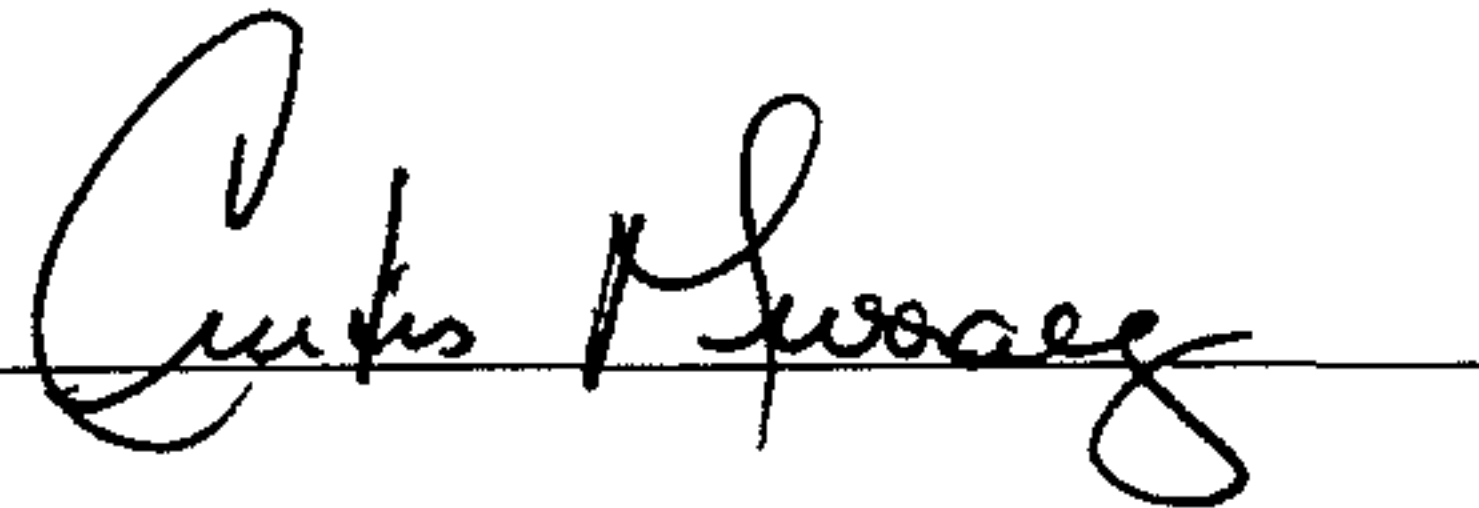
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-340- Special Hearing

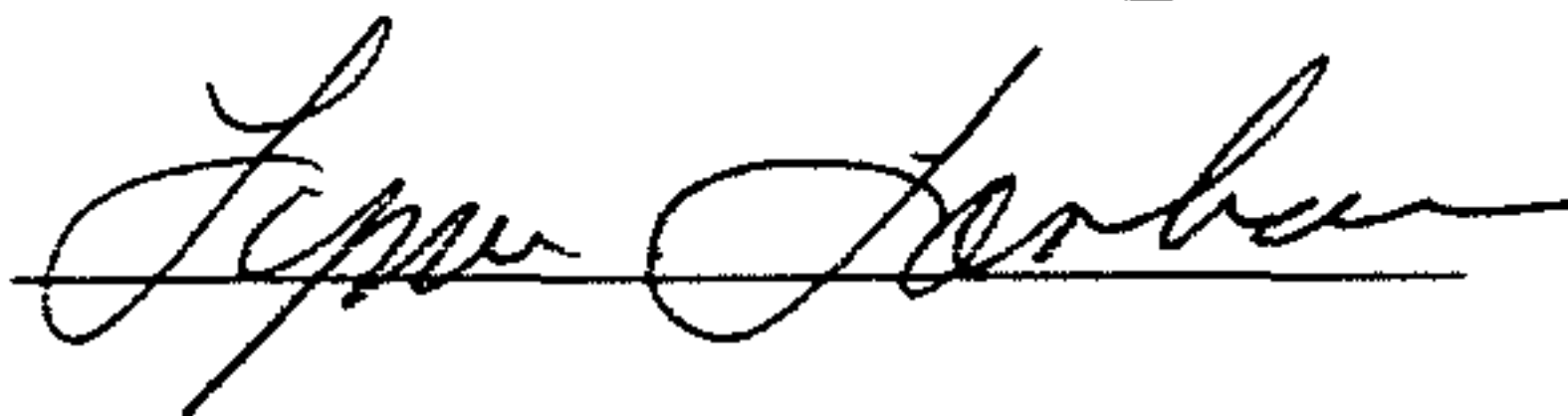
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

On
2/15
P/P
BW
3/6



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 1-20-06

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 340 JH?

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
6853 Mt. Vista Road; W/S Mt. Vista Road, *
20' N Batterbrook Court * ZONING COMMISSIONER
11th Election & 3rd Councilmanic Districts
Legal Owners: Joseph & Maureen Glinowiecki* FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-340-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2006, a copy of the foregoing Entry of Appearance was mailed to Joseph Glinowiecki, 6853 Mt. Vista Road, Kingsville, MD 21087 and Edward C. Covahey, Jr. Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioners.

RECEIVED

JAN 23 2006

Per CLB

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

February 7, 2006

Edward C. Covahey, Jr., Esquire
Coavhey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Covahey:

RE: Case Number: 06-340-SPH, 6853 Mt. Vista Road

The above matter, previously scheduled for hearing on February 15, 2006 has been postponed at your request and rescheduled for Monday, March 6, 2006 at 9:00 a.m. in Room 407 of the County Courts Building.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:raj

c: Joseph & Maureen Glinowiccki

COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
YONA OPENDEN
FRANK V. BOOZER, JR.

410-828-9441

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204
410-828-5525
FAX 410-296-2131

*ALSO ADMITTED TO D.C. BAR

January 27, 2006

✓ OK to postpone
Tmk

Timothy Kotroco, Director
Baltimore County DPDM
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 06-340-SPH
6853 Mt. Vista Road
Legal Owners: Joseph and Maureen Glinowiecki
Hearing Date: February 15, 2006, 9:00 a.m.

Dear Mr. Kotroco:

Please postpone the above-captioned hearing from February 15, 2006 as undersigned counsel has the previously scheduled case of State of Maryland v. Patrick Hill set for the District Court for Baltimore County the same date, all in accordance with notice, a copy of which is enclosed.

Thank you for your kind consideration in this matter.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr /ldr
Enclosure
0126idr04
cc: Joseph & Maureen Glinowiecki



DISTRICT COURT OF MARYLAND FOR BALTIMORE COUNTY
8914 KELSO DRIVE
ESSEX MD 21221-3135

0805

TO: HILL, PATRICK JAMES
2012 DENBURY DRIVE
BALTIMORE , MD 21222

STATE OF MARYLAND VS. HILL, PATRICK JAMES

NOTICE OF TRIAL DATE

DATE: 12/16/05

YOU ARE HEREBY SUMMONED TO APPEAR FOR THE TRIAL FOR THE CHARGE(S) ON THE CITATION(S) LISTED ON THE BACK. THE TRIAL WILL BE HELD ON FEBRUARY 15, 2006, AT 09:00 AM, AT THE DISTRICT COURT LOCATED AT 8914 KELSO DRIVE , ESSEX , MD 21221-3135 IN ROOM 01 .

YOU HAVE BEEN CHARGED WITH A MUST APPEAR CITATION(S) THAT REQUIRE YOU TO COME TO TRIAL AND PAYABLE CITATION(S) THAT HAVE A PAYABLE FINE. YOU HAVE THE OPTION TO PAY THE FINE(S) PRIOR TO TRIAL OR HAVE THE PAYABLE CITATION(S) HEARD AT THE TRIAL OF THE MUST APPEAR CITATION(S). IF YOU WISH TO PAY THE FINE(S) BEFORE TRIAL ENCLOSE THIS NOTICE TOGETHER WITH YOUR CHECK OR MONEY ORDER FOR \$520.00 AND SEND TO:

M.A.T.S. P.O. BOX 6676, ANNAPOLIS, MD 21401-0676

FAILURE TO OBEY THIS SUMMONS ON THE MUST APPEAR CITATION(S) MAY RESULT IN YOUR BEING CHARGED WITH CONTEMPT OF COURT AND BEING TAKEN INTO CUSTODY UNDER A WARRANT OR BODY ATTACHMENT.

BY ORDER OF BEN C. CLYBURN, CHIEF JUDGE, DISTRICT COURT OF MARYLAND

THE COURT SCHEDULES CASES IN HOURLY SESSIONS. YOUR SESSION WILL BEGIN AT THE ABOVE MENTIONED TIME. PLAN TO BE AT LEAST 30 MINUTES PRIOR TO THE SCHEDULED TIME. YOU MUST BE PROMPT.

FOR FURTHER INFORMATION CALL DISTRICT COURTS INTERACTIVE VOICE RESPONSE (IVR) SYSTEM. THE IVR CAN PROVIDE TRIAL DATE, COURT LOCATION AND DIRECTIONS TO COURT. FOR EXPEDITED SERVICE YOU CAN PAY A CITATION BY CREDIT CARD USING THE IVR SYSTEM:
FROM ALL AREAS INCLUDING OUT OF STATE CALL 1-800-492-2656
DIRECT TTY/TTT CALL 1-800-925-9690
RELAY TTY/TTT CALL 1-800-735-2258

ANY REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE REQUESTED BY CONTACTING THE COURT IMMEDIATELY.

T6
18977T6

SCOTT A. HUNSICKER

ATTORNEY AT LAW

949 FELL STREET

BALTIMORE, MARYLAND 21251

(410) 342-1111

FAX (410) 675-2399

March 3, 2006

Baltimore County Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, MD 21204

Via Fax 410-887-3868

ATTN: Mr. William Wiseman

Re: Case No. 06-340-SPH
Property: 6853 Mount Vista Road
Hearing Date: Monday, March 6, 2006

Dear Mr. Wiseman:

My wife and I own a home and reside on Batter Brook Court, which is directly across from the Petitioners' property. Please be advised that we are in opposition to the Petitioners' request for a zoning variance to approve a use permit for an assisted living facility for one to three residents.

We oppose this petition for several reasons:

1. The location for this facility is not appropriate for the neighborhood. This proposed facility is directly across the street from the entrance to Batter Brook Court, a neighborhood consisting of homes ranging in value from \$600,000 to \$1,400,000. In addition, the property is surrounded by other residential properties on Mount Vista Road. A business such as the requested assisted living facility at this location would serve to diminish the property values and aesthetics of the residences in this area.
2. The Petitioners have insufficient property to conduct this activity. Although the Petitioners have a lot consisting of approximately 2 acres, the lot has very limited frontage on Mount Vista Road. Attached is a Baltimore County Department of Assessments and Taxation map showing the limited frontage of the property on Mount Vista Road. The Petitioners' lot number is P530.
3. The present activities conducted by the Petitioners on the site are already creating traffic and other negative issues in the neighborhood. At the present time, the Petitioners have insufficient parking for the number of vehicles located at their property. They regularly have cars illegally parked in a turn lane on Mount Vista, which was created to service Batter Brook Court.

Baltimore County Zoning Commissioner
Attn: Mr. William Wiseman
March 3, 2006
Page 2

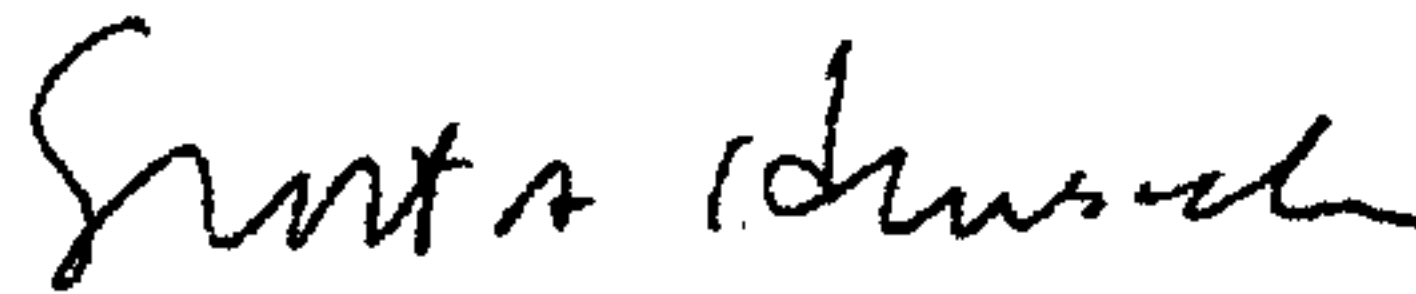
Mount Vista Road is a heavily traveled road and parking in the turn lane for Batter Brook Court makes it very difficult for incoming traffic to make a turn onto Mount Vista from Batter Brook.

4. The activity relating to Petitioners' use of the property creates a dangerous situation, both to pedestrians and vehicles because of the location of the Petitioners' property. The Petitioners' property is located on Mount Vista Road, at the top of a hill, with Mount Vista Road falling pretty severely in both directions from Petitioners' property. It is impossible to see traffic or people coming from the other direction until your vehicle reaches the top of the crest of the road, which is almost directly across from Batter Brook Court. Since Petitioners' activities involve a lot of automobiles coming and going with people entering and exiting, this creates an extremely unsafe situation because cars traveling 30 mph cannot see the pedestrians or the cars backing in and out of the Petitioners' property until the approaching vehicle is in close proximity. To permit the Petitioners to continue to use the property as requested will result in a serious traffic accident at this location.

In summary, this proposed use at this location is wholly inappropriate, both because of the character of the residential neighborhood in that vicinity, as well as the severe limitations of the site of the Petitioners property and its very limited frontage on Mount Vista Road. The Petitioners' property simply cannot handle the amount of activity which their property is generating. In addition, the extreme visibility issues caused by the cresting of the road at that location create a dangerous situation for us and our neighbors. The only way for the Petitioners to handle their parking needs would be essentially to pave their entire front yard area and create a "business" parking lot which would consist of most of their front yard. This would be devastating to the property values and the aesthetics of this residential area.

Accordingly, we strenuously oppose the Petitioners' request.

Very truly yours,



Scott A. Hunsicker

/sbb
Enclosure
03165283.sbb

FAX TRANSMISSION

THE BELT'S CORPORATION

949 Fell Street
Baltimore, MD 21231
410-342-1111
Fax: 410-675-2399

Date: March 3, 2006
To: Baltimore County Zoning Commissioner
ATTN: Mr. William Wiseman
Fax #: 410-887-3468
From: Scott A. Hunsicker
Pages: 4, including this cover sheet
Subject: Case #06-340-SPH
Hearing Date: 3/6/2006

COMMENTS:

4/5 copy of
Order Sent
to Mr.
Hunsicker per
Bill
Jeb

RECEIVED

MAR 3 2006

**If a problem is experienced with this transmission, please contact Susan Brown, ext. 209.*

CONFIDENTIALITY NOTE: The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telefax is strictly prohibited. If you have received this telefax in error, please immediately notify us by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

DATE _____

E-MAIL

PAUL W FAYA	5 BATTER BROOK CT	KINGSVILLE, MD	paulfaya@hotmail.com
THOMAS W EYANT	"	"	"
~~STEVEN A. HAMPTON~~	~~6857 KINGSVILLE RD~~	~~KINGSVILLE, MD~~	~~"~~
STEVEN A. HAMPTON	6857 Mt. Vista Rd.	Kingsville, MD	"
JAMES J CLARK	6849 MT VISTA RD	KINGSVILLE, MD	"
Could not find Clark	6849 Mt. Vista Rd.	Kingsville, Md,	"

DATE _____

PETITIONER'S SIGN-IN SHEET

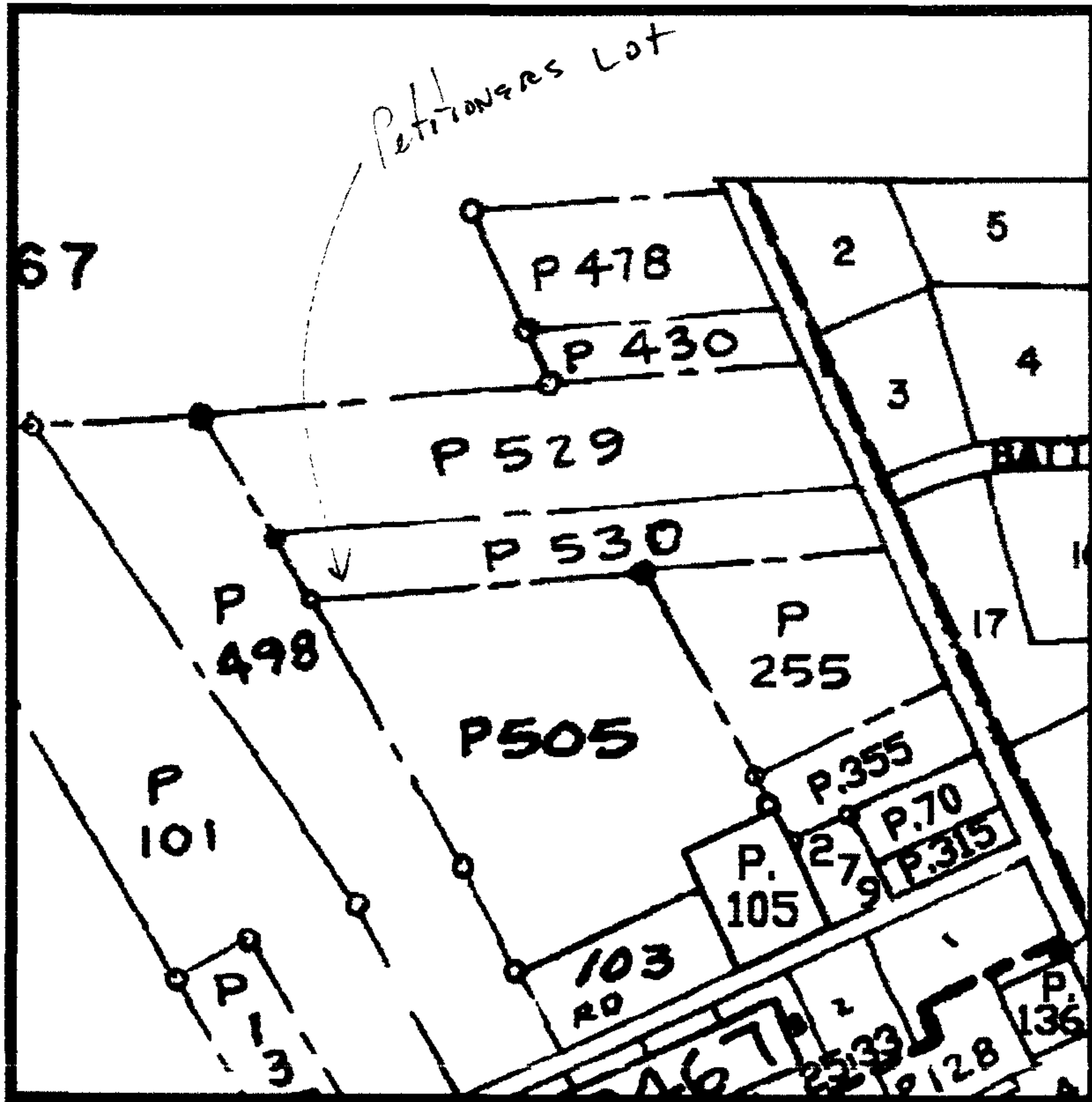
NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
THE MA C. COUNTRY	614 BODLEY AVE	TENNESSEE	
FOR DISCOUNT	6853 MT VISTA RD	KINGSVILLE MO 64652	
MASSACHUSETTS	6853 MT VISTA RD	KINGSVILLE MO 64652	



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

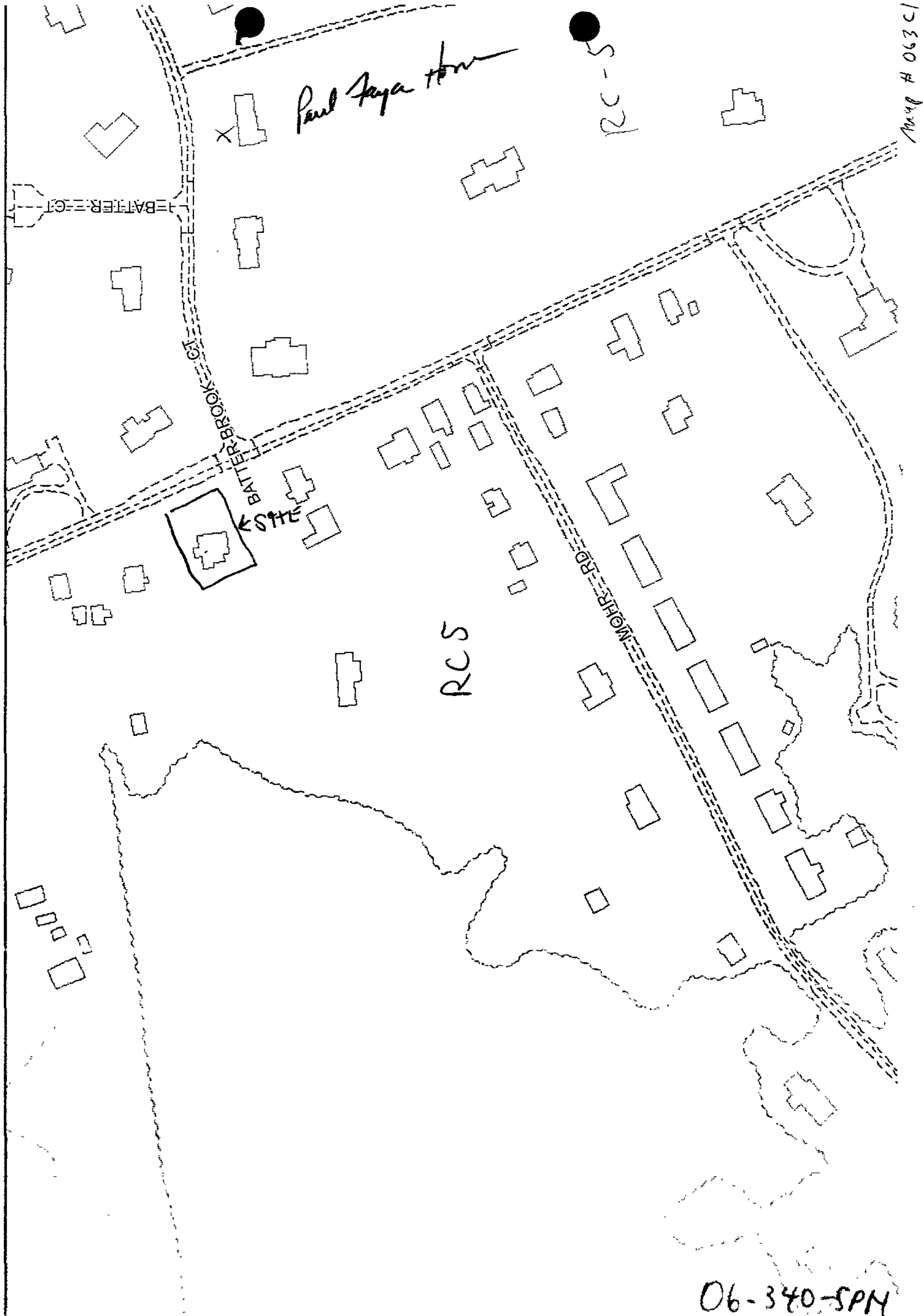
[Go Back](#)
[View Map](#)
[New Search](#)

District - 11 Account Number - 1103001950



Property maps provided courtesy of the Maryland Department of Planning © 2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/webcom/index.html

1-2001



06-340-SPN

Case No.:

06-340-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	^{1-A} SITE PLAN 1-B	Mr. Hampton's letter with Aerial Plat
No. 2		9 letters of concern A thru J
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

*Bill AS we
Discussed
4/19/05*

*John
Lewis*

Section 431
Parking of Commercial Vehicles
on Residential Property
[Bill No. 70-1988]

- A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.
- B. One commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions:
1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds.
 2. The owner or operator of the vehicle shall reside on the lot.
 3. The vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure:
 - a. No materials, products, freight or equipment shall be visible
 - b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door.
 - c. The vehicle shall be parked in a side or rear yard.

Section 432
(Reserved)¹⁸

Section 432A
Assisted-Living Facility; Housing for the Elderly
[Bill No. 19-2004¹⁹]

- A. An assisted-living facility is permitted in the D.R., R.O., R.O.A., R.A.E., B.R. and B.M., Zones as follows:
1. An assisted-living facility I is permitted by use permit.
 2. An assisted-living facility II is permitted by use permit if it has frontage on a principal arterial street.
 3. An assisted-living facility III is permitted in a D.R.16, R.A.E., R.O., R.O.A. or B.M. Zone by use permit. A facility located in a R.O. Zone is also subject

¹⁸ Editor's Note: Former Section 432, Elderly Housing Facilities in D.R. Zones, as amended, was repealed by Bill No. 199-2004.

¹⁹ Editor's Note: This bill also stated that it would not apply to any concept plan accepted for filing prior to the effective date of this bill. Said effective date is 45 days after its 3-1-2004 enactment. EFF MAY 29, 04

*BILL, YOU WILL NOTE
THAT THERE IS NO REFERENCE
TO A POSTING / HEARING / PUBLIC
NOTICE REQUIREMENT. (TO COMPARE)
SEE THE SAMPLE ADA BCCR SECTION
WHERE SUCH REQUIREMENTS
ARE CLEARLY
STIPULATED
IN ADA.
THERE ARE SEVERAL
CODES IN THE BCCR
WHICH REFER TO
SUCH PUBLIC NOTIFICATION.
THIS IS CLEARLY NOT
ONE OF THEM.
UNDERSIZED LOT APPROVALS
WHERE THERE HAS BEEN NO*

*AT LEAST
OWNERSHIP FOR
6 YEARS & NO
VARIANCES ARE
REQUIRED IS ANOTHER*

§ 432A

THIS LEGISLATION WAS WRITTEN BY FOR
PLANNING AND THE DEPT. OF AGING ITS ORIGINAL
FORM, THE RECENT COUNCIL BILL (19-04) MADE SOME
SITE REQUIREMENT CHANGES TO INCLUDE THE 10 FT. SETBACK
STAFF WILL MAKE SOME SUGGESTIONS FOR 409 COMPLIANCE TO APPLICANT
SPECIAL REGULATIONS
HOWEVER IF PLANNING APPROVES THE GENERAL LAYOUT PER § 433
D. BELOW WE FOLLOW THEIR RECOMMENDATION.
to review by the design review panel for compatibility with surrounding

THE 10' SETBACK
PARKING CLEARANCE
SINCE ITS CLEARLY
STATED
NEEDS
THE
VARIANCE.
AS DOES
THE PARKING
LOCATION

4. Housing for the elderly is permitted by right in R.A.E. Zones.

B. Except for the signs permitted by Section 450, no other signs or displays of any kind visible from the outside are permitted.

C. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure is permitted except for a residential garage as defined in Section 101.

1. Parking shall be set back at least 10 feet from the property line, except that if the property line abuts an alley, no setback is required if the alley does not abut the front or rear yard of a residentially used property.

2. Parking and delivery areas shall be located in the side or rear only.

3. At least 10% of the lot shall be used to provide useable, contiguous and private open space.

PLANNING
OFFICE
DOES THIS

SEE
ATTACHED
COUNTY
CODE E
FOR YOUR
INFORMATION

THIS
COMPATIBILITY
REVIEW IS
NOT A WORK OF
YOURS.

D. An assisted-living facility is subject to a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code.

E. An assisted-living facility located in a County historic district is also subject to review by the Landmarks Preservation Commission in the same manner as other buildings located in a historic district.

Section 433²⁰

Planned Unit Development - Elderly (PUD-E) [Bill No. 19-2004²¹]

OUR PRACTICE
PER A.J. WAS TO
HAVE A SPECIAL HEARING
(REQUESTED BY APPLICANT)
SHOULD PLANNING DENY
THE USE PERMIT
APPLICATION.
THEN AND
ONLY THEN.

433.1 Definitions. As used in this section, "PUD-E" means a planned unit development comprised of senior housing and permitted accessory uses. The PUD-E is neither a zone nor a district. it is an optional approval process that the Planning Board may apply to proposed planned unit developments for senior housing.

433.2 PUD-E.

A. Location. A senior housing facility is permitted as a PUD-E in any zone, except D.R.1, D.R.2 and D.R. 3.5, if it meets the requirements of this section.

B. Density.

1. Zone requirements. Permitted uses may be distributed throughout the tract.

2. Density bonus. The density of a PUD-E may be increased by the Planning Board if:

²⁰ Editor's Note: The provisions of former Section 433, Temporary Moratorium on Infectious Waste Incinerators, originally enacted by Bill No. 87-1967, expired on January 1, 1988, and they have been removed from the Regulations.

²¹ Editor's Note: This bill also stated that it would not apply to any concept plan accepted for filing prior to the effective date of this bill. Said effective date is 45 days after its 3-1-2004 enactment.

ZONING USE PERMIT CHECKLIST

ASSISTED LIVING FACILITY I (1 – 7 beds) or II (8-15 beds)

Pursuant to Bill 19-04

The zoning regulations regarding assisted living facilities (ALF's) were changed by the County Council in Bill No. 19-04, effective 5/29/04. This checklist is intended to inform the public of these standards. One of several changes is the new requirement for small scale ALF's for 1-3 residents which were formerly exempted, that now have to file for a zoning use permit as was previously required only for 4-15 resident facilities. **However, if you can clearly document to this office that your facility was licensed and legally operating for care of a certain set number of persons prior to the above referenced bill date, an ALF use permit may be issued at the discretion of the Zoning Review Office for continuance of your use for the previously licensed number of persons without a full use permit review as stipulated in this checklist.** This is done by an individual property use review for each site for which such documentation is presented. Prior to applying for this Use Permit, contact the Baltimore County Department of Aging for related information. Fees and Plan/Checklist changes are subject to change without advance notice. Sealed plans may be required.

Filing Requirements

Three (3) use permit plans, per this checklist and sample plan sheet; one planning office compatibility/appearance review package (see Recommendation Form), and \$50.00 are required for filing the application. Due to the necessity of a detailed review of the materials, you must contact 410-887-3391 for a filing appointment for this use permit.

Provide the following information on an (engineer) scaled drawing at a 1"=50' or larger scale.

1. Owner's name, and if the applicant is not the owner, the applicator's name, date, address, daytime telephone number, and the address of the property under this use permit review.
2. Title: Use permit plan for Assisted Living Facility (ALF I or II). Street vicinity map with site indicated, north arrow, scale of drawing (must be at an engineer's scale and legible), election district, property outline, and dimensions in feet, the square footage of the lot, and the current zoning of the property per the 1"=200' scale official zoning map.
3. Location on the property, use and the dimensioned footprint of the ground floor area and gross floor area (all floors) of each structure on the lot in square feet. Show and label a minimum of 10% of the lot as "open space". Show the method of calculation; Lot sq ft. x .10= _____ sq ft open space.
4. A. Number of beds to be approved with parking calculations indicating 1 parking space for each 3 beds (round-up all numbers). Note that all parking and maneuvering will be paved with a durable, dustless surface (such as asphalt or concrete) and will be permanently striped. Indicate the location and dimension of all parking and maneuvering areas. Each parking space must be 8-1/2 feet x 18 feet, which must be shown and dimensioned.
B. Parking spaces must be shown to comply with the following: 10 feet from all lot lines other than an alley that does not abut the front or rear yard of a residentially used property. All parking and delivery areas in the side or rear yard only. A public hearing is required for noncompliance. Contact the zoning office for further information.
5. A. Note on the plan: "This building has not been originally constructed to accommodate elderly housing or an assisted living facility. No reconstruction, relocation, (exterior) changes or additions (of 25% or more based on the ground floor area as of 5 years before the date of this application) to the exterior of the building have occurred, no additions are proposed to exceed this limit.
B. Where compliance with note 5.A. cannot be stated, the use permit application may not be accepted for filing or a public hearing may be required. The zoning office should be contacted for further information.
6. For more than four beds density/area calculations must be shown on plan based on the zones minimum lot area requirements for each density or dwelling unit used. See chart at bottom of this page.
7. Class II ALF's must be shown to be located on a principal arterial street on the plan.
8. Note on the plan that any proposed signs will comply with Section 450 (BCZR) and all zoning sign policies or a zoning variance is required.
9. Include signatures, printed names (and dates) of those responsible for the accuracy of the information in this application.

Density	
1-4 beds	Not required
5-8 beds	2 density lots required
9-12 beds	3 density lots required
13-15 beds	4 density lots required

SAMPLE FORM, ADD YOUR INFORMATION ACCORDING TO THIS FORMAT.

ZONING USE PERMIT

PLAN FOR A ASSISTED LIVING FACILITY I OR II

#123 SMITH ROAD

BALTIMORE COUNTY MD 20204

3RD ELECTION DISTRICT

OWNER: JOHN & LINDA SMITH

ADD. #321 BROOK LA. TOWSON MD 21044

DATE 2/24/94 (PLAN DATE)

PHONE: 410-325-1799

APPLICANT: IF NOT OWNER ADD ABOVE INFO.

LOT SIZE: 6,000 SQ. FT.

ZONING MAP N.W. 5F

ZONE DR 3.5

PARKING: 1 SPACE FOR EACH 3 BEDS = 2 PARKING SPACES REQUIRED.

EXISTING FLOOR AREAS SQ. FT.

1ST FLOOR AND SUN ROOM = 1987 SQ. FT.

2ND FLOOR = 1811 SQ. FT.

TOTAL 3,798 SQ. FT.

BASEMENT FOR STORAGE AND

MECHANICAL EQUIPMENT = 1811 SQ. FT.

EXISTING GARAGE = 374 SQ. FT.

OPEN SPACE: .10 x LOT AREA (6,000 SQ. FT.) = 600 SQ. FT.

FOR MORE THAN 4 BEDS SEE THE DENSITY CHART AT THE BOTTOM OF
PAGE 1 OF THIS CHECKLIST. SHOW CALCULATIONS IN THIS AREA ON YOUR PLAN.

THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE
ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. NO CONSTRUCTION,
RELOCATION, EXTERIOR CHANGES OR ADDITIONS OF 25% OR MORE IN GROUND
FLOOR AREA AS IT HAS EXISTED FOR 5 YEARS BEFORE THE DATE OF THIS
APPLICATION HAS OCCURRED TO THE EXTERIOR OF THE BUILDING. NO ADDITIONS
ARE PROPOSED.

SIGNS WILL COMPLY WITH SECTION 460 B.C.Z.R.

THE UNDERSIGNED (STATE IF OWNERS OR APPLICANTS) ARE RESPONSIBLE FOR
THE ACCURACY OF THE INFORMATION ON THIS PLAN.

SIGNATURE _____ DATE _____

PRINTED NAME _____

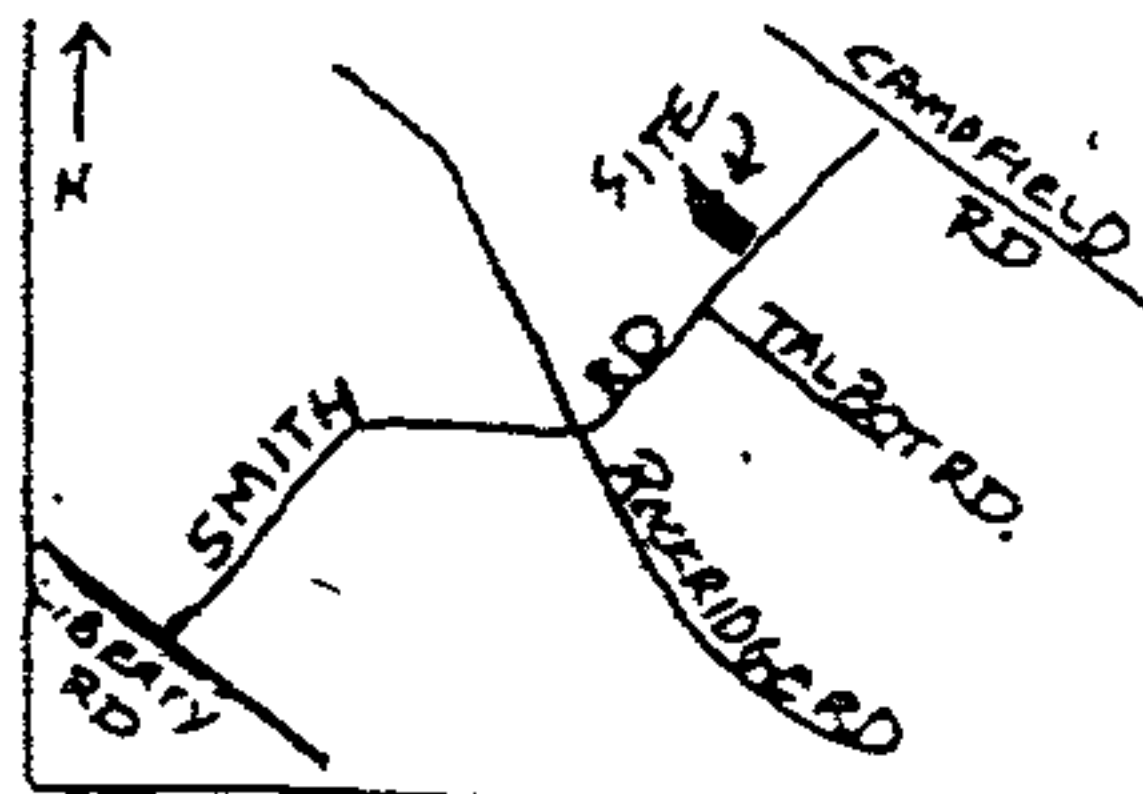
SIGNATURE _____ DATE _____

PRINTED NAME _____

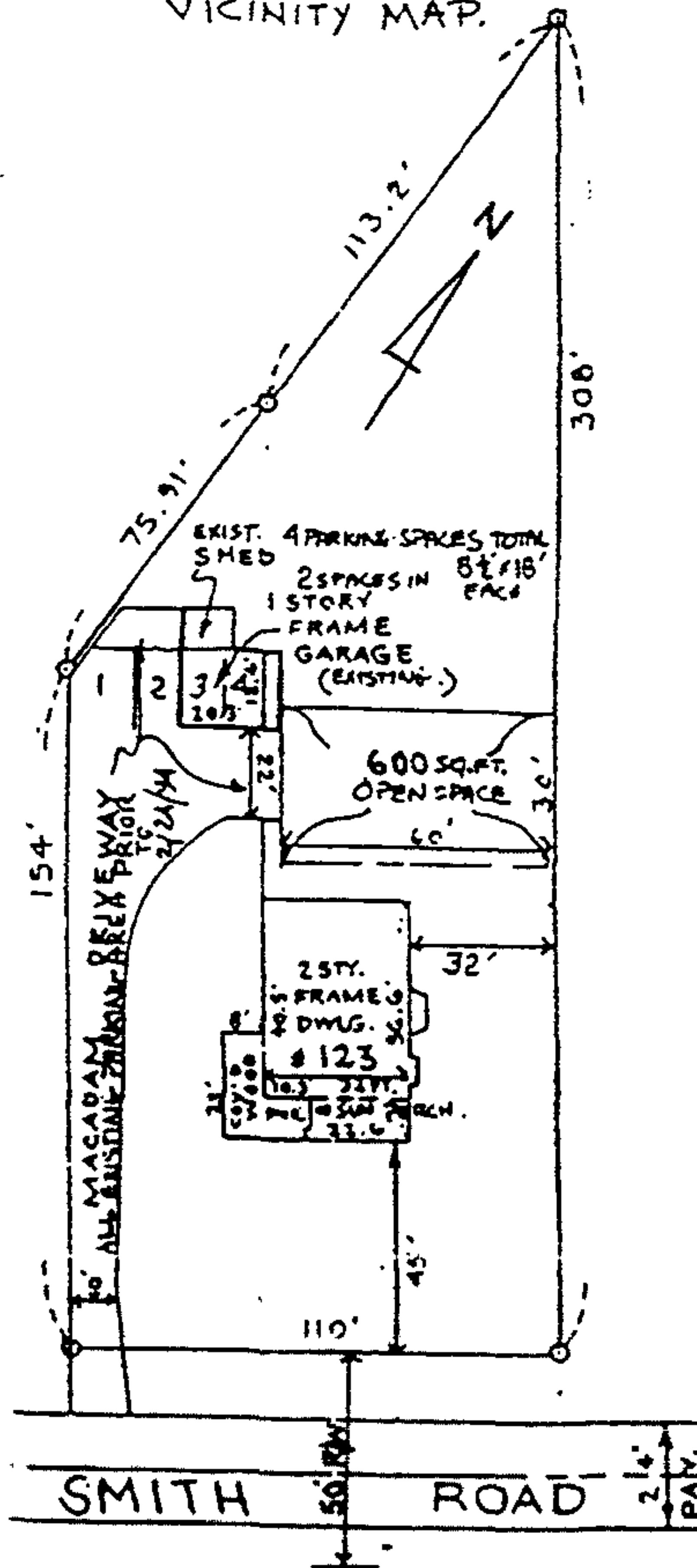
ENGINEER'S SCALE

1" = _____ FT.

REVISED 7/1/94



VICINITY MAP.



INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: ALF REVIEWER
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204
M.S. 3402

PDM ALF # _____

Permit No. (if required) B _____

FROM: Timothy M. Kotroco
Department of Permits & Development Management

RE: Assisted Living Facility I or II

This office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a building/use permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Print Name of Applicant _____ Address _____ Telephone Number _____

Lot Address _____ Election District _____ Councilmanic District _____ Square Feet of Lot _____

Lot Location: N E S W/side/corner of _____ feet from N E S W corner of _____
(street) (street)

Land Owner: _____ Tax Account Number _____

Address: _____ Telephone Number () _____

CHECKLIST OF MATERIALS- (to be submitted by applicant for required *compatibility* and/or *appearance* review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED?		Accepted for filing by _____ Date: _____
	YES	NO	
1. This Recommendation Form (3 copies)	_____	_____	
2. Permit Application (If available)	_____	_____	
3. Site Plan: Property (3 copies): including lot size and square feet of buildings, parking and open space – 10% lot area Statement as to whether or not building has been enlarged by 25% or more in the last five (5) years	_____ _____ _____	_____ _____ _____	
4. Building Elevation Drawings (these may be waived if note 5.A. from the Zoning Use Permit Checklist can be stated on the plans)	_____	_____	
5. Photographs (please label all photos clearly) Adjoining Buildings, the Proposed Building, and Surrounding Neighborhood	_____	_____	
6. Current Zoning Classification: _____			

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations

Signed by _____
for the Director, Office of Planning and Community Conservation

Date _____

ASSISTED LIVING FACILITIES I, II, & III.

(BILL No. 19-04)

*******SECTION 101. DEFINITIONS.**

ASSISTED LIVING FACILITY: A BUILDING, OR SECTION OF A BUILDING THAT PROVIDES HOUSING AND SUPPORTIVE SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-RELATED SERVICES, OR A COMBINATION THEREOF, TO MEET THE NEEDS OF INDIVIDUALS WHO ARE UNABLE TO PERFORM OR WHO NEED ASSISTANCE IN PERFORMING THE ACTIVITIES OF DAILY LIVING AND WHICH IS LICENSED AS AN ASSISTED LIVING PROGRAM AS DEFINED UNDER TITLE 19, SUBTITLE 18 OF THE HEALTH-GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND. FOR THE PURPOSES OF THIS DEFINITION, IF A RESIDENT LIVES IN A ROOM OR APARTMENT PROVIDING COMPLETE KITCHEN FACILITIES INTENDED FOR THE DAILY PREPARATION OF MEALS BY OR FOR THAT RESIDENT, THE UNIT SHALL NOT BE CONSIDERED AN ASSISTED LIVING FACILITY. DENSITY FOR SUCH FACILITIES SHALL BE CALCULATED AT 0.25 FOR EACH BED.

*******ASSISTED LIVING FACILITY I: AN ASSISTED LIVING PROGRAM WHICH:**

- 1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE YEARS BEFORE THE DATE OF APPLICATION.
- 2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION.
- 3) WHICH ACCOMMODATES FEWER THAN 8 RESIDENT CLIENTS.

*******ASSISTED LIVING FACILITY II: AN ASSISTED LIVING PROGRAM WHICH:**

- 1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE YEARS BEFORE THE DATE OF APPLICATION.
- 2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION.
- 3) WHICH ACCOMMODATES BETWEEN 8 AND 15 RESIDENT CLIENTS.

*******ASSISTED LIVING FACILITY III: AN ASSISTED LIVING PROGRAM WHICH:**

- 1) WILL ACCOMMODATE MORE THAN 15 RESIDENT CLIENTS.
- 2) WILL BE IN A STRUCTURE WHICH WAS BUILT OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA LESS THAN FIVE YEARS BEFORE THE DATE OF APPLICATION. OR
- 3) WILL BE IN A STRUCTURE WHICH WILL BE NEWLY CONSTRUCTED OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA FOR THE ASSISTED LIVING PROGRAM.

*******SECTION 432A. ASSISTED LIVING FACILITY; HOUSING FOR THE ELDERLY.**

A. AN ASSISTED LIVING FACILITY IS PERMITTED IN THE D.R., R.O., R.O.A., R.A.E., B.R., AND B.M. ZONES AS FOLLOWS:

- 1) AN ASSISTED LIVING FACILITY I IS PERMITTED BY USE PERMIT.
- 2) AN ASSISTED LIVING FACILITY II IS PERMITTED BY USE PERMIT IF IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL STREET.
- 3) AN ASSISTED LIVING FACILITY III IS PERMITTED IN A D.R. 16, R.A.E., R.O., R.O.A., OR B.M., ZONE BY USE PERMIT. A FACILITY LOCATED IN A R.O. ZONE IS ALSO SUBJECT TO REVIEW BY THE DESIGN REVIEW PANEL FOR COMPATIBILITY WITH SURROUNDING USES.

- 4) HOUSING FOR THE ELDERLY IS PERMITTED BY RIGHT IN R.A.E. ZONES

B. EXCEPT FOR THE SIGNS PERMITTED BY SECTION 450, NO OTHER SIGNS OR DISPLAYS OF ANY KIND VISIBLE FROM THE OUTSIDE ARE PERMITTED.

C. OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 409 AND SUBJECT TO THE FOLLOWING CONDITIONS, BUT NO PARKING STRUCTURE IS PERMITTED EXCEPT FOR A RESIDENTIAL GARAGE AS DEFINED IN SECTION 101.

- 1) PARKING SHALL BE SET BACK AT LEAST 10 FEET FROM THE PROPERTY LINE, EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLEY, NO SETBACK IS REQUIRED IF THE ALLEY DOES NOT ABUT THE FRONT OR REAR YARD OF A RESIDENTIALLY USED PROPERTY.
- 2) PARKING AND DELIVERY AREAS SHALL BE LOCATED IN THE SIDE OR REAR ONLY.
- 3) AT LEAST 10% OF THE LOT SHALL BE USED TO PROVIDE USABLE CONTIGUOUS AND PRIVATE OPEN SPACE.

D. AN ASSISTED LIVING FACILITY IS SUBJECT TO A COMPATIBILITY FINDING PURSUANT TO SECTION 32-4-402 OF THE BALTIMORE COUNTY CODE.

E. AN ASSISTED LIVING FACILITY LOCATED IN A COUNTY HISTORIC DISTRICT IS ALSO SUBJECT TO REVIEW BY THE LANDMARKS PRESERVATION COMMISSION IN THE SAME MANNER AS OTHER BUILDINGS LOCATED IN A HISTORICAL DISTRICT.

- (1) May not be considered a purchase; and
- (2) Is not subject to approval by the County Council.

(1988 Code, § 26-220) (Bill No. 48-99, § 1, 7-12-1999; Bill No. 79-01, § 2, 7-1-2004)

SUBTITLE 4. GENERAL DESIGN STANDARDS AND REQUIREMENTS

§ 32-4-401. COMPLIANCE.

(a) *Intent.* The general design standards and requirements set forth in this subtitle are intended to provide criteria for the preparation and review of proposed development.

(b) *Compliance with standards required.* Subject to the provisions of §§ 32-4-105 and 32-4-107 of this title, all development shall:

(1) Meet the standards and requirements contained in this subtitle;

(2) Conform to the policy and intent of this title.

(c) *Additional standards and requirements.* Additional standards and requirements that are not inconsistent with this subtitle may be adopted in accordance with the provisions of § 32-4-404 of this title.

(d) *Development in the Chesapeake Bay Critical Area.* Proposed development in the critical area shall also comply with the standards and requirements specified in the Code.

(1988 Code, § 26-261) (Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-402. COMPATIBILITY.

(a) *"Neighborhood" defined.* In this section, "neighborhood" means the existing buildings and land uses adjacent to and extending from the proposed development to:

(1) A definable boundary such as a primary collector street or arterial street;

(2) An area with a significant change in character or land use; or

FYI.
AS REFERENCED
(IN SECTION)
432.D.
SEE MY NOTE
ON THE REGS.

(3) A major natural feature.

(b) *Exception.* This section does not apply to a research park.

(c) *Recommendations by Director of Planning.* The Director of Planning shall make compatibility recommendations to the Hearing Officer for:

(1) A cluster subdivision;

(2) A development in the RCC, R-0, OR-1, OR-2, O-3, SE, OT zones, the CR districts, or a Planned Unit Development; or

(3) Alternative site design dwellings as provided in the comprehensive manual of development policies.

(d) *Compatibility objectives.* Subject to subsection (c) of this section, development of property shall be designed to achieve the following compatibility objectives in accordance with the guidelines in the comprehensive manual of development policies:

(1) The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood;

(2) The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood;

(3) The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood;

(4) The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems;

(5) Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design;

(6) The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities;

(7) The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood; and

(8) The scale, proportions, massing, and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

(e) *Compatibility with standards in S-E zones; exterior materials.*

(1) In an S-E zone, in addition to other compatibility standards, a developer shall make buildings compatible with the streetscape and the landscape by methods that reduce the large-scale visual impact of the buildings.

(2) (i) The predominant exterior material on a building may not require periodic refinishing or maintenance such as painted wood, painted metal siding, pre-finished metal siding, or painted masonry.

(ii) An exterior wall of a building may not be made from any unfinished material including raw wood, unfinished concrete block, or concrete surfaces.

(iii) Acceptable predominant exterior materials on a building include brick, glass, architectural concrete surfaces, decorative masonry units, or stucco.

(1988 Code, § 26-282) (Bill No. 18, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 46, 1992, § 3; Bill No. 186-94, § 10, 1-14-1995; Bill No. 112-99, § 3, 1-10-2000; Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-403. DESIGNATED AREAS.

(a) *Authority of county to require materials and design.* For improvements described in §§ 32-4-404(c)(1)(ii), 32-4-407, and 32-4-408 of this subtitle, the county may require specifications for materials and design that further the objectives of revitalization areas, growth areas, and rural agricultural areas.

(b) *Design Review Panel.* A Design Review Panel shall provide the county with analysis and comments on site design and architectural design as required under § 32-4-203 of this title and the Comprehensive Manual of Development Policies.

(1988 Code, § 26-281) (Bill No. 12, 1993, § 2; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-404. ADOPTION OF DEVELOPMENT MANUALS.

(a) *In general* In order to implement the standards and requirements set forth in this subtitle, the county shall prepare

404.4 Agricultural roadside businesses are permitted, subject to the following requirements:

- A. Setbacks. A farm market and a farmer's roadside stand shall be set back at least 35 feet from the nearest edge of the street pavement. A produce stand shall be located in such a manner that convenient ingress, egress and adequate parking are provided.
- B. Signage. Signs are permitted, subject to Section 450. [Bill No. 89-1997]
- C. A farmer's roadside stand is permitted as of right with a use permit in R.C.2, R.C.3, R.C.4 and R.C.5 Zones subject to the following conditions:
1. The stand shall be located on a farm.
 2. The owner shall be an agricultural producer.
 3. At least 50% of the produce sold annually shall be grown on the premises where the stand is located or on adjacent farms or on other property farmed by the applicant.
 - a. In the event of crop failure due to drought, insect damage, disease or other causes beyond the control of the producer, as determined by the Agricultural Land Preservation Advisory Board, the 50% minimum may be decreased by the Zoning Commissioner to an amount commensurate with the degree of crop failure.
 - b. In the enforcement of 404.4C.2, the Zoning Commissioner shall make the determination upon the recommendation of the Agricultural Land Preservation Advisory Board.
 4. A site plan shall be submitted indicating location and type of structure on the lot in question, ingress and egress, parking arrangement and proximity of dwellings on adjacent lots.
 - ✓ 5. On the property in question, notice of the application for the use permit shall be conspicuously posted by the Zoning Commissioner for a period of 30 days following the filing of the application.
 - ✓ 6. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for a farmer's roadside stand if the proposed use meets all the requirements of this subsection and any other applicable requirements. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of this section and to ensure that the farmer's roadside stand is not detrimental to the health, safety or general welfare of the surrounding community.
 - ✓ 7. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing to be held not less than 15 days following public notice of such hearing in two newspapers of general circulation and not more than 60 days from the date of filing of the requests for public hearing.

- ✓ 8. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
- a. His findings following the public hearing; and
 - b. The manner in which the requirements of this section and other applicable requirements are met and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the farmer's roadside stand is not detrimental to the health, safety or general welfare of the surrounding community and which are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.
- D. Farm market: special exception standards. A farm market is subject to a special exception approval in R.C.2, R.C.3, R.C.4, R.C.20 and R.C.50 Zones and shall meet the standards outlined in Section 502.1 of these regulations. In addition to these requirements, a farm market is subject to the following requirements:
1. The owner shall be an agricultural producer.
 2. At least 50% of the produce sold annually shall be grown by the owner of the farm market and no more than 10% of the annual sales shall be locally produced nonagricultural goods.
 - a. In the event of a crop failure due to drought, insect damage, disease or other causes beyond the control of the producer as determined by the Agricultural Land Preservation Advisory Board, the 50% minimum may be decreased by the Zoning Commissioner to a degree commensurate with the degree of crop failure.
 - b. In the enforcement of 404.4.D.2, the Zoning Commissioner shall make the determinations in consultation with the Agricultural Land Preservation Advisory Board.
 3. A site plan shall be submitted indicating location and type of structure on the lot in question, ingress and egress, parking arrangement and proximity of dwellings on adjacent lots.

404.5 (Reserved)⁷

404.6 Commercial reduction of inedible animal or vegetable matter and commercial slaughtering, except killing of poultry produced on the premises, are prohibited.

404.7 Commercial piggeries (hog raising for other than family use) are permitted only on a farm of at least 10 acres, and no hogs shall be permitted within 150 feet of any land zoned or used for residential purposes.

404.8 Manure must be stored in places removed at least 150 feet from all boundary lines of the lot.

⁷ Editor's Note: Former 404.5, which established area requirements for accessory buildings, except farmer's roadside stands, as amended by Bill No. 85-1967, was repealed by Bill No. 41-1992.

19. Rail passenger stations, subject to Section 434. [Bill No. 91-1990]
20. Television studios.
21. Tourist homes.
22. Veterinarians' offices.
23. Volunteer fire company stations.
24. Wireless telecommunications towers, subject to Section 426. [Bill No. 30-1998]
25. Continuing care facilities (see Section 432). [Bill No. 36-1988]
26. Assisted living facilities of four or more (see Section 432). [Bill No. 36-1988]
27. Assisted living facilities developed in conjunction with a nursing home (Section 432). [Bill No. 36-1988]
28. Housing for the elderly if the use involves a modification or waiver under Section 432.2, 432.3 or 432.4. [Bill No. 36-1988]

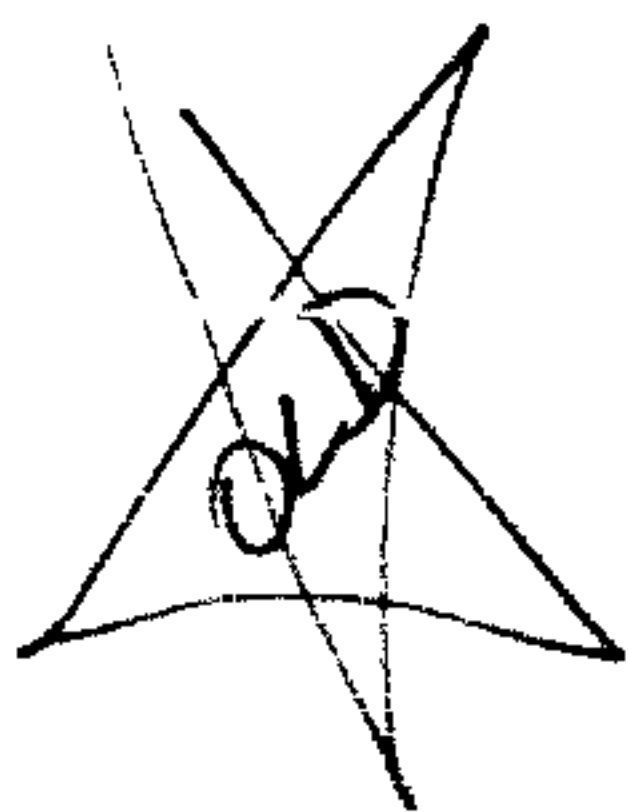
D. The following provision, which was enacted by Bill No. 140-1962, took effect on November 17, 1962, and was heretofore designated as Subsection 200.16 of these Zoning Regulations, is reenacted without amendment, and nothing in this article shall be construed to abrogate its effect:

Junkyards and open dumps as defined in Section 101. Any existing junkyards in this (R.40) or any other residential zone, and any existing open dumps in any zone shall be completely eliminated not later than two years after the date of effectuation of this amendment. [Bill No. 140-1962]

1B01.2 General density, bulk, building separation, open space and other height and area standards and regulations.

A. Density controls.

1. Application of maximum density standards to tract in one zone. The maximum gross residential density permitted in any one D.R. Zone shall control only as applied to the total gross residential acreage within a subdivision tract, and shall not apply to or establish minimum areas of lots created by subdivision within such tract.
2. Application to tract divided by zone boundary. In D.R.10.5, D.R.16 or in any nonresidential zone which allows residential development, wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. Zones of different classification, the total number of dwelling or density units permitted, as determined by multiplying the gross acreage of each portion by the maximum density permitted under Section 1B02.2 in the zone within which that portion lies and totaling the results, shall be permitted without further regard to the zone boundary, and the units may be



3. Program of fee disbursements.
4. Monitoring system.

430.13 Regulations. The Office of Planning and the Department of Public Works may promulgate such rules and regulations not inconsistent herewith as are necessary to implement the provisions of this section. [Bill No. 29-1995]

Section 431
Parking of Commercial Vehicles
on Residential Property
[Bill No. 70-1988]

- A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.
- B. One commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions:
 1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds.
 2. The owner or operator of the vehicle shall reside on the lot.
 3. The vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure:
 - a. No materials, products, freight or equipment shall be visible
 - b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door.
 - c. The vehicle shall be parked in a side or rear yard.

Section 432
Elderly Housing Facilities in D.R. Zones
[Bill No. 36-1988]

- A. Elderly housing facilities are permitted in all D.R. Zones under the conditions set forth below. Such uses shall also comply with the requirements of the zones in which they are located and with all other applicable provisions of the zoning regulations, except as herein modified.
- B. Development of elderly housing facilities is especially encouraged on property containing existing institutional uses; to promote such facilities on these properties, maximum residential density, maximum building height standards and residential transition area restrictions may be altered, as set forth below. For the purposes of this section, institutional uses shall be convents, orphanages, schools, seminaries, officially designated historic buildings, hospital campuses and churches on sites containing at least 10 acres.

432.1 In general. The following provisions shall apply to assisted-living facilities, continuing care facilities and housing for the elderly (collectively referred to as "housing facilities") in D.R. Zones, unless otherwise indicated.

A. Permitted uses.

1. Housing for the elderly shall be permitted by right. [Bill No. 188-1993]
2. Assisted-living facilities other than Class A or Class B for three or fewer shall be permitted by right. [Bill No. 188-1993]
3. Subject to Section 432.5, assisted-living facilities, Class A, shall be permitted by use permit and assisted-living facilities Class B shall be permitted by special exception. [Bill No. 188-1993]
4. Continuing care facilities shall be permitted by special exception. Assisted-living facilities other than Class A or Class B of four or more and assisted-living facilities developed in conjunction with a nursing home shall be permitted by special exception. [Bill No. 188-1993]
5. Elderly housing facilities for the elderly are not permitted in any Baltimore County Historic District, except for Class A assisted-living facilities. [Bill No. 188-1993]
6. An applicant for a special exception to develop a housing facility may combine in the same special exception petition a request for modification or waiver of the maximum residential density standard or building height standard as set forth in Section 432.2 or a request for modification or waiver of residential transition area restrictions, or all as set forth in Sections 432.2, 432.3 and 432.4. [Bill No. 188-1993]

B. The following uses shall be permitted as accessory uses:

1. Accessory uses which are normally and customarily associated with multiple-family dwelling developments in D.R. and R.A.E. Zones.
2. Common dining facilities.
3. Accessory uses which are customarily associated with elderly housing facilities and assisted-living facilities of four or more (except assisted-living facilities developed in conjunction with a nursing home), such as personal and recreational services, small gift or necessities shops and a small bank branch or automated bank teller machines, provided that the accessory use is for the sole use of the elderly housing community, and provided that there is no exterior announcement or other exterior evidence of the accessory use.
4. Guest rooms for residents, family members and guests of residents and potential residents. Guest rooms may not exceed two for each 100 dwelling units provided.

5. Any uses not listed above which, in the judgment of the Zoning Commissioner after a public hearing, would be in accordance with the definition of accessory use or structure contained in Section 101 and would not be detrimental to the locality involved.

C. Width of elevation of detached dwellings.

1. Notwithstanding the provisions of Section 1B01.2.B.1, and for the sole purposes of determining the width of any elevation of a detached building, any buildings within the development that are connected by exterior passageways shall be considered as detached buildings. Such passageway, whether or not completely enclosed, shall not be included when determining the width of any elevation of a detached building.
2. The development shall not be subject to the restriction contained in Section 1B01.1.B.1.b.(2) concerning the maximum width or length of any elevation of a detached building or group of attached buildings when located in a residential transition area.¹

- D. Notwithstanding the provisions of Section 1B01.2.C.2.b., the minimum distance between centers of facing windows of different dwelling units on the same subdivision tract shall be 20 feet for elderly housing facilities.²

432.2 Provisions for approving an increase in residential density or building height for elderly housing facilities on hospital campuses. If an elderly housing facility is established in conjunction with a hospital and is located on a hospital campus, the Zoning Commissioner, by special exception, may approve an increase in residential density or building height above the maximum residential density or maximum building height specified for the zone in which the facility is located if:

- A. The height of any new building does not exceed the height of the existing hospital building.
- B. The density approved is specified and does not exceed the maximum gross residential density permitted in the R.A.E.1 Zone (40 density units per acre).

432.3 Provisions for modifying or waiving maximum residential density standards for elderly housing facilities on property containing institutional or historic buildings. If a person seeks to develop an elderly housing facility on a property that contains one or more existing institutional or historic buildings, the Zoning Commissioner may, by special exception, modify or waive the maximum residential density standard specified for the zoning in which the development is located, but only in accordance with the conditions set forth below.

- A. Before granting a density increase hereunder, the Zoning Commissioner shall determine that the proposed development falls into one of the following categories:

¹ Editor's Note: This provision was rendered no longer applicable as a result of Bill No. 2-1992.

² Editor's Note: This provision was rendered no longer applicable as a result of Bill No. 2-1992.

1. The development involves an institutional site, where the existing institutional use will be continued on a portion of the site and an elderly housing facility will be developed on the remainder. If the development falls into this category, the Zoning Commissioner may grant a density increase that takes into account the density and use by the existing institution.
2. The development involves property where no existing institutional use will be continued. If the development falls into this category, adaptive reuse of existing institutional or historic buildings is encouraged. The Zoning Commissioner may grant a density increase only if existing institutional or historic buildings are incorporated in the plat accompanying the petition or unless, for any such existing buildings that are not incorporated in the plat, the petitioner establishes that the buildings are unsuitable for adaptive reuse.

In determining whether a petition has established that existing buildings are unsuitable for adaptive reuse, the Zoning Commissioner shall consider, historical, architectural, structural, functional, economic and other pertinent factors. The Zoning Commissioner shall also consider whether the existing buildings may be adapted for use, architecturally, from institutional to residential use.

- B. As a condition of granting a density increase for proposed development that falls into the category described in Section 432.3.A.2., the Zoning Commissioner shall comply with the requirements herein with respect to each existing institutional or historic building that is suitable for adaptive reuse.
1. If the building is not on the final historic landmarks list of the Landmarks Preservation Commission but the Zoning Commissioner determines that the building has historic or architectural significance, the Commissioner shall find that adequate guarantees have been made for the exterior preservation or restoration of the building, or that any exterior alterations or repairs and any new exterior construction will be architecturally compatible with the original building.
 2. If the building is on the final historic landmarks list of the Landmarks Preservation Commission, the Zoning Commissioner shall incorporate all pertinent requirements of the Commission as conditions of the special exception.
- C. Before granting any density increase under this Section 432.3, the Zoning Commissioner shall determine that:
1. The subject property is suitable for the type of development proposed.
 2. The balance of the tract outside of the building envelope will be used only for such open space and recreational uses as are permitted by right or by special exception in D.R. Zones.

3. The development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood.
 4. The density increase will satisfy all other criteria stated in Section 502.1 of these regulations.
- D. Upon establishing a hearing date for any petition for a special exception hereunder, the Zoning Commission shall promptly forward a copy of the petition to the County Landmark Preservation Commission for review and comment with regard to historic preservation factors. At the hearing, the Zoning Commissioner shall consider in evidence without testimony thereto, absent objection by any party to the case, any comments from the Director of Planning or the County Landmarks Preservation Commission or any duly submitted relevant report or comments from any other county department or agency. If an objection is made by any party, the item shall be entered by testimony of a proper witness, who shall be notified by the Zoning Commissioner.
- E. In approving a density increase hereunder, the Zoning Commissioner shall specify the density approved, which may not exceed the maximum gross residential density permitted in the D.R.16 Zone.
- F. The Zoning Commissioner shall require an elderly housing facility which has been developed in accordance with the provisions of this subsection to attempt to provide for a system of community participation in the following manner:
- The petition for special exception shall include a statement that a board of advisors to the facility has been established composed of members selected by the board of directors of the communities surrounding the facility. If at the time of the filing of the petition for special exception, no such board exists, the developer shall seek to establish such a board by soliciting membership by means of advertisement. Such advertisement shall be placed in a weekly newspaper serving the community and shall be at least 1½ inches in width and 2 inches in length. Such advisory board shall consist of at least five members selected in the manner provided herein and shall be convened at least four times per year. The failure of the elderly housing facility to successfully establish the board of advisors shall not invalidate the granting of the special exception or prevent the granting of the special exception, if such failure results from the refusal of the community members to participate.
- G. If a petitioner has been granted an increase in density for a property under the provisions of this subsection, and if a financial failure of the elderly housing facility subsequently occurs, in order to determine an appropriate reuse the owner of the property shall file a petition for special hearing, pursuant to Section 500.7. If the proposed use requires a special exception from the density allowed by the base zone designation, a petition for special exception may be filed and heard simultaneously with the petition for special hearing. The financial records of the failed facility shall accompany the petition.

- H. Neither the use of the property for an elderly housing facility nor the increased density granted under this section may be considered as evidence of "substantial change in the character of the neighborhood" for the purpose of interim rezoning classifications of other property in the neighborhood.

432.4 Provisions for modifying or waiving the residential transition area restrictions for elderly housing facility developments. The Zoning Commissioner may, by special exception, notwithstanding Section 1B01.1.B.1.e, modify or waive the residential transition area restrictions in cases where an elderly housing facility development would be severely or adversely affected by the restrictions set forth in Paragraph 1B01.1.B.1.b. if the Zoning Commissioner determines that:

- A. Compliance with all or part of the residential transition area restrictions will cause unreasonable hardship on the development.
- B. The quality of the site design and amenities provided would justify a modification or waiver of the residential transition area restrictions.
- C. The development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood.

432.5 Assisted-living facilities, Class A and Class B. [Bill No. 188-1993]

A. Density.

1. Assisted-living facilities, Class A. The residence shall be located on a lot that will meet all of the density requirements for its size and zone, except that if there will be more than six residents, the following table shall apply:

	Minimum Lot Size (square feet)				
	R.C.5/D.R.1 Zones	D.R.2 Zone	D.R.3.5 Zone	D.R.5.5 Zone	D.R.10.5/16 Zones
Seven residents	50,000	25,000	12,500	10,000	9,000
Each additional resident	5,000	3,800	2,000	1,500	1,200

2. Assisted-living facilities, Class B. The minimum lot area shall be one acre or 2,000 square feet per resident, whichever is greater.

B. Performance standards.

1. Standards for Class A and Class B assisted-living facilities.
 - a. Signs are permitted, subject to Section 450. [Bill No. 89-1997]
 - b. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure shall be permitted, except for a residential garage, as defined in Section 101.

- (1) Parking shall be at least 10 feet from the property line, except that, if the property line abuts an alley, no setback is required, provided that the alley does not abut the front or rear yard of a residentially used property. This requirement shall not apply to spaces existing before the effective date of Bill No. 188-1993.
 - (2) Parking and delivery areas shall be located in the side or rear only. This requirement shall not apply to parking spaces existing before the effective date of Bill No. 188-1993.
- c. Changes to exterior.
- (1) Assisted-living facilities, Class A, which involves change to the exterior of the building or reconstruction after the building has been destroyed, is subject to review for compatibility of the proposed changes in relation to existing structures in the immediate vicinity.
 - (a) At the time of application for a building permit, plans or drawings of the building, sufficient to determine compatibility, and photographs representative of the vicinity shall be submitted to the Department of Permits and Development Management (PDM).
 - (b) PDM shall notify the Director of the Office of Planning, who may make, within 15 days of the request, written recommendations concerning the compatibility of the proposed changes with regard to: major divisions or architectural rhythm of facades; roof design and treatment; and materials and colors and other aspects of facade texture or appearance.
 - (c) The Director of PDM may approve, disapprove or modify the building permit based on the recommendations, if any, of the Office of Planning.
 - (2) Enclosure of the porch of a house or the addition of an exterior stairway to the side or rear of a building does not constitute a change to the exterior for purposes of this paragraph.
- d. Assisted-living facilities, Class B, shall be subject to a compatibility finding pursuant to Section 26-282 of the Baltimore County Code, 1988 Edition, as revised.
- e. The lot shall provide usable, contiguous and private open space of at least 500 square feet.
- f. In addition to the recordkeeping requirements of COMAR, Title 14.11.07., the owner or manager of an assisted-living facility shall maintain a complete and accurate personnel file for each employee of the facility. Personnel files shall be maintained for a period of at least five years. Any disciplinary action taken against an employee shall be

documented in the personnel file. Personnel files shall be available for inspection by the Maryland or Baltimore County Office of Aging. Unless disclosure is required by law, the owner or manager may not disclose information contained in an employee's personnel file to any person or agency other than the employee, the employee's agent or the Maryland or Baltimore County Office of Aging and their respective agents. [Bill No. 82-1994]

2. Additional standards for assisted-living facilities, Class A.
 - a. Assisted-living facilities, Class A, shall be exempt from Division 2, Article V, Title 26, of the Baltimore County Code, 1988 Edition, as revised, provided that there will be no enlargement of the building in ground floor area by 25% or more within a period of five years prior to application, and the residential appearance of the structure and its setting, including accessory parking spaces, will be maintained so that the converted dwelling will be highly compatible with adjacent residential property. This determination shall be made by the Director of the Office of Planning, upon review of a plan which indicates the size of the lot, square footage of the building, proposed parking and loading spaces and proposed private open space.
 - b. The reconstruction of assisted-living facilities, Class A, which are destroyed by fire or other casualty, may not increase the size or gross floor area of the structure or alter its location without a special hearing.
3. Additional standards for assisted-living facilities, Class B.
 - a. The lot shall meet the minimum setback, maximum height and maximum coverage for other principal buildings for the zone where it is located.
 - b. The lot shall have frontage on a principal arterial, as defined in these regulations, except if the facility is located in a property which is designated as historic or is in a historic district, as identified on the Zoning Maps.

Section 433
(Reserved)²⁷

²⁷ Editor's Note: The provisions of former Section 433, Temporary Moratorium on Infectious Waste Incinerators, originally enacted by Bill No. 87-1987, expired on January 1, 1988, and they have been removed from the Regulations.

IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION - W/S
Back River Neck Road, across from
Cherry Garden Road
(929 Back River Neck Road)
15th Election District
5th Council District

Daniel Beseris, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-070-SPHX

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, Daniel and Gloria Beseris, through their attorney, J. Neil Lanzi, Esquire. The Petitioners request a special exception for a Class B assisted living facility on the subject property, pursuant to Sections 1B01.1.C(26) and 432.5 of the Baltimore County Zoning Regulations (B.C.Z.R.). Additionally, special hearing relief is requested to approve accessory parking for the proposed Class B assisted living facility in an M.L. zone. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Daniel and Gloria Beseris, property owners, Tom Phelps, the Registered Property Line Surveyor who prepared the site plan for this property, and J. Neil Lanzi, Esquire, attorney for the Petitioners. Appearing as interested persons/Protestants were Ernest and Philip Hanes, owners of the adjacent property, and Leroy Sennett, a community activist in the vicinity.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the west side of Back River Neck Road, just north of Holly Neck Road and across from Cherry Garden Road in Essex. The property contains a gross area of 9.787 acres, more or less, predominantly zoned D.R.3.5 (8.814 acres); however, a narrow strip along the north

*use by right
meet the request
except for parking
[if compatible]*

*use planned
mixed.*

*meet
409-*

side of the property is zoned M.L. The site is presently improved with a two-story brick dwelling which is used as an assisted living facility operated by Gloria Beseris, co-Petitioner. The facility is operated in accordance with the regulations promulgated by the Maryland State Department of Mental Health and Mental Hygiene and presently houses 15 residents. The Petitioners desire to expand the facility and propose the construction of two "wings" to the rear of the existing building. Each wing will be approximately 60' x 100' deep and will house 16 individuals. When completed the facility will accommodate 47 senior citizens. In addition to these improvements, the Petitioners propose to expand the existing parking area to provide 20 spaces. A macadam-paved driveway provides vehicular access to the site from Back River Neck Road and the parking area on the north side of the building currently provides 10 parking spaces. This parking area is located within the M.L. zoned portion of the site and thus, the requested special hearing relief is necessary.

Photographs of the site submitted at the hearing show that the property is well maintained. Additionally, there is a significant area of forest to the rear of the lot, which will not be disturbed by the proposed improvements. The site appears to be large enough to easily handle the proposed additions.

As noted above Ernest and Philip Hanes are brothers who own the adjacent property, zoned M.L., which is improved with several buildings used in connection with a commercial swimming pool operation they own. Messrs. Hanes do not oppose the request; however, sought information as to the feasibility of changing the zoning classification of their property.

Assisted living facilities are defined in Section 101 of the B.C.Z.R. Essentially, an assisted living facility is a building that provides a residential environment for individuals 62 years of age or older. Additionally, congregate meals, housekeeping and personal services are provided. Where such services are located in a converted dwelling or other building that has not been enlarged to accommodate the facility by more than 25% of the ground floor area, the facility is determined to be a Class "A" facility. Where such services are in a new building or a building which has been enlarged by more than 25% of the ground floor area, the facility is considered to be a Class "B" facility. Moreover, Class "B" assisted living facilities are regulated by Section 432 of

the B.C.Z.R. That Section sets out numerous requirements related to assisted living facilities. Both Class A and Class B assisted living facilities are permitted by special exception in the D.R. zone. Moreover, Section 432.5.A.2 of the B.C.Z.R. requires that the minimum lot acreage for a Class B facility shall be 1.0 acre, or 2,000 sq.ft. per resident, whichever is greater. The use of the word "or" is persuasive to a finding that the greater of those two requirements need be satisfied. In this case, 94,000 sq.ft. would be required in that up to 47 residents are proposed for this site. Obviously, this site at over 9 acres in area easily meets that requirement. Additionally, it appears that but for the special hearing request, all other requirements of Section 432 of the B.C.Z.R. are met.

Based upon the testimony and evidence offered, I am easily persuaded that the Petitions for Special Hearing and Special Exception should be granted. In my judgment, the Petitioners have met the requirements of Section 502.1 of the B.C.Z.R. for special exception relief to be granted. Moreover, the present facility appears to be well maintained and operated efficiently. There is no evidence that the proposed expansion will cause detrimental impacts to the adjacent properties or the health, safety and general welfare of the locale. The existence of commercially developed property adjacent to this site is also persuasive. The fact that the parking area is adjacent to a commercially used property is compelling to a finding that there will be no detriment to the adjacent property and that the proposed parking area is appropriate.

An issue was identified at the hearing as to the nature of the proposed expansion. As shown on the site plan, the Petitioners propose the construction of three separate wings to the rear of the existing building, in order to comply with Section 101 of the B.C.Z.R. From an operational standpoint, it appears that the wings should be inter connected so that residents and staff can move from one section of the facility to the other. The existing building will house up to 15 residents and each wing will house 16 residents each. Pursuant to an agreement reached with the neighborhood, the Petitioners have agreed that occupants will be limited to senior citizens, only (See Petitioner's Exhibit 5).

It is also to be noted that the subject property is located within the Chesapeake Bay Critical Areas and as such, compliance with those regulations must be met in accordance with the

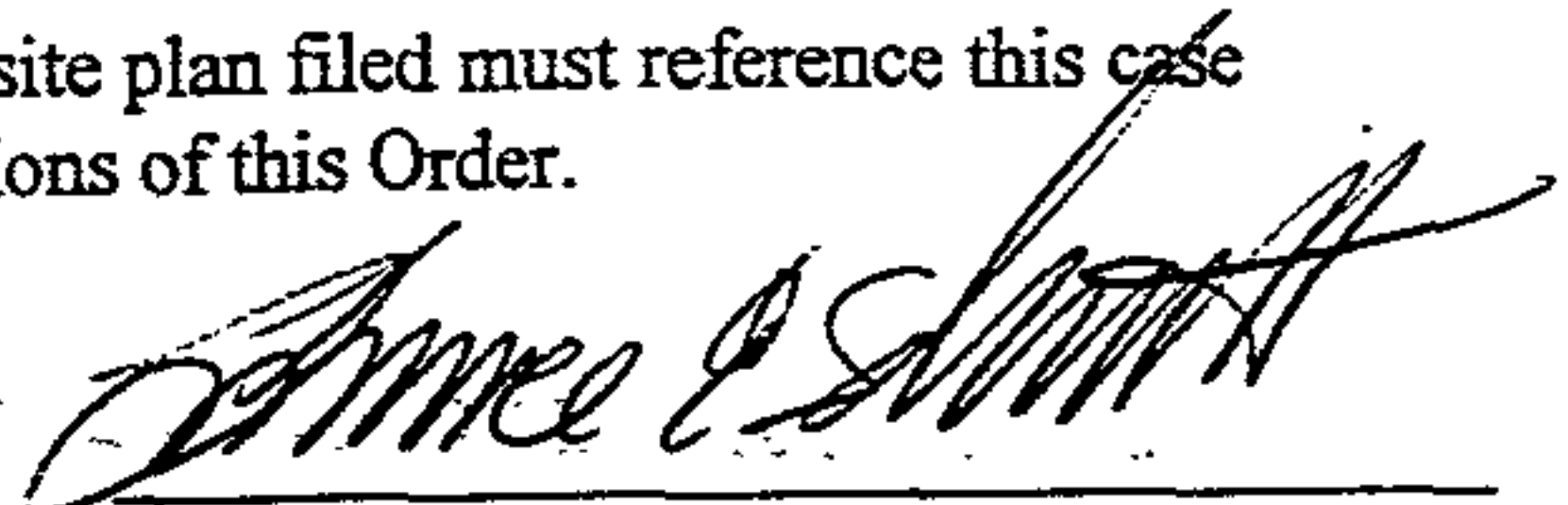
ZAC comments submitted by DEPRM.

Pursuant to the advertisement, posting of the property and public hearing on this Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of October, 2002, the Petition for Special exception for a Class B assisted living facility on the subject property, pursuant to Sections 1B01.1.C(26) and 432.5 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to approve accessory parking for the proposed Class B assisted living facility in an M.L. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Class B assisted living facility approved herein shall be limited to no more than 47 elderly residents, 62 years of age and older.
- 3) Petitioners shall comply with the Chesapeake Bay Critical Areas regulations as set forth in the ZAC comment submitted by DEPRM, dated September 11, 2002, a copy of which is attached hereto and made a part hereof.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 2-22-99

OEA: COP/TUB

HISTORIC DISTRICT/BLDG.

PERMIT #: 308099
RECEIPT #: 10 57808
CONTROL #: 1712
XREF #:

PROPERTY ADDRESS 6853 MOUNT VISTA RD

SUITE/SPACE/FLOOR

SUBDIV:

TAX ACCOUNT #: 11-03-001950

DISTRICT/PRECINCT

OWNER'S INFORMATION (LAST, FIRST)

NAME: GLINOWIECKI, Joseph + Maryszen

ADDR: 6853 MOUNT VISTA RD

DOES THIS BLDG.

HAVE SPRINKLERS

YES ☐ NO ☒

FEE: 60+5

PAID:

PAID BY: APP

INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT-AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

BUILDING 1 or 2 FAM

CODE CODE ☒

BOCA CODE

TYPE OF IMPROVEMENT

1. ☐ NEW BLDG CONST
2. ☒ ADDITION
3. ☒ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

TYPE OF USE

RESIDENTIAL

01. ☒ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. ☐ SWIMMING POOL
06. ☐ GARAGE
07. ☐ OTHER

TYPE FOUNDATION

1. ☐ SLAB
2. ☐ BLOCK
3. ☐ CONCRETE

BASEMENT

1. ☒ FULL
2. ☐ PARTIAL
3. ☐ NONE

APPLICANT INFORMATION

NAME: RANDY ROLLINS

COMPANY: BETTERVIEW

STREET: 1611 HOLLY DR.

CITY, ST, ZIP: TOWSON MD. 21085

PHONE #: 410 679-6516 MHIC LICENSE #: 35860

APPLICANT

SIGNATURE: Randy Rollins TRACT:

BLOCK:

PLANS: CONST ☒ PLOT ☐ PLAT ☐ DATA ☐

EL ☐ PL ☐

TENANT

CONTR: BETTERVIEW

ENGNR:

SELLR:

DESCRIBE PROPOSED WORK: CONST 1 STORY + BASEMENT

ADD IT ON REAR OF EX. SFD TO BE USED
AS BEDROOM, BATH, FAMILY ROOM
+ CLOSETS ON FIRST FLOOR. BASEMENT
TO BE USED AS STORAGE. 43'8" X 42' X 23" = 24175

NON-RESIDENTIAL ALT TO CREATE ENTRANCE TO

08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY SAID
09. ☐ CHURCH, OTHER RELIGIOUS BUILDING
10. ☐ FENCE (LENGTH HEIGHT) ADD IT. ALT TO
11. ☐ INDUSTRIAL, STORAGE BUILDING CONVERT EX
12. ☐ PARKING GARAGE POWDER RM. TO
13. ☐ SERVICE STATION, REPAIR GARAGE WALK IN
14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME CLOSET-1825
15. ☐ OFFICE, BANK, PROFESSIONAL
16. ☐ PUBLIC UTILITY
17. ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ☐ SIGN
19. ☐ STORE ☐ MERCANTILE ☐ RESTAURANT
20. ☐ SWIMMING POOL SPECIFY TYPE
21. ☐ TANK, TOWER
22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ☐ OTHER

TYPE OF CONSTRUCTION

1. ☐ MASONRY
2. ☒ WOOD FRAME
3. ☐ STRUCTURE STEEL
4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

1. ☐ GAS
2. ☐ OIL
3. ☐ ELECTRICITY
4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☐ PUBLIC SEWER ☐ EXISTS ☐ PROPOSED
2. ☒ PRIVATE SYSTEM ☐ EXISTS ☐ PROPOSED
3. ☐ SEPTIC ☐ EXISTS ☐ PROPOSED
4. ☐ PRIVY ☐ EXISTS ☐ PROPOSED

CENTRAL AIR: 1. ☐ 2. ☐

ESTIMATED COST: 571,000.00

OF MATERIALS AND LABOR

PROPOSED USE: SFD + ADD IT

EXISTING USE: SFD

OWNERSHIP

1. ☐ PRIVATELY OWNED
2. ☐ PUBLICLY OWNED
3. ☐ SALE
4. ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☐ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE

#EFF: ☐ #1BED: ☐ #2BED: ☐ #3BED: ☐ TOT BED: ☐ TOT APTS/CONDOS: ☐ 6. ☐ HIGHRISE

1 FAMILY BEDROOMS

GARAGE DISPOSAL 1. ☐ 2. ☐ 3. ☐

POWDER ROOMS

BATHROOMS

KITCHENS

CLASS

LINEN

FOLIO

APPROVAL SIGNATURES

DATE

BUILDING SIZE

FLOOR 2599

WIDTH 47'8"

DEPTH 42'

HEIGHT 7'7"

STORIES 1.5

LOT # 3

CORNER LOT

1. ☐ Y 2. ☒ N

LOT SIZE AND SETBACKS

SIZE 104,5 X 522.72

FRONT STREET

SIDE STREET

FRONT SETBK 11.5'

SIDE SETBK 11.5'

SIDE STR SETBK

REAR SETBK 11.5'

ZONING RC-5

BLD INSP:

BLD PLAN 120 FINAL U.S.

FIRE

REDI CTL

BOILING 11/4 OFF

END SERV

REMARK 7/6 Final 2/22/99

PERMITS

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEE REQUIRED

INSPECTION RECORD
(INSPECTOR'S COPY)

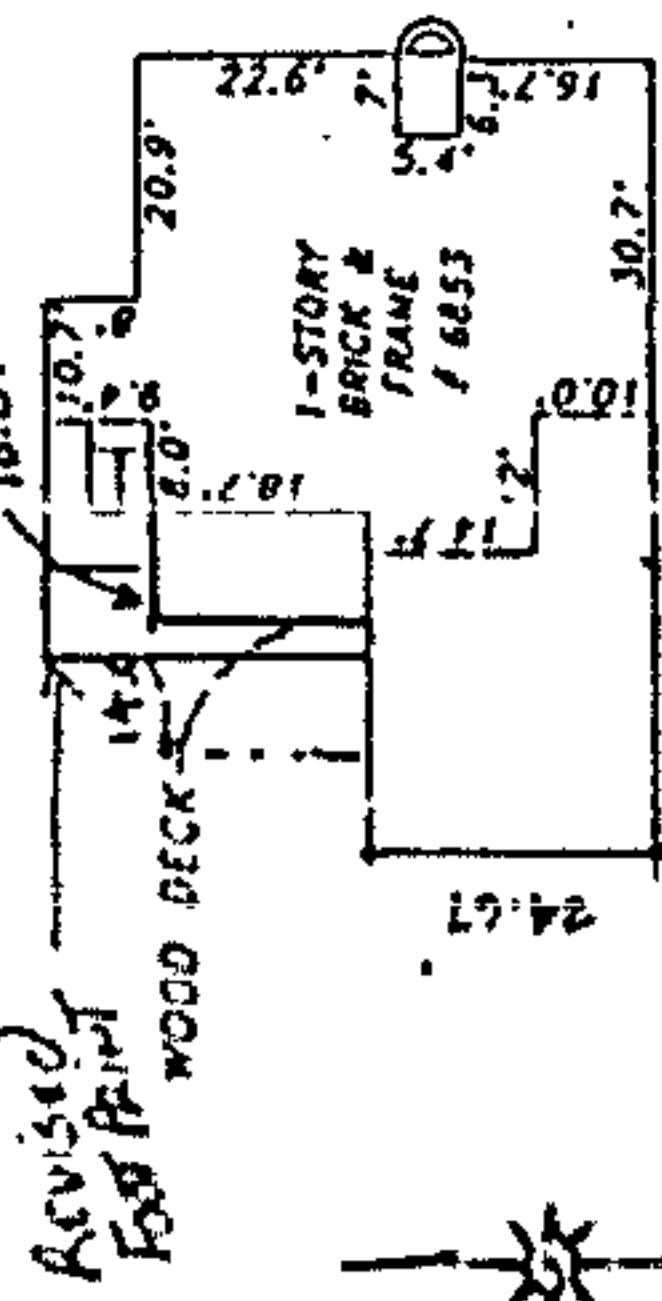
[illegible]

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

B-370535

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

1. The first of these is the fact that the Commission has not been able to obtain any information from the Government of the United States regarding the activities of the Communist Party in the United States. This is a serious deficiency in the Commission's work, and it is one which the Commission is now endeavoring to rectify.



HOUSE DETAIL W/ ADDITION (SHADED)

N 29°37' W 822.72' P.O.B.

$$= \frac{650 \text{ rear yard}}{\text{set back}}$$

5.89:37.£ 807:90

Proposed House

PLAT PLAN TO ACCOMPANY
APPLICATION FOR BUDG. PERMIT
S. PROPOSED ADDITION TO:

Subject property is shown in Zone C
on the 1950 Map of Baltimore County.
Worked on Community Panel
240010 0280 B Effective March 2, 1981

This is to certify that I have surveyed the property shown hereon, being known as 6053 Mount Vista Road,
as described in a deed
recorded among the land records of Baltimore County,
Maryland in Liber 2352, folio 299
for the purpose of locating the improvements thereon.

* This plot is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.



J. Cori Hudgins PLS #98

GLINOWIECKI RESIDENCE
6853 Mount Vista Road
Baltimore County, Maryland
Election District - 11

NTT Associates, Inc.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 11 Account Number - 1103001950

Owner Information

Owner Name: GLINOWIECKI JOSEPH
GLINOWIECKI MAUREEN M Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 6853 MT VISTA RD
KINGSVILLE MD 21087-1335 Deed Reference: 1) /13024/ 239
2)

Location & Structure Information

Premises Address
6853 MT VISTA RD

Legal Description
1.907 AC
WS MT VISTA RD
440FT NW OF MOHRS RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
63	5	530						3	

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1957	3,689 SF	1.91 AC	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	65,460	163,650		
Improvements:	200,540	302,570		
Total:	266,000	466,220	266,000	332,740
Preferential Land:	0	0	0	0

Transfer Information

Seller: CARTER WILLIAM R	Date: 07/22/1998	Price: \$167,000
Type: IMPROVED ARMS-LENGTH	Deed1: /13024/ 239	Deed2:
Seller: CARTER WILLIAM R	Date: 08/18/1994	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10710/ 30	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

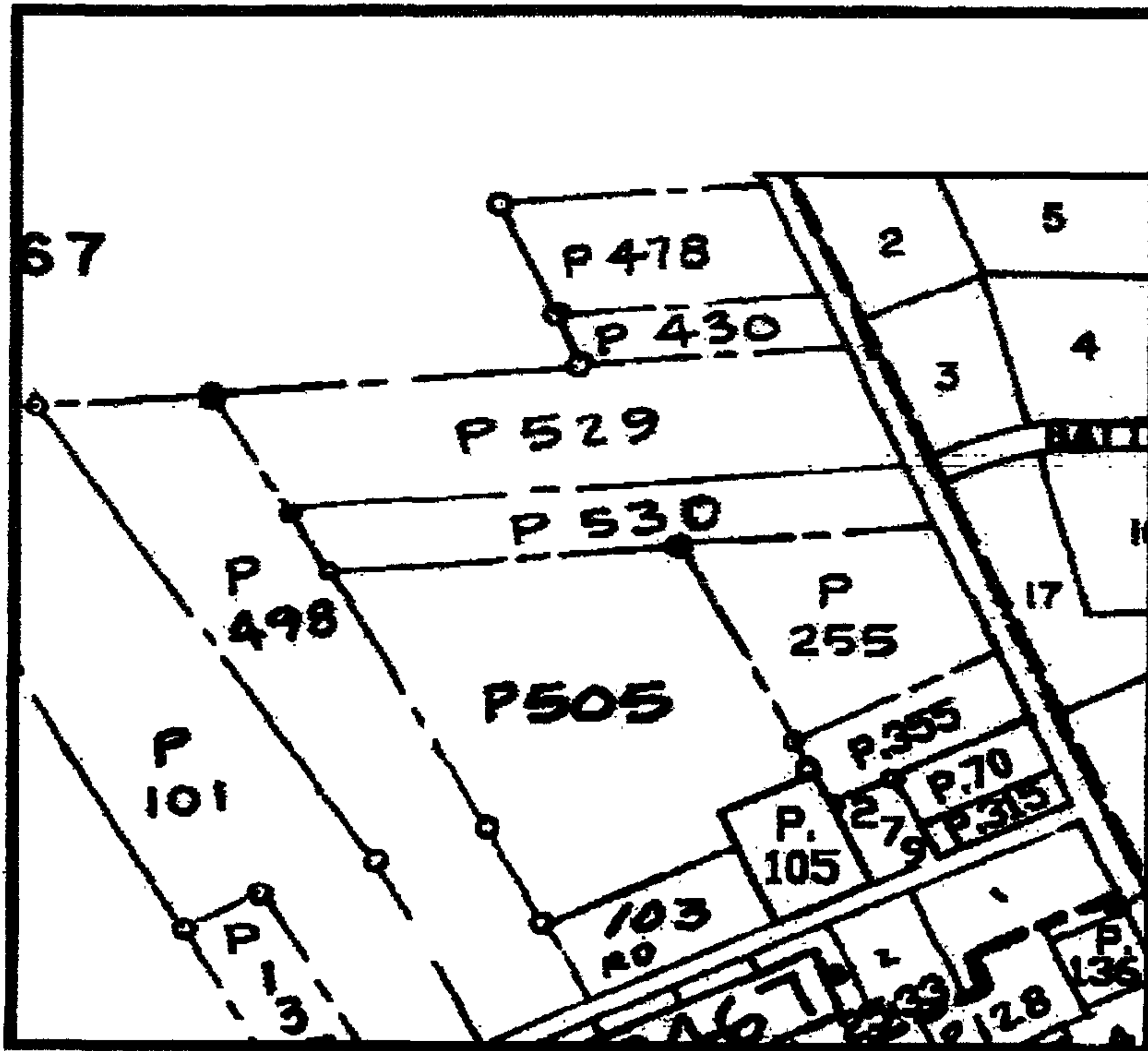
Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

	Maryland Department of Assessments and Taxation	Go Back
	BALTIMORE COUNTY	View Map
	Real Property Data Search	New Search

District - 11 Account Number - 1103001950



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/webcom/index.html

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2004, Legislative Day No. 5

Bill No. 19-04

Councilmembers Kamenetz, Moxley, McIntire, Oliver, Bartenfelder & Olszewski

By the County Council, March 1, 2004

A BILL
ENTITLED

AN ACT concerning

Planned Unit Developments

FOR the purpose of amending the Baltimore County Zoning Regulations in order to revise the procedures governing the submission, review and approval of planned unit developments; amending the regulations concerning certain types of housing for the elderly; amending certain definitions in the Zoning Regulations and in the Taxation Article; adding definitions in the Zoning Regulations; establishing a new class of residential planned unit development for senior housing (PUD-E); permitting certain uses by right; permitting certain uses by special exception; establishing guidelines and standards for a PUD-E; establishing guidelines and standards for assisted living facilities; correcting certain references; eliminating the requirements for the submission of an annual map for the PUD-C process; amending certain tax credit provisions relating to senior housing developments; eliminating the distinction between classes of residential planned unit developments; and generally relating to the regulation of certain types of housing for the

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

Strike-out indicates matter stricken from bill.

Underlining indicates amendments to bill.

elderly and the manner of the submission, review and approval of all planned unit developments.

BY repealing

Section 101, Definitions, the definitions of "Assisted Living Facility", and "Elderly Housing Facility"
Baltimore County Zoning Regulations, as amended

BY adding

Section 101, Definitions, the definitions of "Assisted Living Facility" and "Senior Housing"
Baltimore County Zoning Regulations, as amended

BY repealing

Sections 1B01.1.A.1.e., 1B01.1.C.25, 26, 27 and 28, 430.3B and C, 430.4B.1.b., B.2.b., B.3.b. and B.4.b., 430.10, 432, 440.6A. and 440.7C.
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Sections 1B02.2.A., 430.1A, 430.2C, 430.3E., 430.7, 430.8, 430.9, 430.11, 440.2C., 440.2F.3, 440.3B., 440.4E., 440.4A. and E., 440.5C., 440.6C., 440.7B. and 440.8
Baltimore County Zoning Regulations, as amended

BY adding

Sections ~~432~~ 432A and 433
Baltimore County Zoning Regulations, as amended

BY repealing

Section 32-4-241 to 32-4-245
Article 32. Planning, Zoning and Subdivision Control
Title 4 - Development
Subtitle 2 - Development Review and Approval Process
Baltimore County Code 2003

BY adding

Sections 32-4-241 to 32-4-246
Article 32. Planning, Zoning and Subdivision Control
Title 4 - Development
Subtitle 2 - Development Review and Approval Process
Baltimore County Code 2003

BY repealing

Section 32-3-204

Article 32. Planning, Zoning and Subdivision Control

Title 3 - Zoning

Subtitle 2 - Zoning Process

Baltimore County Code 2003, as amended by Bill 59-03

BY repealing and re-enacting, with amendments

Section 32-4-232(f)

Article 32. Planning, Zoning and Subdivision Control

Title 4 - Development

Subtitle 2 - Development Review and Approval Process

Baltimore County Code 2003

BY repealing and re-enacting, with amendments

Section 11-2-202(a)(4)

Article 11 - Taxation

Title 2 - Ad Valorem Taxes

Subtitle 2 - Property Tax Credits for Improvements

Baltimore County Code 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 101 - Definitions, the definitions of Assisted Living
3 Facility, and Elderly Housing Facility, of the Baltimore County Zoning Regulations. as amended,
4 be and they are hereby repealed.

5 SECTION 2. AND BE IT FURTHER ENACTED, that the definitions of Assisted Living
6 Facility and Senior Housing be and they are hereby added, alphabetically, to Section 101
7 Definitions, of the Baltimore County Zoning Regulations, as amended, to read as follows:

8 SECTION 101. Definitions.

9 ASSISTED LIVING FACILITY:

10 A BUILDING, OR SECTION OF A BUILDING, THAT PROVIDES HOUSING AND

1 SUPPORTIVE SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-
2 RELATED SERVICES, OR A COMBINATION THEREOF, TO MEET THE NEEDS OF
3 INDIVIDUALS WHO ARE UNABLE TO PERFORM OR WHO NEED ASSISTANCE IN
4 PERFORMING THE ACTIVITIES OF DAILY LIVING AND WHICH IS LICENSED AS AN
5 ASSISTED LIVING PROGRAM AS DEFINED UNDER TITLE 19, SUBTITLE 18 OF THE
6 HEALTH-GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND. FOR THE
7 PURPOSES OF THIS DEFINITION, IF A RESIDENT LIVES IN A ROOM OR APARTMENT
8 PROVIDING COMPLETE KITCHEN FACILITIES INTENDED FOR THE DAILY
9 PREPARATION OF MEALS BY OR FOR THAT RESIDENT, THE UNIT SHALL NOT BE
10 CONSIDERED AN ASSISTED LIVING FACILITY. DENSITY FOR SUCH FACILITIES
11 SHALL BE CALCULATED AT 0.25 FOR EACH BED.

12 ASSISTED LIVING FACILITY I: AN ASSISTED LIVING PROGRAM WHICH:

- 13 1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE
14 YEARS BEFORE THE DATE OF APPLICATION,
15 2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA
16 WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION; AND
17 3) WHICH ACCOMMODATES FEWER THAN 8 RESIDENT CLIENTS.

18 ASSISTED LIVING FACILITY II: AN ASSISTED LIVING PROGRAM WHICH:

- 19 1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE
20 YEARS BEFORE THE DATE OF APPLICATION,
21 2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA
22 WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION; AND

1 3) WHICH ACCOMMODATES BETWEEN 8 AND 15 RESIDENT CLIENTS.
2 ASSISTED LIVING FACILITY III: AN ASSISTED LIVING PROGRAM WHICH:

3 1) WILL ACCOMMODATE MORE THAN 15 RESIDENT CLIENTS.

4 AND

5 2) WILL BE IN A STRUCTURE WHICH WAS BUILT OR ENLARGED
6 BY MORE THAN 25% OF GROUND FLOOR AREA LESS THAN FIVE YEARS BEFORE
7 THE DATE OF APPLICATION, OR

8 3) WILL BE IN A STRUCTURE WHICH WILL BE NEWLY CONSTRUCTED
9 OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA FOR THE ASSISTED
10 LIVING PROGRAM.

11 SENIOR HOUSING FACILITY:

12 A BUILDING, A SECTION OF A BUILDING OR A GROUP OF BUILDINGS THAT
13 CONTAINS DWELLINGS THAT RESTRICT OCCUPANCY TO PERSONS 60 YEARS OF
14 AGE OR OLDER OR TO COUPLES IF EITHER THE HUSBAND OR WIFE IS 60 YEARS
15 OF AGE OR OLDER. THE TERM INCLUDES A CONTINUING CARE FACILITY; OR A
16 NURSING HOME ~~OR AN ASSISTED LIVING FACILITY III~~. THE TERM DOES NOT
17 INCLUDE A SINGLE-FAMILY DWELLING OR A TOWNHOUSE.

18 SECTION 3. AND BE IT FURTHER ENACTED, that Sections 1B01.1.A.1.e.,
19 1B01.1.C.25, 26, 27 and 28, 430.3B AND C, 430.4B.1.b., B.2.b., B.3.b. and B.4.b., 430.10, 432,
20 440.6A. and 440.7C. of the Baltimore County Zoning Regulations, as amended, be and they are
21 hereby repealed.

SECTION 4. AND BE IT FURTHER ENACTED, that Sections 1B02.2.A., 430.1A.
430.2C, 430.3E., 430.7, 430.8, 430.9, 430.11, 440.2.C., 440.2F3., 440.3B., 440.4E., 440.4A. and
E., 440.5C., 440.6C., 440.7B. and 440.8 of the Baltimore County Zoning Regulations, as
amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

1B02.2 Regulations, standards and controls for density, bulk, open space and parking.

A. Dwellings. [Except as provided in Sections 432.2 and 434.3, the] THE maximum
gross residential densities and height of dwellings shall be as prescribed in the table below;
provided, however, that higher or additional standards for the provision of other amenity open
space, standards and methods for the inclusion and equitable apportionment of public amenity
open space within the calculations of gross areas of tracts abutting the open space, and standards
providing for greater heights of buildings in appropriate circumstances, all as more particularly
set forth in Section 504, shall control when adopted pursuant to the authority of said section.

<u>Zoning Classification</u>	<u>[Except for Elderly Housing Facilities.] Maximum Gross Residential Density, in Dwelling or Density Units Per Acre</u>	<u>Maximum Height of Buildings in Feet</u>	<u>[Maximum Gross Residential Density for Elderly Housing Facilities in Density Units Per Acre</u>
<u>D.R. 1</u>	<u>1.0 dwelling units/acre</u>	<u>50</u>	<u>1.0 density units/acre</u>
<u>D.R. 2</u>	<u>2.0 dwelling units/acre</u>	<u>50</u>	<u>2.0 density units/acre</u>
<u>D.R. 3.5</u>	<u>3.5 dwelling units/acre</u>	<u>50</u>	<u>3.5 density units/acre</u>
<u>D.R. 5.5</u>	<u>5.5 dwelling units/acre</u>	<u>50</u>	<u>5.5 density units/acre</u>
<u>D.R. 10.5</u>	<u>10.5 dwelling units/acre</u>	<u>50</u>	<u>10.5 density units/acre</u>
<u>D.R. 16</u>	<u>16.0 density</u>	<u>60</u>	<u>16.0 density units/acre</u>

Section 430

Planned Unit Developments - Residential (PUD-R)

430.1 Definitions.

A. As used in this section, the following terms have the meanings indicated.

PUD-R – A planned unit development - residential - WITH A MINIMUM TRACT SIZE OF 5 ACRES.

[PUD-R1 – A planned unit development with a minimum tract size of 5 acres.

PUD-R2 – A planned unit development with a minimum tract size of 100 acres.]

430.2 Legislative statement of findings. The Baltimore County Council finds that:

C. It is in the interest of the county to permit planned unit developments (PUD's) [on smaller tracts (five acres or greater)] and encourage the use of the technique through a streamlined review process[, and in PUD's of at least 100 acres, located within or directly adjacent to growth areas, permit an increase of density and commercial use bonuses commensurate with the size of the tract, if the development benefits the public by meeting all of the standards set forth in this section].

430.3 Legislative Intent.

~~E. The PUD-R is neither a zone nor a district. It is a development approval process which the [hearing officer] PLANNING BOARD shall apply to [PUD-R2] plans for residential development [within or adjacent to growth areas, as designated on the county's Master Plan, on tracts of at least 100 acres. For tracts of at least five acres, the PUD-R1 technique is an optional development approval process within the density residential zones].~~

E. THE PUD-R IS NEITHER A ZONE NOR A DISTRICT. IT IS AN OPTIONAL

1 DEVELOPMENT APPROVAL PROCESS THAT THE PLANNING BOARD MAY APPLY
2 TO PROPOSED PLANNED UNIT DEVELOPMENTS IN RESIDENTIAL ZONES LYING
3 WITHIN THE URBAN RURAL DEMARCATION LINE (URDL).

4 430.7 Open space. [At] EXCEPT AS MODIFIED BY THE PLANNING BOARD
5 PURSUANT TO SECTION 32-4-245(C)(3) OF THE CODE, AT least 20% of the gross area of a
6 PUD-R tract or 1,000 square feet per dwelling unit, whichever is greater, shall be preserved as
7 local open space. The area may include preserved natural areas, vegetative buffers, parks or
8 recreational areas. At least 50% of the open space shall be usable as determined by the Director
9 of the Department of Recreation and Parks.

10 430.8 Permitted uses. Any principal or accessory use specified in the use listings for the
11 underlying zone is permitted in a PUD-R. [Additional uses are permitted in a PUD-R2 as
12 specified in Section 430.10.]

13 430.9 PUD-R[1].

14 A. Location. A PUD-R[1] is permitted in any zone lying in an area within the urban-
15 rural demarcation line (URDL)} where residential uses are permitted. A PUD-R[1] is subject to
16 the provisions of Section [26-282] 32-4-402 of the Baltimore County Code, [1988] 2003 Edition.
17 as revised.

18 B. Incentives. Density may be transferred within the PUD-R without regard to zone
19 boundaries if the PUD meets the standards of this section.

20 430.11 Review. Proposals for a PUD-R shall be submitted and reviewed in accordance
21 with [procedures specified in the development regulations, Title 26, Section 26-201 et. seq., of
22 the Baltimore County Code, 1988 Edition, as revised.] ~~THE PROVISIONS OF SECTIONS 32-4-~~

1 ~~241 TO 32-4-246~~ TITLE 32. ARTICLE 4. SUBTITLE 2 OF THE BALTIMORE COUNTY
2 CODE.

3 Section 440

4 Planned Unit Development - Commercial (PUD-C)

5 440.2 Legislative Intent. The County Council intends that:

6 C. These regulations specifically require the highest quality design for a site, with
7 standards higher than those which would be applied by the conventional regulations, in exchange
8 for the flexibility to develop a variety of uses in ~~certain industrial, business or office zones~~ THE
9 B.R.. B.M.. B.L.. M.H.. M.L.. M.L.R.. M.R.. OR-1 AND OR-2 ZONES OF THE COUNTY [,
10 as shown on the map adopted by the Planning Board].

11 F. The flexibility of commercial uses available in the PUD shall be exercised only to the
12 extent that the development will:

13 3. Be consistent with and not undermine, as determined by [a finding by the
14 hearing officer] THE PLANNING BOARD, the purposes of the Baltimore County Master
15 Plan[;], comprehensive zoning map process and all duly adopted community, area and
16 revitalization plans; all duly adopted county policies and manuals; the five-year capital budget
17 and program; and Section [26-282,] 32-4-402, Compatibility, of the [development regulations]
18 BALTIMORE COUNTY CODE.

19 440.3 Design Objectives.

20 B. To assist in implementing the intent of this section:

21 1. The Planning Board shall adopt, following a public hearing, and in accordance
22 with the requirements of Section 504.2 of these regulations, amendments to the Comprehensive

1 Manual of Development Policies (CMDP), to be submitted by the Director of the Office of
2 Planning, which shall include [:

3 a. Appropriate] APPROPRIATE design guidelines to ensure quality
4 development FOR ALL PUD DEVELOPMENTS SUBMITTED FOR APPROVAL UNDER
5 THIS SECTION OR SECTIONS 430 OR 433..

6 [b. A map, to be submitted for review annually in November following
7 the initial approval, which delineates areas zoned only B.R., B.M., B.L., M.H., M.L., M.L.R.,
8 M.R., OR-1 or OR-2 (including any such area with an overlay district pursuant to Section 259)
9 which are suitable for development by PUD-C.]

10 2. The Directors of the Office of Planning and the Department of Permits and
11 Development Management may, from time to time, amend the Comprehensive Manual of
12 Administrative Procedures, following public hearing, and in accordance with the requirements of
13 title 2, Article VIII., of the Baltimore County Code, 1988 Edition. as revised, to provide policies
14 and procedures for the review and processing of PUD-C submittals under [Division 2 of the
15 development regulations] ~~SECTIONS 32-4-241 TO 32-4-246~~ TITLE 32. ARTICLE 4.
16 SUBTITLE 2 OF THE BALTIMORE COUNTY CODE.

17 440.4 Permitted uses. Subject to the design and performance standards and the
18 procedures specified in this section, the following uses are permitted in a PUD-C[, in areas
19 delineated on the map approved pursuant to Section 440.3.B]:

20 A. [Any principal or accessory use permitted by right in the B.R., B.M., B.L., M.H., M.L.,
21 M.L.R., M.R., OR-1 or OR-2 Zones is permitted, except that a use permitted by right in M.H. is
22 permitted only if the underlying zone is M.H. The following uses permitted by right in the B.R.,

1 Zone are not permitted in the B.L., OR-1 or OR-2 Zone:

2 Building materials storage and sales yard

3 Farm implements sales and service

4 Feed and grain sales and storage

5 Lumberyard

6 Storage of inflammable liquids and gases

7 Tire retreading or recapping]

8 A PRINCIPAL OR ACCESSORY USE SPECIFIED IN THE USE LISTINGS FOR THE
9 UNDERLYING ZONE IS PERMITTED IN A PUD-C.

10 [E. The Directors of the Office of Planning, Economic Development, Permits and
11 Development Management, Community Development, Environmental Protection and Resource
12 Management, Public Works and Recreation and Parks shall advise the Planning Board regarding
13 the proposed PUD-C, including comments on the mix and proportion of proposed uses.]

14 440.5 Change of Use.

15 C. Change to a use not included in the submittal and not permitted by the underlying
16 zone or district shall constitute an amendment to the PUD-C and is subject to the approval
17 procedures specified in [Division 2 of the development regulations for the original submittal.]

18 ~~SECTIONS 32-4-241 TO 32-4-246~~ TITLE 32, ARTICLE 4, SUBTITLE 2 OF THE
19 BALTIMORE COUNTY CODE.

20 440.6 Standards.

21 C. The plan submittal shall include an estimate of the number and types of commercial
22 vehicles which will serve the site. Access routes and the hours of delivery shall also be

1 indicated. The [hearing officer's] PLANNING BOARD'S approval of the number and types of
2 commercial vehicles, access routes and hours of delivery shall constitute a condition and may not
3 be changed except by amendment of the PUD-C.

4 440.7 Mitigation of Impact.

5 B. Such mitigation may include actual improvements or contributions towards such
6 improvements, on-site or off-site, as determined by the [hearing officer] PLANNING BOARD.
7 as long as the improvements or contribution required are directly and proportionately related to
8 the mitigation of adverse impacts of the PUD-C itself.

9 440.8 Review. Proposals for a PUD-C shall be submitted and reviewed in accordance
10 with the procedures [specified in Section 430.11.] OF SECTIONS 32-4-241 TO 32-4-246 OF
11 THE BALTIMORE COUNTY CODE.

12 SECTION 5. AND BE IT FURTHER ENACTED, that Sections ~~432~~ 432A and 433 be
13 and they are hereby added to the Baltimore County Zoning Regulations, as amended. to read as
14 follows:

15 SECTION ~~432~~ 432A. ASSISTED LIVING FACILITY; HOUSING FOR THE
16 ELDERLY.

17 A. AN ASSISTED LIVING FACILITY IS PERMITTED IN THE D.R., R.O. ~~AND~~
18 ~~R.O.A., R.O.A., R.A.E., B.R. AND B.M.~~ ZONES AS FOLLOWS:

19 ~~1. AN ASSISTED LIVING FACILITY IS PERMITTED AS A MATTER OF~~
20 ~~RIGHT.~~

21 ~~2. AN ASSISTED LIVING FACILITY IS PERMITTED AS A MATTER OF~~

1 ~~RIGHT IF IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL STREET.~~

2 ~~3. AN ASSISTED LIVING FACILITY III IS PERMITTED AS A MATTER OF~~
3 ~~RIGHT IN AN R.O. OR R.O.A. ZONE.~~

4 ~~4. AN ASSISTED LIVING FACILITY III IS PERMITTED BY SPECIAL~~
5 ~~EXCEPTION IN A D.R. ZONE IF IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL~~
6 ~~STREET.~~

7 1. AN ASSISTED LIVING FACILITY I IS PERMITTED BY USE PERMIT.

8 2. AN ASSISTED LIVING FACILITY II IS PERMITTED BY USE PERMIT IF
9 IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL STREET.

10 3. AN ASSISTED LIVING FACILITY III IS PERMITTED IN A D.R.16, R.A.E.,
11 R.O., R.O.A. OR B.M. ZONE BY USE PERMIT. A FACILITY LOCATED IN A R.O. ZONE
12 IS ALSO SUBJECT TO REVIEW BY THE DESIGN REVIEW PANEL FOR
13 COMPATIBILITY WITH SURROUNDING USES.

14 4. HOUSING FOR THE ELDERLY IS PERMITTED BY RIGHT IN R.A.E.
15 ZONES.

16 B. EXCEPT FOR THE SIGNS PERMITTED BY SECTION 450, NO OTHER SIGNS
17 OR DISPLAYS OF ANY KIND VISIBLE FROM THE OUTSIDE ARE PERMITTED.

18 C. OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH
19 SECTION 409 AND SUBJECT TO THE FOLLOWING CONDITIONS, BUT NO PARKING
20 STRUCTURE IS PERMITTED EXCEPT FOR A RESIDENTIAL GARAGE AS DEFINED IN
21 SECTION 101.

22 1. PARKING SHALL BE SET BACK AT LEAST 10 FEET FROM THE

1 PROPERTY LINE, EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLEY, NO
2 SETBACK IS REQUIRED IF THE ALLEY DOES NOT ABUT THE FRONT OR REAR
3 YARD OF A RESIDENTIALLY-USED PROPERTY.

4 2. PARKING AND DELIVERY AREAS SHALL BE LOCATED IN THE SIDE
5 OR REAR ONLY.

6 3. AT LEAST 10% OF THE LOT SHALL BE USED TO PROVIDE
7 USEABLE, CONTIGUOUS AND PRIVATE OPEN SPACE.

8 D. AN ASSISTED LIVING FACILITY IS SUBJECT TO A COMPATIBILITY
9 FINDING PURSUANT TO SECTION 32-4-402 OF THE BALTIMORE COUNTY CODE.

10 ~~E. AN ASSISTED LIVING FACILITY IS NOT PERMITTED IN ANY COUNTY OR~~
11 ~~NATIONAL REGISTER HISTORIC DISTRICT.~~

12 E. AN ASSISTED LIVING FACILITY LOCATED IN A COUNTY HISTORIC
13 DISTRICT IS ALSO SUBJECT TO REVIEW BY THE LANDMARKS PRESERVATION
14 COMMISSION IN THE SAME MANNER AS OTHER BUILDINGS LOCATED IN A
15 HISTORIC DISTRICT.

16 Section 433

17 PLANNED UNIT DEVELOPMENT - ELDERLY (PUD-E)

18 433.1 DEFINITIONS.

19 AS USED IN THIS SECTION, "PUD - E" MEANS A PLANNED UNIT
20 DEVELOPMENT COMPRISED OF SENIOR HOUSING AND PERMITTED ACCESSORY
21 USES. THE PUD-E IS NEITHER A ZONE NOR A DISTRICT. IT IS AN OPTIONAL
22 APPROVAL PROCESS THAT THE PLANNING BOARD MAY APPLY TO PROPOSED

1 PLANNED UNIT DEVELOPMENTS FOR SENIOR HOUSING.

2 433.2 PUD-E

3 A. LOCATION.

4 A SENIOR HOUSING FACILITY IS PERMITTED AS A PUD-E IN ANY ZONE .
5 EXCEPT D.R.1. D.R.2 AND D.R. 3.5, IF IT MEETS THE REQUIREMENTS OF THIS
6 SECTION.

7 B. DENSITY.

8 1. ZONE REQUIREMENTS. PERMITTED USES MAY BE DISTRIBUTED
9 THROUGHOUT THE TRACT. ~~WITHOUT FURTHER REGARD TO THE ZONE.~~
10 ~~BOUNDARY, AND THE PLANNING BOARD MAY APPROVE MODIFICATIONS TO~~
11 ~~STANDARDS THAT WAIVE OR ALTER ANY REQUIREMENTS OF THE UNDERLYING~~
12 ~~ZONE.~~

13 2. DENSITY BONUS. THE DENSITY OF A PUD-E MAY BE INCREASED
14 BY THE PLANNING BOARD IF:

15 I. THE PUD-E MEETS THE REQUIREMENTS OF THIS SECTION
16 AND SECTION 32-4-402 OF THE BALTIMORE COUNTY CODE, AND

17 II. AFFORDABLE RESIDENTIAL RENTAL UNITS ARE
18 AVAILABLE AND ARE PROVIDED ON SITE. AFFORDABLE UNITS SHALL BE:

- 19 (A) DISTRIBUTED THROUGHOUT THE PUD-E;
20 (B) APPROPRIATE FOR THE ELDERLY; AND
21 (C) AVAILABLE TO THOSE WITH INCOMES BELOW 60%
22 OF THE MEDIAN AS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF

1 HOUSING AND URBAN DEVELOPMENT AND THE MARYLAND COMMUNITY
2 DEVELOPMENT ADMINISTRATION.

3 3. CALCULATION OF DENSITY BONUS. THE PLANNING BOARD MAY
4 NOT GRANT A DENSITY BONUS FOR A PUD-E IN A R.A.E. ZONE. IN ALL OTHER
5 ZONES, THE PERMITTED DENSITY BONUS IS CALCULATED AS FOLLOWS:

6 ~~I. IF AT LEAST 50% OF THE RESIDENTIAL RENTAL UNITS ARE~~
7 ~~AFFORDABLE, THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED PER~~
8 ~~ACRE IS 32.~~

9 ~~II. IF AT LEAST 30% OF THE RESIDENTIAL RENTAL UNITS ARE~~
10 ~~AFFORDABLE, THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED PER~~
11 ~~ACRE IS 24.~~

12 ~~III. IF AT LEAST 15% OF THE RESIDENTIAL RENTAL UNITS ARE~~
13 ~~AFFORDABLE, THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED PER~~
14 ~~ACRE IS 16.~~

15 I. IF ALL OF THE RESIDENTIAL RENTAL UNITS ARE
16 AFFORDABLE, THE NUMBER OF DWELLING UNITS PERMITTED PER ACRE IS A
17 MAXIMUM OF TWO TIMES THE NUMBER OF UNITS PERMITTED IN THE
18 UNDERLYING ZONE NOT TO EXCEED 32.

19 II. IF AT LEAST 50% OF THE RESIDENTIAL RENTAL UNITS ARE
20 AFFORDABLE, THE NUMBER OF DWELLING UNITS PERMITTED PER ACRE IS A
21 MAXIMUM OF ONE AND ONE-HALF TIMES THE NUMBER OF UNITS PERMITTED IN
22 THE UNDERLYING ZONE NOT TO EXCEED 24.

1 C. THE USE OF THE PROPERTY FOR A PUD-E MAY NOT BE CONSIDERED AS
2 EVIDENCE OF SUBSTANTIAL CHANGE IN THE CHARACTER OF THE
3 NEIGHBORHOOD FOR THE PURPOSE OF INTERIM ZONING RECLASSIFICATIONS OF
4 OTHER PROPERTY IN THE NEIGHBORHOOD.

5 ~~D. IF A FINANCIAL FAILURE OF THE FACILITY SUBSEQUENTLY OCCURS, IN~~
6 ~~ORDER TO DETERMINE AN APPROPRIATE RE-USE, THE OWNER OF THE PROPERTY~~
7 ~~SHALL FILE A PETITION FOR SPECIAL HEARING, PURSUANT TO SECTION 500.7. IF~~
8 ~~THE PROPOSED USE REQUIRES A SPECIAL EXCEPTION FROM THE DENSITY~~
9 ~~ALLOWED BY THE BASE ZONE DESIGNATION, A PETITION FOR SPECIAL~~
10 ~~EXCEPTION MAY BE FILED AND HEARD SIMULTANEOUSLY WITH THE PETITION~~
11 ~~FOR SPECIAL HEARING. THE FINANCIAL RECORDS OF THE FAILED FACILITY~~
12 ~~SHALL ACCOMPANY THE PETITION.~~

13 D. IF A DENSITY BONUS IS GRANTED UNDER SUBSECTION B., ANY
14 SUBSEQUENT PROPOSED CHANGE IN THE USE OF THE PROPERTY FROM
15 AFFORDABLE SENIOR HOUSING TO ANOTHER RESIDENTIAL USE SHALL BE
16 SUBMITTED TO THE PLANNING BOARD FOR APPROVAL. THE SUBMISSION SHALL
17 INCLUDE A PLAN TO PROVIDE AN ADDITIONAL BENEFIT TO THE COUNTY AND
18 THE COMMUNITY TO ADEQUATELY COMPENSATE FOR THE DENSITY BONUS
19 PREVIOUSLY GRANTED. THE PLANNING BOARD MAY APPROVE, DENY OR
20 CONDITION ANY REQUEST FOR CHANGE OF USE UNDER THIS SUBSECTION TO
21 ENSURE COMPATIBILITY OF THE CHANGED USE WITH THE MASTER PLAN AND
22 THE SURROUNDING COMMUNITY AND TO PROTECT THE PUBLIC INTEREST. THE

1 RESTRICTION OF THE USE OF AN APPROVED PUD-E PROPERTY AS AFFORDABLE
2 SENIOR HOUSING AND THE REQUIREMENT FOR SUBMISSION TO THE PLANNING
3 BOARD FOR ANY LATER CHANGE IN USE SHALL BE NOTED ON THE ORIGINAL
4 APPROVED DEVELOPMENT PLAN AND DEVELOPMENT PLAT.

5 E. PROPOSALS FOR A PUD-E SHALL BE SUBMITTED AND REVIEWED IN
6 ACCORDANCE WITH THE PROVISIONS OF SECTION ~~32-4-241 TO 32-4-246~~ TITLE 32,
7 ARTICLE 4, SUBTITLE 2 OF THE BALTIMORE COUNTY CODE.

8 433.3 MITIGATION OF IMPACT. A PUD-E SHALL MITIGATE ON-SITE OR OFF-
9 SITE ADVERSE IMPACTS CAUSED BY THE PROPOSED DEVELOPMENT ON THE
10 ENVIRONMENT, TRAFFIC FLOW OR ON THE PROVISION OF PUBLIC FACILITIES
11 AND SERVICES, INCLUDING BUT NOT LIMITED TO SEWERS, WATER, SCHOOLS.
12 POLICE, FIRE, RECREATION, LIBRARIES, COMMUNITY CENTERS AND OPEN SPACE.
13 SUCH MITIGATION MAY INCLUDE ACTUAL IMPROVEMENTS OR CONTRIBUTIONS
14 TOWARDS SUCH IMPROVEMENTS, AS DETERMINED BY THE COUNTY.

15 433.4 ACCESSORY USES.

16 THE FOLLOWING USES ARE PERMITTED AS ACCESSORY USES IN A PUD-E:

17 1. ACCESSORY USES WHICH ARE NORMALLY AND CUSTOMARILY
18 ASSOCIATED WITH MULTIPLE-FAMILY DWELLING DEVELOPMENTS IN D.R. AND
19 R.A.E. ZONES.

20 2. COMMON DINING FACILITIES.

21 3. PERSONAL AND RECREATIONAL SERVICES, SMALL GIFT OR
22 NECESSITIES SHOPS AND A SMALL BANK BRANCH OR AUTOMATED BANK

1 TELLER MACHINES, PROVIDED THAT THE ACCESSORY USE IS FOR THE SOLE USE
2 OF THE RESIDENTS OF THE ~~COMMUNITY~~ FACILITY, AND PROVIDED THAT THERE
3 IS NO EXTERIOR ANNOUNCEMENT OR OTHER EXTERIOR EVIDENCE OF THE
4 ACCESSORY USE.

5 4. GUEST ROOMS FOR RESIDENTS, FAMILY MEMBERS AND GUESTS
6 OF RESIDENTS AND POTENTIAL RESIDENTS. GUEST ROOMS MAY NOT EXCEED
7 TWO FOR EACH 100 DWELLING UNITS PROVIDED.

8 SECTION 6. AND BE IT FURTHER ENACTED, that Sections 32-4-241 to 32-4-245 of
9 Article 32. Planning, Zoning and Subdivision Control, Title 4 - Development, Subtitle 2 -
10 Development Review and Approval Process, Part IV - Planned Unit Developments, of the
11 Baltimore County Code 2003 be and they are hereby repealed.

12 SECTION 7. AND BE IT FURTHER ENACTED, that Sections 32-4-241 to 32-4-246 be
13 and they are hereby added to Article 32. Planning, Zoning and Subdivision Control, Title 4.
14 Development, Subtitle 2 - Development Review and Approval Process, Part IV. Planned Unit
15 Developments, to read as follows:

16 **PART IV. PLANNED UNIT DEVELOPMENTS**

17 **32-4-241. REVIEW.**

18 A PROPOSAL FOR A PLANNED UNIT DEVELOPMENT, AUTHORIZED UNDER
19 SECTION 430, SECTION 433 OR SECTION 440 OF THE BALTIMORE COUNTY ZONING
20 REGULATIONS. SHALL BE SUBMITTED AND REVIEWED IN ACCORDANCE WITH

1 THE PROCEDURES OF THIS TITLE.

2 32-4-242. APPLICATION.

3 (A) SUBMISSION TO COUNTY COUNCIL.

4 AN APPLICATION FOR APPROVAL OF A SITE FOR A PLANNED UNIT
5 DEVELOPMENT SHALL BE SUBMITTED TO THE COUNTY COUNCIL MEMBER IN
6 WHOSE DISTRICT THE PUD IS PROPOSED TO BE LOCATED.

7 (B) CONTENTS.

8 THE APPLICATION FOR A PLANNED UNIT DEVELOPMENT SHALL INCLUDE:

9 (1) THE IDENTIFICATION OF THE PROPOSED PROJECT SITE AND THE
10 TOTAL TRACT ACREAGE AND AN EXPLANATION OF HOW THE SITE AND THE
11 ACREAGE MEET THE CRITERIA OF THE ZONING REGULATIONS FOR THE TYPE OF
12 PLANNED UNIT DEVELOPMENT THAT IS PROPOSED;

13 (2) A CONCEPTUAL AND SCHEMATIC REPRESENTATION OF THE
14 PROPOSED DEVELOPMENT AND ANY ALTERNATIVE CONCEPTS, INCLUDING THE
15 GENERAL SITE LAYOUT, THE PROPOSED BUILDING TYPES AND USES AND THE
16 PROPOSED NUMBER OF UNITS, INCLUDING, FOR A PLANNED UNIT DEVELOPMENT
17 - ELDERLY IN WHICH A DENSITY BONUS IS REQUESTED, THE NUMBER OF
18 AFFORDABLE UNITS;

19 (3) THE PROJECTED IMPACT OF THE PLANNED UNIT DEVELOPMENT
20 ON THE SURROUNDING COMMUNITY; AND

21 (4) A STATEMENT OF HOW THE PLANNED UNIT DEVELOPMENT WILL
22 COMPLY WITH SECTION 32-4-402.

1 (C) COUNCIL ACTION.

2 IF THE COUNCIL FINDS THAT THE PROPOSED SITE FOR THE PLANNED UNIT
3 DEVELOPMENT IS ELIGIBLE FOR COUNTY REVIEW, THE COUNCIL, BY ADOPTION
4 OF A RESOLUTION, MAY APPROVE THE CONTINUED REVIEW OF THE PLANNED
5 UNIT DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF THIS TITLE
6 AND THE REQUIREMENTS OF THE ZONING REGULATIONS. THE COUNCIL SHALL
7 GIVE PUBLIC NOTICE OF THE RESOLUTION AT LEAST 10 BUSINESS DAYS PRIOR
8 TO FINAL VOTE ON THE RESOLUTION.

9 32-4-243. REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT.

10 (A) INFORMATIONAL MEETING; REQUIRED.

11 AFTER ADOPTION OF A COUNCIL RESOLUTION, AN APPLICANT FOR A
12 PLANNED UNIT DEVELOPMENT SHALL TAKE PART IN AN INFORMATIONAL
13 MEETING WITH COUNTY AGENCIES WHICH SHALL BE CONDUCTED IN
14 ACCORDANCE WITH §32-4-211 OF THIS SUBTITLE.

15 (B) CONCEPT PLAN.

16 (1) IN ADDITION TO THE INFORMATION REQUIRED UNDER PART II OF
17 THIS SUBTITLE, THE CONCEPT PLAN FOR A PLANNED UNIT DEVELOPMENT SHALL
18 CONTAIN ADDITIONAL INFORMATION AS PROVIDED FOR IN THIS PART.

19 (2) THE APPLICANT SHALL SUBMIT THE CONCEPT PLAN IN A
20 FORMAT DESIGNED TO CONTRAST THE PROPOSED DEVELOPMENT OF THE LAND
21 AS A PLANNED UNIT DEVELOPMENT WITH ITS DEVELOPMENT IN ACCORDANCE
22 WITH THE REQUIREMENTS OF THE UNDERLYING ZONING CLASSIFICATION.

1 (3) THE FORMAT DESIGN REQUIRED UNDER PARAGRAPH (2) OF THIS
2 SUBSECTION SHALL REFLECT THE BENEFITS OF THE DEVELOPMENT OF THE
3 LAND AS A PLANNED UNIT DEVELOPMENT AS OPPOSED TO ITS DEVELOPMENT IN
4 ANY OTHER MANNER.

5 (C) SUBMISSION OF MULTIPLE CONCEPT PLANS.

6 AN APPLICANT MAY SUBMIT MORE THAN ONE CONCEPT PLAN SO THAT
7 MULTIPLE OPTIONS OR ALTERNATIVES MAY BE PROVIDED FOR REVIEW.

8 (D) CONTENT OF THE CONCEPT PLAN.

9 THE CONCEPT PLAN FOR A PLANNED UNIT DEVELOPMENT SHALL INCLUDE
10 A PATTERN BOOK THAT CONTAINS:

11 (1) A SURVEYED EXISTING CONDITIONS MAP INCLUDING STEEP
12 SLOPES, NONTIDAL WETLANDS AND TIDAL WETLANDS, WOODED AREAS,
13 EXISTING BUILDINGS, TOPOGRAPHY, AND OTHER ENVIRONMENTALLY
14 SENSITIVE AREAS AS DETERMINED BY THE DIRECTOR OF ENVIRONMENTAL
15 PROTECTION AND RESOURCE MANAGEMENT BASED UPON THE BEST AVAILABLE
16 EXISTING INFORMATION;

17 (2) SKETCH BUILDING ELEVATIONS, PERSPECTIVES, CRITICAL CROSS
18 SECTIONS, AND MASSING STUDIES, TO DEMONSTRATE BUILDING RELATIONSHIPS
19 TO ONE ANOTHER AND THE TOPOGRAPHY;

20 (3) A GENERAL STATEMENT OF MATERIALS, SIGNAGE, AND
21 SCREENING CONCEPTS; AND

22 (4) WRITTEN DOCUMENTATION DESCRIBING:

1 (I) THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE
2 ENVIRONMENT, TRAFFIC FLOW, AND ON THE PROVISION OF PUBLIC FACILITIES
3 AND SERVICES SUCH AS SEWERS, WATER, SCHOOLS, POLICE, FIRE, RECREATION,
4 LIBRARIES, COMMUNITY CENTERS, OPEN SPACE, OR ANY OTHER PUBLIC
5 FACILITY OR SERVICE WHICH THE COUNTY REQUESTS TO BE ANALYZED:

6 (II) IF THE PROPOSED DEVELOPMENT HAS AN ADVERSE
7 EFFECT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, HOW THE ADVERSE
8 EFFECT WILL BE MITIGATED;

9 (III) HOW THE PLANNED UNIT DEVELOPMENT WILL COMPLY
10 WITH §32-4-402 OF THIS TITLE;

11 (IV) IN A PLANNED UNIT DEVELOPMENT - ELDERLY, HOW THE
12 PROPOSAL MEETS THE STANDARDS OF PARAGRAPH 433 OF THE BALTIMORE
13 COUNTY ZONING REGULATIONS, INCLUDING THE HOUSING AFFORDABILITY
14 PLAN, IF A DENSITY BONUS IS REQUESTED; AND

15 (V) DESIGN REQUIREMENTS WHICH SHALL INCLUDE:

16 1. DETAILED REQUIREMENTS FOR STREET AND ALLEY
17 DESIGN, STREETSCAPE TREATMENTS, PUBLIC OPEN SPACE, AND THE BUILDING
18 ENVELOPE WHICH INCLUDES SETBACKS FOR PRINCIPAL AND ACCESSORY
19 BUILDINGS, BUILD-TO LINES, ACCESS POINTS ~~AND~~, LOCATION OF OFF-STREET
20 PARKING AND BUFFERING FROM SURROUNDING USES;

21 2. AN ARCHITECTURAL CODE AND PROTOTYPE
22 DESIGNS FOR PROPOSED BUILDINGS; AND

1 3. THE ARCHITECTURAL STANDARDS FOR EACH TYPE
2 OF BUILDING ACCOMPANIED BY A DESCRIPTION OF EACH BUILDING TYPE FOR
3 EACH AREA OF THE PLANNED UNIT DEVELOPMENT.

4 32-4-244. REQUIRED REPORT FOR PLANNED UNIT DEVELOPMENT.

5 (A) DUTY OF OFFICE OF PLANNING.

6 FOR A PLANNED UNIT DEVELOPMENT, THE OFFICE OF PLANNING SHALL:

7 (1) PROVIDE A REPORT AND THE APPLICANT'S PATTERN BOOK TO
8 THE PLANNING BOARD AND THE APPLICANT WITHIN 30 WORKING DAYS AFTER
9 THE CONCLUSION OF THE COMMUNITY INPUT MEETING; AND

10 (2) MAKE COPIES OF THE REPORT AVAILABLE TO THE PUBLIC.
11 RESIDENTS, AND COMMUNITY ASSOCIATIONS IN ATTENDANCE AT THE
12 COMMUNITY INPUT MEETING.

13 (B) AUTHORITY OF DIRECTOR TO RECOMMEND CHANGES.

14 THE DIRECTOR OF THE OFFICE OF PLANNING MAY RECOMMEND CHANGES
15 TO THE PLANNING BOARD IN THE SITE LAYOUT, TYPES, INTENSITY OF USES.
16 SIGNAGE, LANDSCAPING REQUIREMENTS, OR OTHER ASPECTS OF THE PLANNED
17 UNIT DEVELOPMENT THAT THE DIRECTOR CONSIDERS NECESSARY FOR THE
18 PLANNED UNIT DEVELOPMENT TO MEET THE INTENT AND PURPOSES OF THIS
19 TITLE AND THE BALTIMORE COUNTY ZONING REGULATIONS.

20 32-4-245. PLANNING BOARD REVIEW.

21 (A) ACTION BY PLANNING BOARD.

22 (1) THE PLANNING BOARD SHALL APPROVE OR DENY THE CONCEPT

1 PLAN AND MAY CONDITION APPROVAL ON COMMENTS CONTAINED IN THE
2 DIRECTOR'S REPORT OR OTHERWISE.

3 (2) THE PLANNING BOARD SHALL FILE A WRITTEN DECISION WITH
4 THE HEARING OFFICER NO LATER THAN 45 DAYS AFTER THE REFERRAL TO THE
5 PLANNING BOARD. THE DECISION SHALL INCLUDE:

6 A LISTING OF ANY DEVELOPMENT STANDARDS MODIFIED UNDER
7 SUBSECTION (C)(3) AND A STATEMENT THAT THE BOARD CONSIDERED THE
8 IMPACT OF SUCH MODIFICATIONS UPON SURROUNDING USES AND WHY SUCH
9 MODIFICATIONS ARE IN THE PUBLIC INTEREST.

10 (3) THE PLANNING BOARD MAY AMEND OR MODIFY THE PROPOSED
11 PLAN.

12 (4) APPLICATIONS DENIED BY THE PLANNING BOARD MAY NOT BE
13 FORWARDED FOR DEVELOPMENT PLAN REVIEW.

14 (5) FOLLOWING APPROVAL OF THE CONCEPT PLAN, AN APPLICANT
15 MAY FILE A DEVELOPMENT PLAN FOR REVIEW IN ACCORDANCE WITH PART III
16 OF THIS SUBTITLE.

17 (B) NOTICE AND HEARING.

18 (1) ACTION MAY NOT BE TAKEN ON THE PROPOSED CONCEPT PLAN
19 UNTIL AFTER A PUBLIC HEARING BEFORE THE PLANNING BOARD.

20 (2) NOTICE OF THE DATE, TIME, AND PLACE OF THE PLANNING
21 BOARD'S HEARING SHALL BE CONSPICUOUSLY POSTED BY THE APPLICANT ON
22 THE LOT, PARCEL, OR TRACT THAT IS THE SUBJECT OF THE CONCEPT PLAN AT

1 LEAST 20 WORKING DAYS BEFORE THE HEARING AND SHALL REMAIN POSTED
2 UNTIL THE DATE OF THE HEARING.

3 (3) THE NOTICE SHALL ALSO INCLUDE THE PROJECTED DATE, TIME
4 AND PLACE OF THE HEARING OFFICER'S HEARING.

5 ~~(B)~~ (C) STANDARDS FOR REVIEW.

6 (1) THE PLANNING BOARD SHALL REVIEW THE PROPOSED PLANNED
7 UNIT DEVELOPMENT FOR COMPLIANCE WITH THE REQUIREMENTS OF THE
8 BALTIMORE COUNTY ZONING REGULATIONS AND THE DEVELOPMENT
9 REGULATIONS. THE PLANNING BOARD MAY ADOPT RULES AND REGULATIONS
10 FOR THE CONDUCT OF ITS PROCEEDINGS IN ACCORDANCE WITH ARTICLE 3.
11 TITLE 7 OF THE CODE.

12 (2) THE DIRECTORS OF THE OFFICE OF PLANNING, ECONOMIC
13 DEVELOPMENT, PERMITS AND DEVELOPMENT MANAGEMENT, COMMUNITY
14 DEVELOPMENT, ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT,
15 PUBLIC WORKS AND RECREATION AND PARKS SHALL ADVISE THE PLANNING
16 BOARD REGARDING THE PROPOSED PLANNED UNIT DEVELOPMENT, INCLUDING
17 COMMENTS ON THE MDX AND PROPORTION OF PROPOSED USES AND ANY
18 AFFORDABLE RESIDENTIAL RENTAL UNITS PROPOSED FOR A PLANNED UNIT
19 DEVELOPMENT - ELDERLY. THE PLANNING BOARD MAY REFER ANY TECHNICAL
20 ISSUE OR OTHER MATTER TO THE DIRECTOR OF AN AGENCY FOR ADVICE,
21 INCLUDING THE CONDUCT OF HEARINGS TO RESOLVE AN ISSUE. THE DIRECTOR
22 SHALL REPORT THE AGENCY'S WRITTEN FINDINGS AND RECOMMENDATIONS TO

1 THE BOARD.

2 (3) THE HEIGHT, AREA, SETBACK, PARKING, OPEN SPACE, SIGN AND
3 OTHER REQUIREMENTS OF THE UNDERLYING ZONE OR DISTRICT THAT APPLY IN
4 THAT PORTION OF THE PROPOSED PLANNED UNIT DEVELOPMENT SHALL
5 PROVIDE THE BASE FOR THE PLANNING BOARD'S REVIEW. UNLESS OTHERWISE
6 SHOWN ON THE ~~PROPOSED CONCEPT~~ APPROVED PUD PLAN, THE BASE
7 STANDARDS SHALL APPLY, ~~BUT THE PROVISIONS OF SECTION 102.2 OF THE~~
8 ~~ZONING REGULATIONS DO NOT APPLY. APPROVAL OF THE PLANNED UNIT~~
9 ~~DEVELOPMENT BY THE PLANNING BOARD CONSTITUTES APPROVAL OF ANY~~
10 ~~INDICATED CHANGE FROM THE REGULATIONS OF THE UNDERLYING ZONE.~~
11 APPLY. IT IS EXPECTED THAT FOR MOST REQUIREMENTS THE CONCEPT PLAN
12 SHALL INDICATE HIGHER STANDARDS THAN THE BASE REQUIREMENTS OF THE
13 UNDERLYING ZONE. THE PLANNING BOARD MAY CONDITION APPROVAL OF A
14 PUD PLAN ON HIGHER STANDARDS. ANY REDUCTION IN THE APPLICABLE
15 DEVELOPMENT REQUIREMENTS OF THE UNDERLYING ZONE SHALL BE
16 PREDICATED UPON THE PLANNING BOARD'S FINDING THAT THEY ARE
17 NECESSARY TO ACHIEVE THE INTENT AND PURPOSE OF THIS SECTION AND ARE
18 IN THE PUBLIC INTEREST.

19 (4) PERMITTED USES MAY BE DISTRIBUTED THROUGHOUT THE
20 TRACT WITHOUT FURTHER REGARD TO THE ZONE BOUNDARY, ~~AND THE~~
21 ~~PLANNING BOARD MAY APPROVE MODIFICATIONS TO STANDARDS THAT WAIVE~~
22 ~~OR ALTER THE HEIGHT, AREA, SETBACK, PARKING, OPEN SPACE, SIGN AND~~
23 ~~OTHER REQUIREMENTS OF THE UNDERLYING ZONE. ZONES OR DISTRICT THAT~~
24 ~~APPLY TO THE PROPOSED PLANNED UNIT DEVELOPMENT. HOWEVER, EXCEPT~~

1 EXCEPT FOR A PLANNED UNIT DEVELOPMENT - ELDERLY IN WHICH
2 AFFORDABLE HOUSING IS PROVIDED AND A DENSITY BONUS IS REQUESTED, THE
3 ACTUAL RESIDENTIAL DENSITY IN A PLANNED UNIT DEVELOPMENT MAY NOT
4 EXCEED THE MAXIMUM GROSS RESIDENTIAL DENSITY PERMITTED IN THE
5 UNDERLYING ZONE OR ZONES.

6 (5) THE PLANNING BOARD MAY REQUIRE COMPLIANCE OF THE
7 PLAN WITH SECTION 32-4-203 AND WITH ANY OF THE GENERAL DESIGN
8 STANDARDS OF ARTICLE 32, TITLE 4, SUBTITLE 4 OF THE BALTIMORE COUNTY
9 CODE.

10 ~~(C)~~ (D) BASIS FOR APPROVAL.

11 THE PLANNING BOARD MAY APPROVE A PROPOSED PLANNED UNIT
12 DEVELOPMENT PLAN ONLY UPON FINDING THAT:

13 (1) THE PROPOSED DEVELOPMENT MEETS THE INTENT, PURPOSE,
14 CONDITIONS, AND STANDARDS OF THIS SECTION:

15 (2) THE PROPOSED DEVELOPMENT WILL CONFORM WITH SECTION
16 502.1.A. B. C. D. E AND F OF THE BALTIMORE COUNTY ZONING REGULATIONS AND
17 WILL CONSTITUTE A GOOD DESIGN, USE, AND LAYOUT OF THE PROPOSED SITE:

18 (3) THERE IS A REASONABLE EXPECTATION THAT THE PROPOSED
19 DEVELOPMENT, INCLUDING DEVELOPMENT SCHEDULES CONTAINED IN THE
20 DEVELOPMENT PLAN, WILL BE DEVELOPED TO THE FULL EXTENT OF THE PLAN
21 BASED UPON THE FOLLOWING:

22 (I) EVIDENCE OF THE APPLICANT'S OR DEVELOPER'S
23 FINANCIAL RESPONSIBILITY IN GENERAL AND WITH RESPECT TO THE PROPOSED
24 DEVELOPMENT;

1 (II) PERTINENT MARKET DATA SUBMITTED BY THE
2 APPLICANT, BY COUNTY AGENCIES OR OFFICIALS. OR BY OTHERS:

3 (III) DEVELOPMENT COST;

4 (IV) GENERAL ECONOMIC CONDITIONS THAT MAY BE
5 ANTICIPATED AT THE TIME THE DEVELOPMENT OR ANY PHASE OF THE
6 DEVELOPMENT IS TO BE FINANCED; AND

7 (V) ALL OTHER FACTORS THAT MAY REASONABLY BE
8 ASCERTAINED AND HAVE A BEARING ON THE FINDINGS;

9 (4) THE DEVELOPMENT IS IN COMPLIANCE WITH SECTION 430. 433 OR
10 440 OF THE BALTIMORE COUNTY ZONING REGULATIONS;

11 (5) THE DEVELOPMENT PLAN IS IN CONFORMANCE WITH THE
12 GOALS, OBJECTIVES, AND RECOMMENDATIONS OF THE MASTER PLAN OR AREA
13 PLANS; AND

14 (6) THE DEVELOPMENT DOES NOT VIOLATE THE PROVISIONS OF
15 ANY DEED OR COVENANTS ATTACHED TO THE PROPERTY.

16 32-2-246. HEARING OFFICER REVIEW.

17 (A) AUTHORITY OF THE HEARING OFFICER.

18 (1) UNLESS THE DECISION OF THE PLANNING BOARD IS OVERRULED
19 ~~BY ACTION OF THE COUNTY COUNCIL, , THE HEARING OFFICER IS BOUND BY THE~~
20 BY RESOLUTION OF THE COUNTY COUNCIL WITHIN 90 DAYS OF THE PLANNING
21 BOARD'S ACTION UNDER SECTION 32-4-245. THE HEARING OFFICER IS BOUND BY
22 THE DECISION OF THE PLANNING BOARD UNDER SECTION 32-2-245.

23 (2) WITHIN 20 DAYS AFTER RECEIPT OF THE INFORMATION
24 REQUIRED UNDER SECTION 32-4-216(D), THE HEARING OFFICER MAY:

1 (I) APPROVE THE DEVELOPMENT PLAN AS APPROVED BY THE
2 PLANNING BOARD; OR

3 (II) DENY THE DEVELOPMENT PLAN.

4 (3) THE PROCEDURES OF SECTIONS 32-4-217(A) AND (B), 32-4-218 AND
5 32-4-219(A) DO NOT APPLY TO THE HEARING OFFICER'S REVIEW UNDER THIS
6 SECTION.

7 (B) BASIS FOR APPROVAL.

8 THE HEARING OFFICER MAY APPROVE A DEVELOPMENT PLAN FOR A
9 PLANNED UNIT DEVELOPMENT UPON FINDING THAT, IN DUE CONSIDERATION OF
10 THE DECISION OF THE PLANNING BOARD AND THE COMMENTS OR REPORTS
11 SUBMITTED BY OTHER AGENCIES OR OFFICIALS, THE PROPOSED DEVELOPMENT
12 MEETS THE INTENT, PURPOSE, CONDITIONS, AND STANDARDS OF THIS SECTION.

13 (C) DENIAL OF A PLANNED UNIT DEVELOPMENT.

14 THE HEARING OFFICER MAY DENY THE DEVELOPMENT PLAN ONLY UPON
15 A FINDING THAT THE DECISIONS OF THE PLANNING BOARD UNDER SECTION 32-4-
16 ~~245 ARE CLEARLY ERRONEOUS AND~~ CONSTITUTE AN ABUSE OF THE PLANNING
17 BOARD'S DISCRETION OR ARE UNSUPPORTED BY THE DOCUMENTATION AND
18 EVIDENCE PRESENTED TO THE BOARD.

19 (D) CONTENTS OF HEARING OFFICER'S ORDER APPROVING A PLANNED
20 UNIT DEVELOPMENT.

21 AN ORDER OF THE HEARING OFFICER GRANTING APPROVAL OF A
22 DEVELOPMENT PLAN FOR A PLANNED UNIT DEVELOPMENT SHALL INCLUDE:

23 (I) ANY STATEMENTS OR DOCUMENTATION NEEDED TO
24 ADEQUATELY SET FORTH THE BASIS OF THE DECISION; AND

1 (II) STATEMENTS AND EXPLANATIONS OF ANY REQUIREMENTS OR
2 CONDITIONS ATTACHED TO THE GRANT OF THE PLAN.

3 SECTION 8. AND BE IT FURTHER ENACTED, that Section 32-3-204 of Article 32 -
4 Planning, Zoning and Subdivision Control, Title 3 - Zoning, Subtitle 2 - Zoning Process. of the
5 Baltimore County Code 2003, as amended by Bill 59-03, be and it is hereby repealed.

6 SECTION 9. AND BE IT FURTHER ENACTED, that Sections 32-4-232(f) of Article
7 32, Planning , Zoning and Subdivision Control, Title 4 - Development, Subtitle 2. Development
8 Review and Approval Process, Baltimore County Code 2003 be and it is hereby repealed and re-
9 enacted, with amendments. to read as follows:

10 32-4-232. Same - Procedure of the Planning Board.

11 f. Planning Board decision is final; exceptions.

12 1. Except as provided under paragraph (2) of this subsection, a decision of the
13 Planning Board on an issue referred under §32-4-231 of this subtitle is binding upon the Hearing
14 Officer and shall be incorporated as part of the Hearing Officer's final action on a plan.

15 2. A decision of the Planning Board is not binding on the Hearing Officer if[:
16 (i)] the decision of the Planning Board on an issue referred under §32-4-
17 231(a)(1) of this subtitle is overruled by action of the County Council [; or
18 (ii) the decision of the Planning Board is on an issue referred under §32-4-
19 231(a)(5) of this subtitle].
20

21 SECTION 10. AND BE IT FURTHER ENACTED, that Section 11-2-202(a)(4) of
22 Article 11. Taxation, Title 2. Ad Valorem Taxes. Subtitle 2. Property Tax Credits for

1 Improvements, Baltimore County Code 2003, be and it is hereby repealed and re-enacted, with
2 amendments, to read as follows:

3 Section 11-2-202. Revitalization Property Tax Credit.

4 a. In this section, the following words have the meanings indicated.

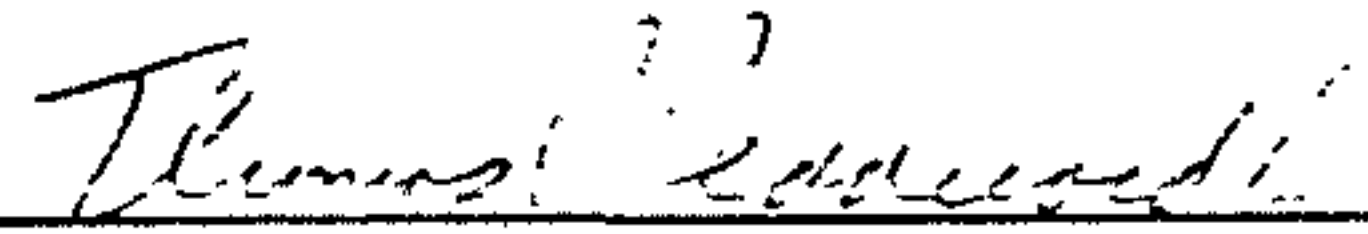
5 4. "Senior Housing Development" means a housing development restricted to
6 seniors, age [55] 60 or older, and located within an approved planned unit development as
7 provided in the Baltimore County Zoning Regulations.

8 SECTION 11. AND BE IT FURTHER ENACTED, that this Act shall take effect 45
9 days after its enactment and shall not apply to any concept plan accepted for filing prior to the
10 effective date of this Act.

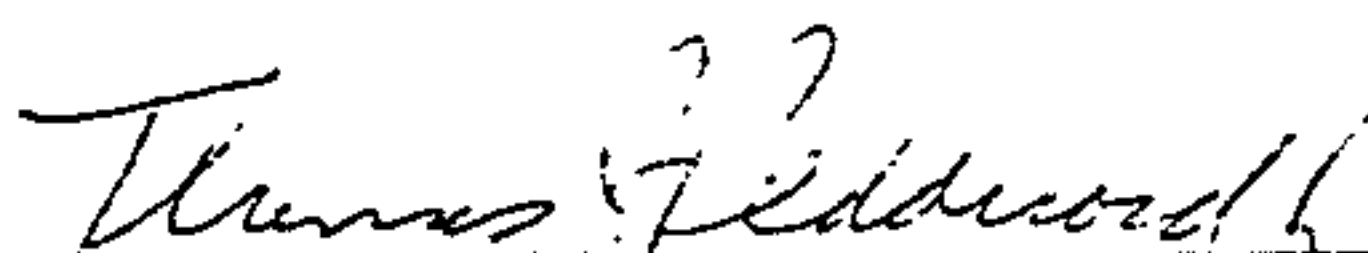
AMENDED.B01904.bil

READ AND PASSED this 5th day of April, 2004.

BY ORDER

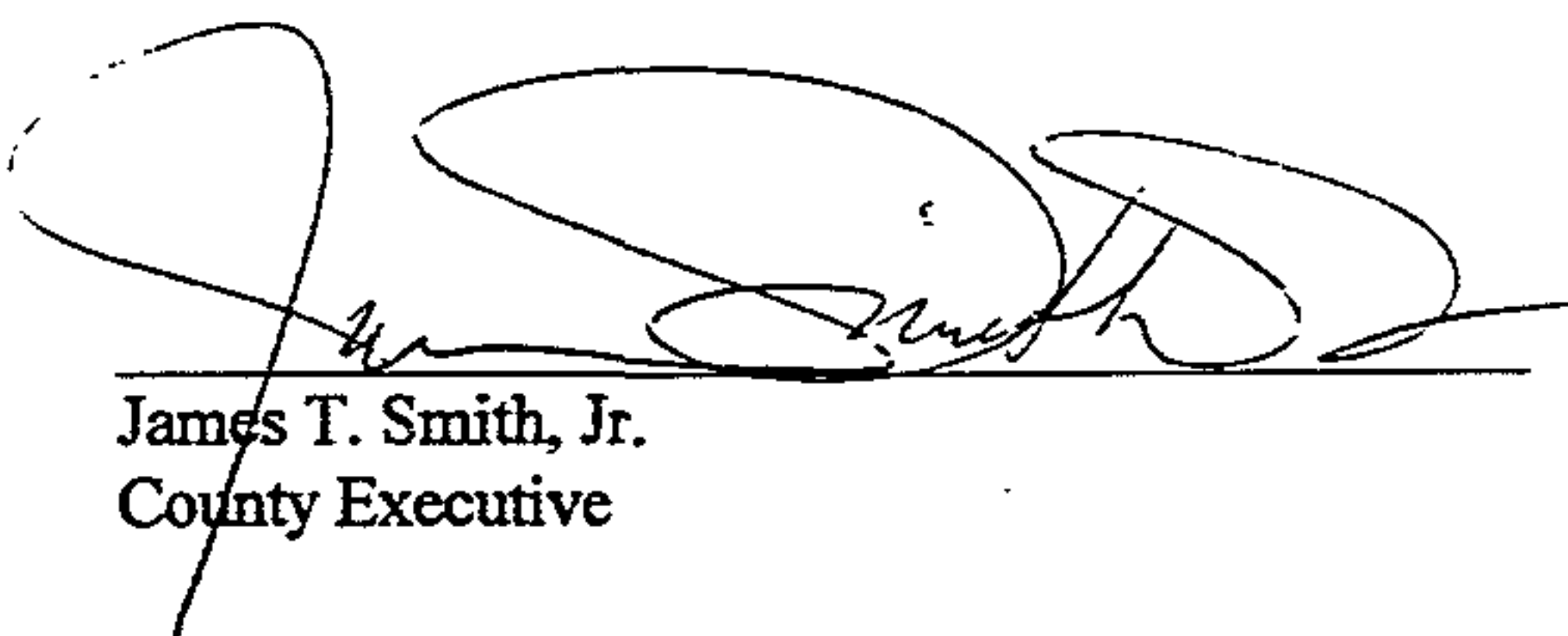

Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 6th day of April, 2004.


Thomas J. Peddicord, Jr.
Secretary

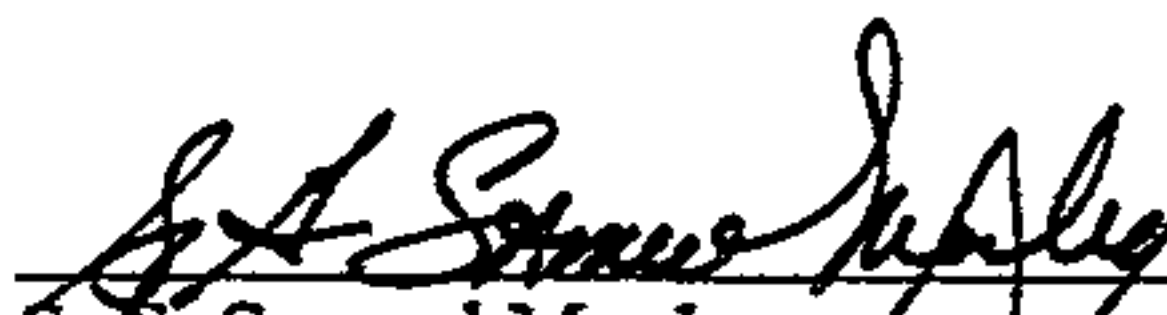
APPROVED AND ENACTED:

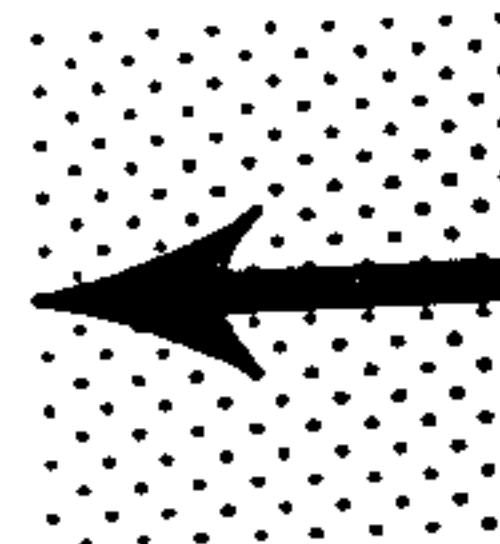
4-14-04


James T. Smith, Jr.
County Executive

I HEREBY CERTIFY THAT BILL NO. 19-04 IS TRUE AND CORRECT AND TOOK

EFFECT ON MAY 29, 2004.


S. G. Samuel Moxley
Chairman, County Council



CASE NO. 06-340-SPH

HEARING DATED 03/06/2006

To: Zoning Commissioner of Baltimore County

From: Steven A. Hampton, owner of 6857 Mt. Vista Road, adjoining
6853 Mt. Vista Road

I am submitting the following list of concerns and objections relating to the newly proposed Assisted Living Facility by the owners of 6853 Mt. Vista Road.

1. Our properties use well water. I am concerned that the aquafer may become contaminated. In addition, the increased demand on the aquafer may cause my well to run dry.
2. Their septic system may not be able to handle the additional burden placed on it, and it may fail. They installed an in-ground swimming pool in June 2005 over or near their septic system, which created a steep grade several feet high next to our boundary line. This steep grade causes their pool water and pool chemicals from their filtration system to run off onto my property.
3. My property will be devalued if the adjoining property becomes a commercial enterprise.
4. There is a real traffic hazard due to the insufficient pull-off and parking inavailability at 6853 Mt.Vista Road. An "Active Day" bus with seating for 12 to 15 people arrives twice daily; once during the morning rush hour (8:30 am) and again around 4 pm. On the morning of Saturday, March 4,2006, the bus, unable to pull into their driveway, maneuvered over their lawn. To exit, the bus backed out onto the busy roadway. The driveway was full with five vehicles and a trailer. Also note that one or two additional visiting vehicles park daily across Mt.Vista Road in the pull-off lane.

Thank you for your consideration of my concerns.

Attachment: aerial photo of property

PROTESTANT' S

EXHIBIT NO. /



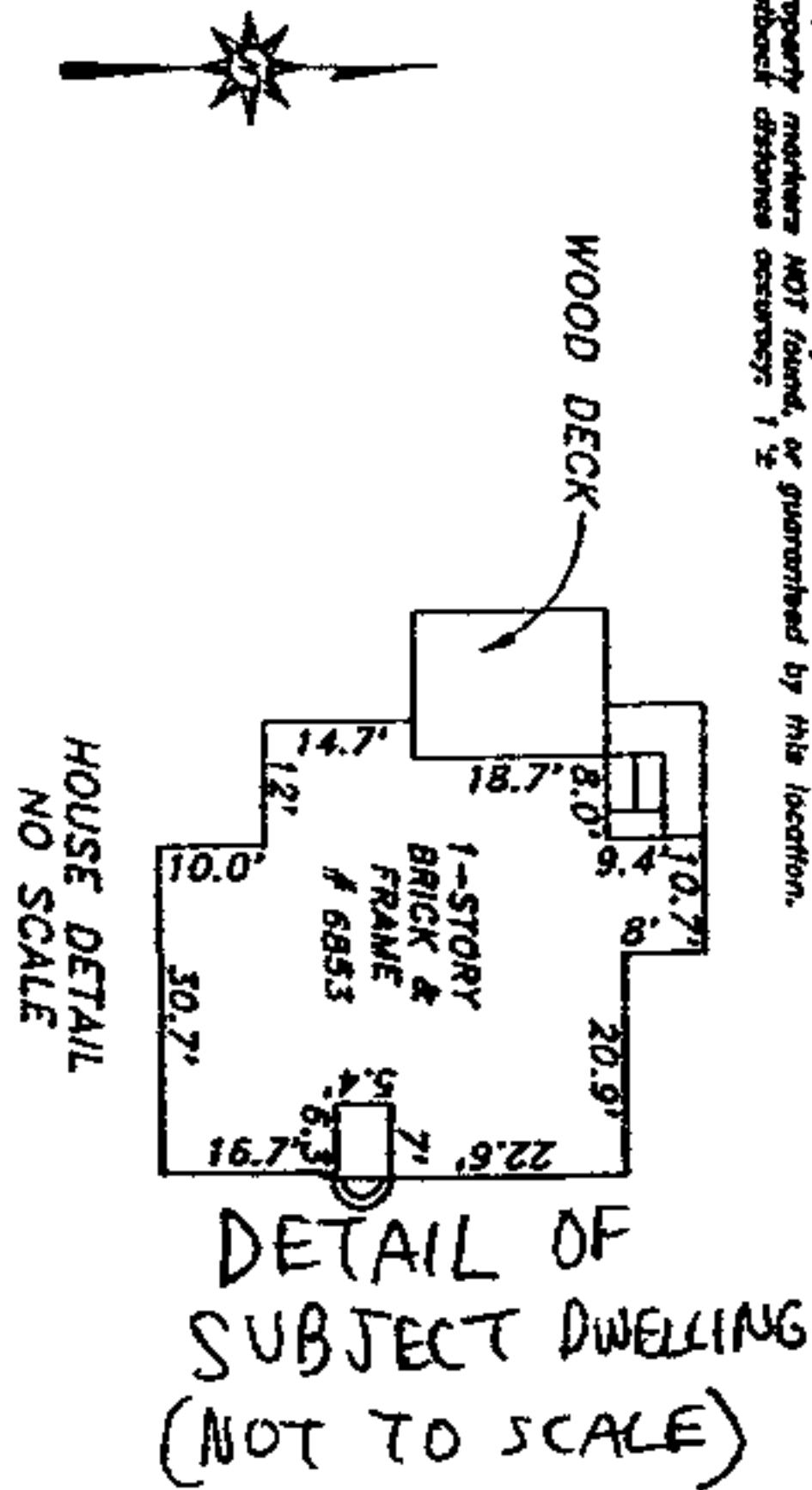
P = pool

X = overflow parking

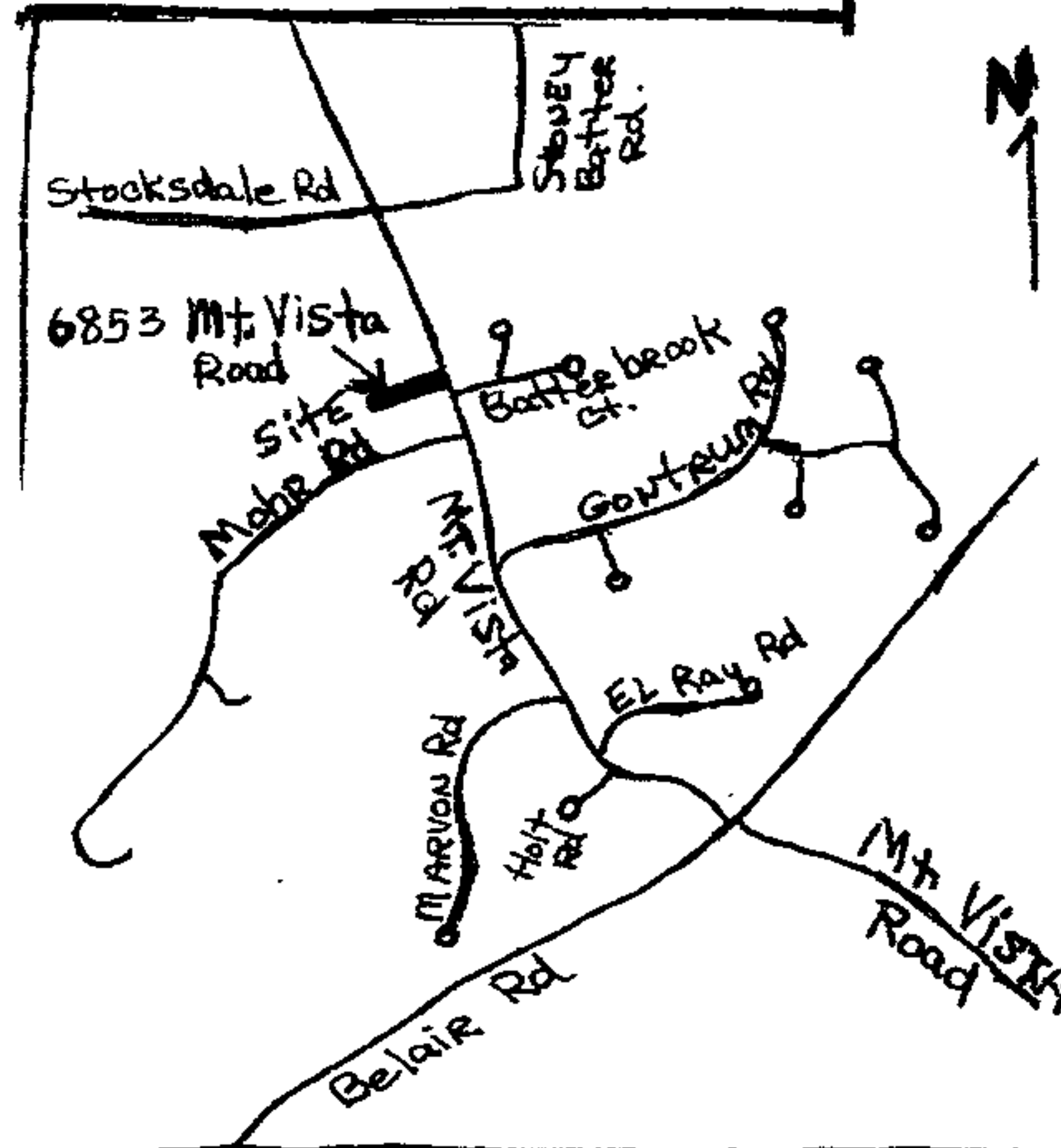
PLAT TO
ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING
 ADDRESS 6853 MT VISTA RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

JOE GLINOWIECKI
MAUREEN M. GLINOWIECKI } OWNERS

Subject property is shown in Zone C
 on the FIRM Map of Baltimore County,
 Maryland on Community Panel
 240010 0280 B. Effective March 2, 1981



NOTES:
 1) All information, if shown, was obtained from existing record plot or local agencies and is not guaranteed by NIT, Inc.
 2) Building line and/or flood zone information is subject to the interpretation of the originator.
 3) NIT, Inc. does not certify to unknown or unrecorded encroachments or overlaps.
 4) Property markers NOT found, or guaranteed by this location.
 5) Subject distance accuracy: 1/2"



Vicinity MAP Scale: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 11
 COUNCILMANIC DISTRICT 3
 1" = 200' SCALE MAP # 063C1
 ZONING RC5
 LOT SIZE 1.99 ACRES 86,684.4 SQUARE FEET
 SEWER ☐ PUBLIC ☒ PRIVATE
 WATER ☐ PUBLIC ☒ PRIVATE
 CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
 100 YEAR FLOOD PLAIN YES ☐ NO ☒
 HISTORIC PROPERTY/BUILDING YES ☐ NO ☒
 PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #
 JNP 1340 106-340-SPH

SCALE OF DRAWING:
 1" = 100'

PETITIONER'S

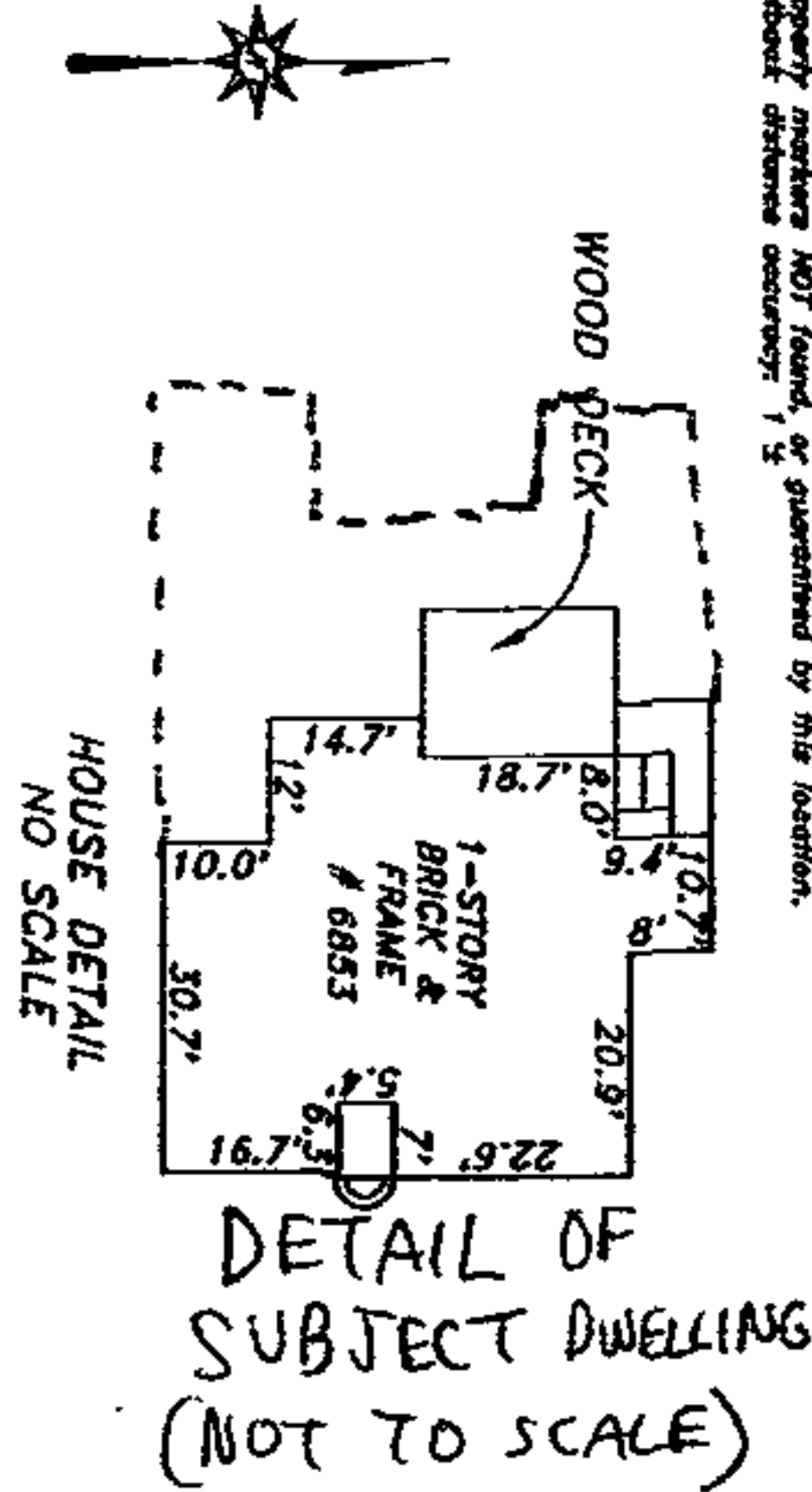
EXHIBIT NO.

1A

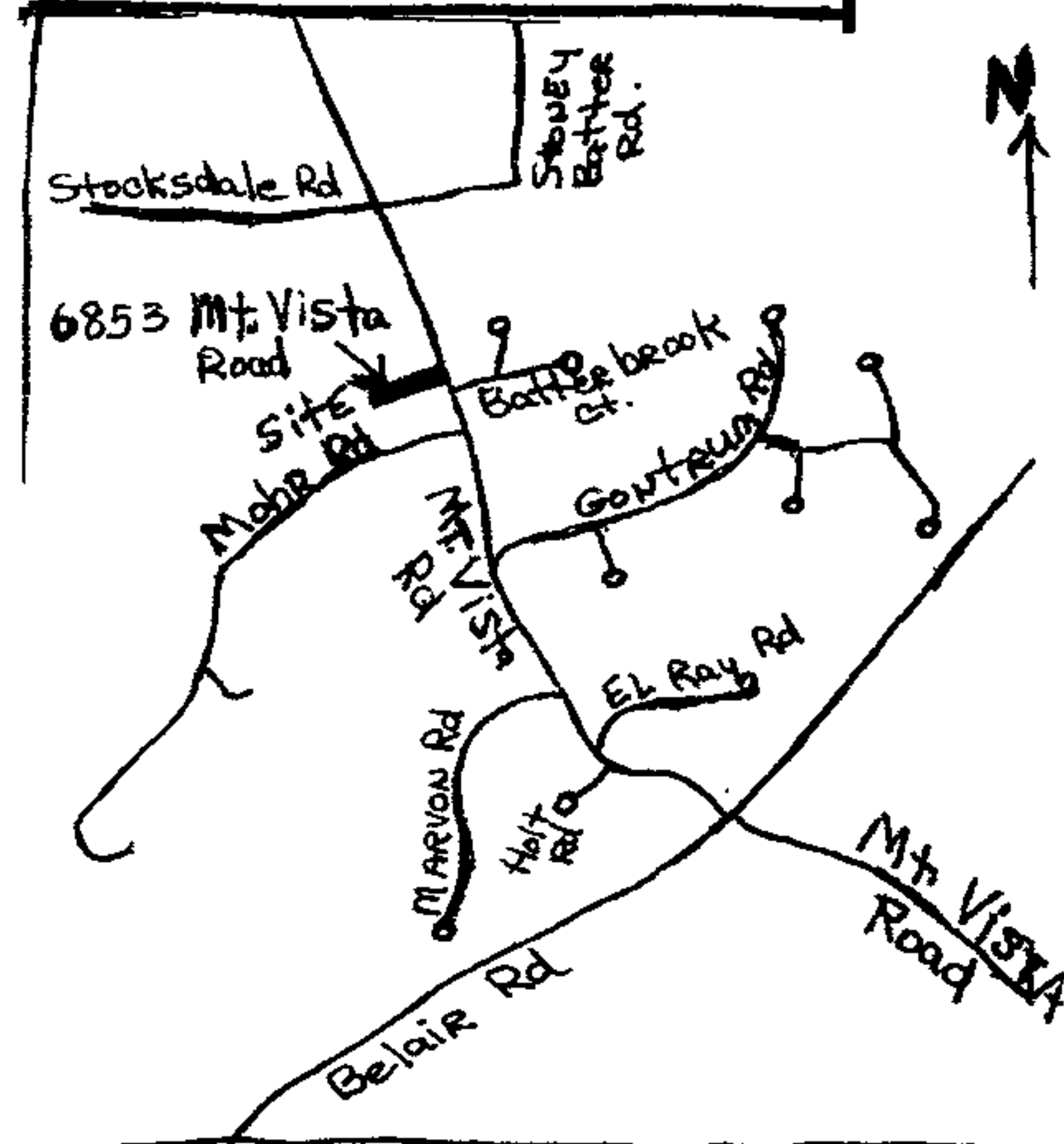
PLAT TO
ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING
 PROPERTY ADDRESS **6853 MT VISTA RD** SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

JOE GLINOWIECKI
MAURILEN M. GLINOWIECKI } OWNERS

Subject property is shown in Zone C on the FIRM Map of Baltimore County, Maryland on Community Panel 240010 0280 B. Effective March 2, 1981



NOTES:
 1) B.L. Information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NIT, Inc.
 2) Building line and/or Flood Zone Information is subject to the interpretation of the originator.
 3) NIT, Inc. does not certify to the accuracy or unrevised encroachments or overlaps.
 4) Property markers NOT shown, or guaranteed by this location.
 5) Subsequent distance accuracy: 1/2"



LOCATION INFORMATION			
ELECTION DISTRICT	11		
COUNCILMANIC DISTRICT	3		
1"=200' SCALE MAP #	063C1		
ZONING	RCS		
LOT SIZE	1.99	86,684.4	
	ACREAGE	SQUARE FEET	
	PUBLIC	PRIVATE	
SEWER	☐	☒	
WATER	☐	☒	
CHESAPEAKE BAY CRITICAL AREA	☐	YES ☐	NO ☒
100 YEAR FLOOD PLAIN	☐	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☐	☒
PRIOR ZONING HEARING	NONE		

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

SCALE OF DRAWING:
 1"=100'

PETITIONER'S

EXHIBIT NO. 1 B

Joe - Please see that this
exhibit gets in file no. 06-340 SPH

Thanks

March 4, 2006

Baltimore County Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

Case No. 06-340-SPH
Property: 6853 Mount Vista Road

Dear Mr. Wiseman,

We strongly object to the above referenced zoning change proposal. The surrounding area is a quiet residential neighborhood. Allowing an assisted living facility will commercialize the area and leave the door open for further zoning changes.

Currently, there are no sidewalks on Mount Vista Road where school buses pick-up and drop off students. The intersection of Batter Brook Court and Mt. Vista Road is a Baltimore County Schools bus stop and other bus stops are nearby. The increase in traffic from visitors and employees at the above referenced property significantly increases the probability of a pedestrian accident at this intersection. Traveling east on Mt. Vista Road, this location sits at the crest of a hill with limited visibility. Having more cars and/or passenger vans pulling in and out of that location could cause major traffic accidents. Vehicles from the referenced property are already parking on Mt. Vista Road in front of 2 Batter Brook Court. This has greatly reduced visibility when exiting Batter Brook Court.

Facilities of this kind are notorious for offering low wage jobs and hiring personnel with questionable backgrounds. We do not want these employees wandering through our neighborhood possibly putting our children at risk.

Changing the zoning of this property could adversely affect future property values of the surrounding neighborhood. If the property was purchased with the intent of converting it to an assisted living facility then the owners should have purchased on the Belair Road commercial corridor which already has the appropriate zoning. We ask, again, that you reject the proposed zoning change and maintain our neighborhood as originally planned.

Sincerely,


Robert M. Pugaczewski
11 Batter Brook Court
Kingsville, MD 21087


Nancy M. Pugaczewski

2A thru 2J
PROTESTANT'S

EXHIBIT NO. 2A

DONALD KEYSER
MARY KEYSER
4 Batter Court
Kingsville, MD 21087-1354
(410) 592-6974

March 5, 2006

Mr. William Wiseman
Baltimore County Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, MD 21204

Re Case No: 06-340-SPH
Property: 6853 Mount Vista Rd
Hearing Date: March 6, 2006

Dear Mr. Wiseman:

The property owners at 6853 Mount Vista Road have petitioned the Zoning Commissioner for a change that would allow them to use their house as an assisted living facility. While we support the need for assisted living, we are opposed to rezoning the aforementioned property for this purpose. It would be more appropriate to locate such a facility in a non-residential area.

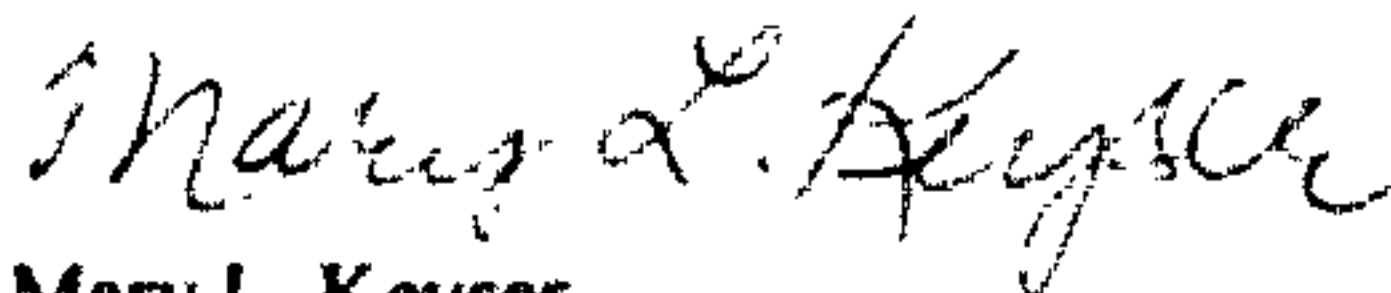
We moved to this area for its semi-rural character, and its quiet and slow-paced environs. Changing the zoning would result in increased traffic, need for employee parking, and increased noise in the neighborhood, not to mention a greater draw on precious well-water resources. This could also open the way for other zoning changes that would result in a deterioration of our semi-rural neighborhood. We pay far too much in taxes to have our community surroundings change in this way, and especially want to avoid any impact this could have on our property values.

We hereby appeal to the County to deny this zoning change.

Sincerely,



Donald L. Keyser



Mary L. Keyser

March 5, 2006

Baltimore County Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Ave.
Towson, MD 21204

Dear Mr. Wiseman.

Owning a home at 5 Batter Brook Court, my wife and I are vehemently opposed to the zoning change requested by the owners of 6853 Mount Vista Road.

This is a very poor location for an assisted living facility for the following reasons:

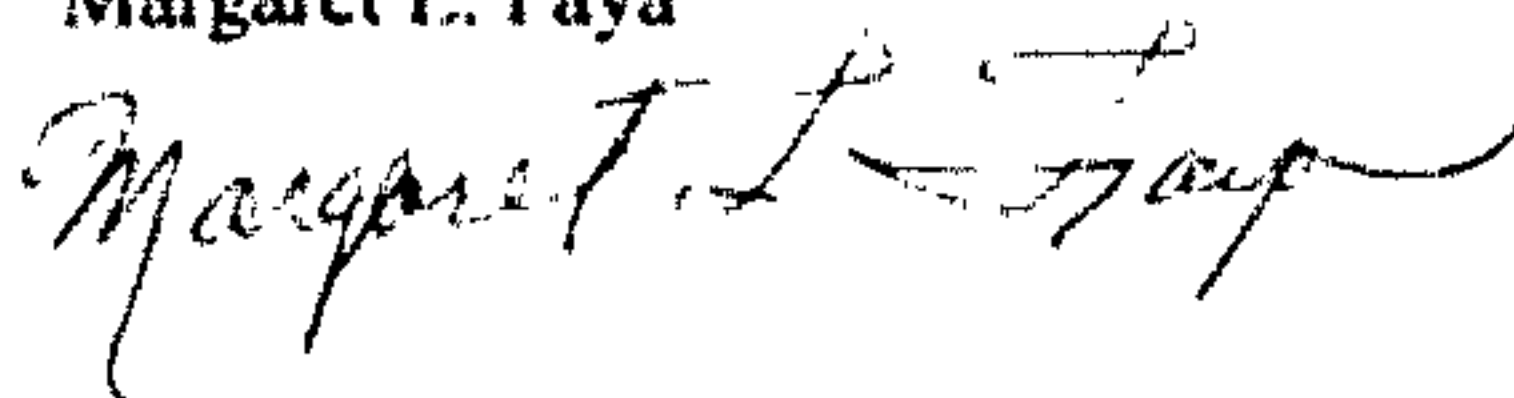
1. This is a completely residential/rural area. Our home was just reappraised and I do not mind paying more to live in this wonderful area. Once "spot zoning" is allowed the whole neighborhood suffers. This precedent leads to a steady decline of our living environment as more exceptions are requested.
2. The building to be used as an assisted living facility has an extremely limited front yard. This leads to serious problems with handicapped people leaving and entering vehicles in a safe manner. The house is located on the crest of a hill which makes drivers unaware of traffic using the facility until they are right upon them. Many drivers speed along this stretch of Mount Vista. An increase in vehicles entering and exiting from this property would likely lead to serious accidents. Drivers would not expect to have such a facility so close to the road in this area.
3. The Petitioners seem to be unaware or indifferent to the illegal parking that they are causing on Mount Vista Road. Of course they could pave over their whole front yard causing run off problems for neighboring properties and an extreme eyesore for the whole area!

To summarize we feel that the petitioners are requesting a use for their house and property that is entirely inappropriate due to the limitations of the physical structure and the danger of accidents due to the closeness to Mount Vista Road. We would also like to point out that such a use would be completely out of character to our beautiful rural environment.

Sincerely yours,


Paul W. Faya

Margaret L. Faya



Thomas & Trina Goldsmith
9 Batter Brook Court
Kingsville, MD 21087

March 4, 2006

Baltimore County Zoning Commissioner
County Courts Building, suite 405
401 Bosley Avenue
Towson, MD 21204
ATTN: Mr. William Wiseman

RE: Case No. 06-340-SPH
Property: 6853 Mount Vista Road

Hearing Date: March 6, 2006

Dear Mr. Wiseman,

We are writing to express our opposition to the proposed zoning change pertaining to 6853 Mount Vista Road. We have lived on Batter Brook Court (which enters onto Mount Vista across the street from 6853) for several years. We moved here to take advantage of the area's rural characteristics; which are protected by the existing zoning laws.

The assisted living facility that is being proposed is inappropriate in our area. We have already seen the negative impact of such a facility. We have recently noticed that the parking pad at 6853 is completely filled with cars, and excess vehicles are often being parked on the shoulder of Mount Vista across the street from the house (6853). This makes it quite dangerous to pull out from Batter Brook Court onto Mount Vista, as these parked vehicles block the view of oncoming traffic. This is the only way out of our neighborhood.

To summarize, we are opposed to the proposed zoning change, and strongly urge you to deny the request.

Sincerely,

Th. E. Goldsmith

Thomas E. Goldsmith

Trina K. Goldsmith

Trina K. Goldsmith

March 4, 2006

Baltimore County Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, MD 21204

Attn: Mr. William Wiseman

Regarding Case No. 06-340-SPH
Property: 6853 Mount Vista Road

Hearing Date: March 6, 2006

Dear Mr. Wiseman,

My wife + I are against this exception for a
assisted living facility on this property. We bought our
home in the count on the opposite side of Mt Vista
for its rural charm and this Commercial enterprise
would destroy it.

The additional traffic, for visitors, employees, Commercial
deliveries and signage on the property would distract
from our residence.

For the amount of property tax that we pay, does not
deserve this!

While assisted living is a necessary + good it does not
belong here.

John Frank + Ethel Frank
6 Batter Court
Kensville, Md 21087

5 March 2006

Baltimore County Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, MD 21204

Attn: Mr. William Wiseman

Regarding Case No. 06-340-SPH
Property: 6853 Mount Vista Road

Hearing Date: 6 March 2006

Dear Mr. Wiseman,

We are sending this letter to let you know we are adamantly opposed to a proposed zoning change for 6853 Mount Vista Road. We purchased our building lot and built our home in this area of Kingsville for its rural atmosphere. We have invested a great deal of time and money into our home because it is located in a rural residential/agricultural area. An area that we don't want changed by putting an unsightly, commercial business.

It is our understanding this zoning change is being requested for an Assisted Living Facility, which could be established at this location. Although we believe assisted living facilities are necessary, they don't belong in this residential/agricultural area. We pay very high taxes to live in this area and the appearance of a business would greatly detract from its rural atmosphere. Another major concern is the amount of increased traffic this business will create in this immediate area. The increased traffic currently at this residence has already caused driving difficulties. Vehicles are constantly parked on the shoulder of Mount Vista Road, near the entrance to Batter Brook Court, making visibility impossible when attempting to turn onto Mount Vista Road from Batter Brook Court. Complicating things even more is the fact that Mt. Vista Road rises to a peak at this very location. Because of this, you do not see oncoming traffic while traveling along Mt. Vista road and now this business will make driving even more dangerous with cars being parked on the side of the road, and coming and going into their driveway. Also, special buses for transporting the elderly, which already frequent this residence, impede traffic on a road that is already dangerous. To back into the driveway, these buses must stop all traffic in both directions, without notice, on an already dangerous hill.

Overall, this proposed business is not conducive to the rural neighborhood it is located in and the additional traffic it will bring along with it will be cause for continuous danger. For these reasons, we are adamantly opposed to this zoning change.



LouAnne and Mark Savarese

March 6, 2006

Baltimore County Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, MD 21204

Attn: Mr. William Wiseman

RE: Case #: 06-340-SPH
Property: 6853 Mount Vista Road
Hearing Date: March 6, 2006

Dear Mr. Wiseman,

Batter Brook Court's entrance is directly across from the Petitioners' property. My wife and I live on Batter Brook Court. We are opposed to the Petitioner's request for a zoning variance to approve a use permit for an assisted living facility for one to three residents.

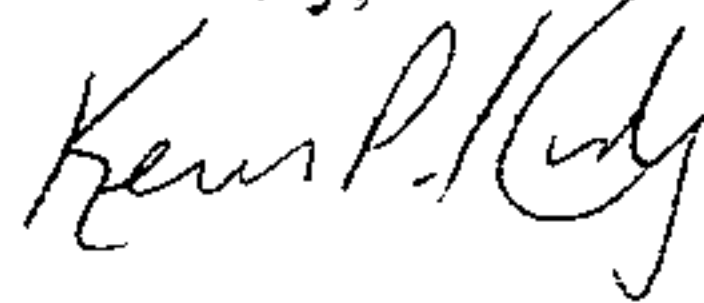
Our reasons for the opposition are as follows:

1. There is no public water access. The facility will be located in a well and septic community and will draw ultimately, from the existing well sources. Well water in the area is a limited resource.
2. The Petitioner's property does not have sufficient parking to accommodate the location. At the present time, the Petitioner's fill their parking pad which can handle 6 to 8 vehicles and then illegally park in the turn lane on Mount Vista Road, which is for use to turn into Batter Brook Court. The Petitioner's lot number is P530.
3. Mount Vista Road is a high traffic road. The proposed facility sits just at the crest of a quite severe hill. It is virtually impossible to see beyond the hill until your vehicle reached the top of the crest. The Petitioner's activities would involve a lot of automobiles (care takers, mobility/senior ride vehicles) coming and going with people entering and exiting the property. This creates a very unsafe situation as cars travel 30 mph up and down Mount Vista Road and cannot see pedestrians or vehicles. If the facility would be allowed to go forth as requested, the result would be serious traffic accidents at this location.
4. An assisted living facility is inappropriate for our neighborhood. Homes on Batter Brook Court range in value from \$600,000 to \$1,400,000. The facility would be directly across the street from the entrance to Batter Brook Court. The area surrounding the proposed facility is all residential properties. A business such as requested would serve to diminish the property values and aesthetics of the residences in this area.

We feel that this proposed facility is very inappropriate due to the character of the residential neighborhood. The only way the Petitioners could handle their parking needs would be to completely pave the entire front yard which would essentially become a 'business' parking lot. This would serve to diminish the property values and aesthetic of the residences in this area. Also, the Petitioner's larger consumption of well water will put undue stress on other wells in the area. Finally, the dangerous traffic situations at this proposed facility would result in a serious traffic accident.

Accordingly, we strenuously oppose the Petitioners' request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin P. Kirby".

Kevin P. Kirby

March 4, 2006

Baltimore County Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, MD 21204

Attn: Mr. William Wiseman

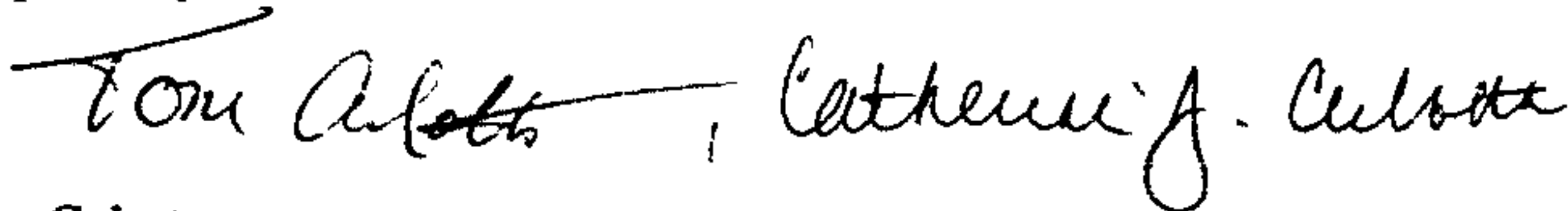
Regarding Case No. 06-340-SPH
Property: 6853 Mount Vista Road

Hearing Date: March 6, 2006

Dear Mr. Wiseman,

Please support our opposition to the zoning change request for the property at 6853 Mount Vista Road. As the original homebuilders on Batter Brook Court, we chose this area specifically because we were confident that the neighborhood would never be subjected to this type of change. While the individual request, may seem minor, it certainly represents a slippery slope. Again, please deny this request for a zoning change.

Respectfully,



Tom Culotta
Kate Culotta
4 Batter Brook Court
Kingsville, MD 21087

SCOTT A. HUNSICKER

ATTORNEY AT LAW

949 FELL STREET

BALTIMORE, MARYLAND 21231

(410) 342-1111

FAX (410) 675-2399

March 3, 2006

Baltimore County Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, MD 21204

Via Fax 410-887-3868

ATTN: Mr. William Wiseman

Re: Case No. 06-340-SPH
Property: 6853 Mount Vista Road
Hearing Date: Monday, March 6, 2006

Dear Mr. Wiseman:

My wife and I own a home and reside on Batter Brook Court, which is directly across from the Petitioners' property. Please be advised that we are in opposition to the Petitioners' request for a zoning variance to approve a use permit for an assisted living facility for one to three residents.

We oppose this petition for several reasons:

1. The location for this facility is not appropriate for the neighborhood. This proposed facility is directly across the street from the entrance to Batter Brook Court, a neighborhood consisting of homes ranging in value from \$600,000 to \$1,400,000. In addition, the property is surrounded by other residential properties on Mount Vista Road. A business such as the requested assisted living facility at this location would serve to diminish the property values and aesthetics of the residences in this area.

2. The Petitioners have insufficient property to conduct this activity. Although the Petitioners have a lot consisting of approximately 2 acres, the lot has very limited frontage on Mount Vista Road. Attached is a Baltimore County Department of Assessments and Taxation map showing the limited frontage of the property on Mount Vista Road. The Petitioners' lot number is P530.

3. The present activities conducted by the Petitioners on the site are already creating traffic and other negative issues in the neighborhood. At the present time, the Petitioners have insufficient parking for the number of vehicles located at their property. They regularly have cars illegally parked in a turn lane on Mount Vista, which was created to service Batter Brook Court.

Baltimore County Zoning Commissioner
Attn: Mr. William Wiseman
March 3, 2006
Page 2

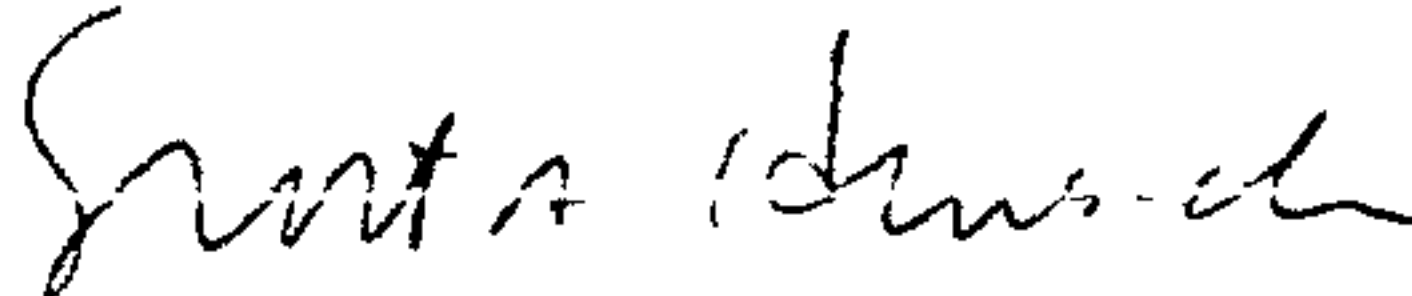
Mount Vista Road is a heavily traveled road and parking in the turn lane for Batter Brook Court makes it very difficult for incoming traffic to make a turn onto Mount Vista from Batter Brook.

4. The activity relating to Petitioners' use of the property creates a dangerous situation, both to pedestrians and vehicles because of the location of the Petitioners' property. The Petitioners' property is located on Mount Vista Road, at the top of a hill, with Mount Vista Road falling pretty severely in both directions from Petitioners' property. It is impossible to see traffic or people coming from the other direction until your vehicle reaches the top of the crest of the road, which is almost directly across from Batter Brook Court. Since Petitioners' activities involve a lot of automobiles coming and going with people entering and exiting, this creates an extremely unsafe situation because cars traveling 30 mph cannot see the pedestrians or the cars backing in and out of the Petitioners' property until the approaching vehicle is in close proximity. To permit the Petitioners to continue to use the property as requested will result in a serious traffic accident at this location.

In summary, this proposed use at this location is wholly inappropriate, both because of the character of the residential neighborhood in that vicinity, as well as the severe limitations of the site of the Petitioners property and its very limited frontage on Mount Vista Road. The Petitioners' property simply cannot handle the amount of activity which their property is generating. In addition, the extreme visibility issues caused by the cresting of the road at that location create a dangerous situation for us and our neighbors. The only way for the Petitioners to handle their parking needs would be essentially to pave their entire front yard area and create a "business" parking lot which would consist of most of their front yard. This would be devastating to the property values and the aesthetics of this residential area.

Accordingly, we strenuously oppose the Petitioners' request.

Very truly yours,



Scott A. Hunsicker

/shh
Enclosure
03/03/06 shh

BALTIMORE COUNTY COUNCIL

Old Court House - 2nd Floor
400 Washington Avenue
Towson, Maryland 21204



S. G. Samuel Moxley
First District

Kevin Kamenetz
Second District

T. Bryan McIntire
Third District

Kenneth N. Oliver
Fourth District

Vincent J. Gardina
Fifth District

Joseph Bartenfelder
Sixth District

John Olszewski, Sr.
Seventh District

Thomas J. Peddicord, Jr.
Legislative Counsel/
Secretary

TO:	BILL WISEMAN
FROM:	
DATE:	
NUMBER OF PAGES:	4
PHONE:	410-887-3196
FAX:	410-887-5791

REMARKS:

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2006, Legislative Day No. 6

Bill No. 32-06

Mr. Kenneth N. Oliver, Councilman

By the County Council, March 20, 2006

A BILL
ENTITLED

AN ACT concerning

Assisted Living Facilities

FOR the purpose of permitting an Assisted Living Facility III in the OR-2 Zones of the County
under certain conditions, repealing an obsolete provision; and generally relating to assisted
living facilities.

BY repealing and re-enacting, with amendments

Section 432A

Baltimore County Zoning Regulations, as amended

BY repealing

Section 1A04.2A.4

Baltimore County Zoning Regulations, as amended

- 1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 432A of the Baltimore County Zoning Regulations, be
3 and it is hereby repealed and re-enacted, with amendments, to read as follows:

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
[Brackets] indicate matter stricken from existing law
Strike-out indicates matter stricken from bill
Underlining indicates amendments to bill.

Section 432A, Assisted-Living Facility, Housing for the Elderly

A. An assisted-living facility is permitted in the D.R., R.O., R.O.A., R.A.E., B.R., [and]

B.M. AND OR-2 Zones as follows:

1. An assisted-living facility I is permitted by use permit.

2. An assisted-living facility II is permitted by use permit if it has frontage on a principal arterial street.

3. An assisted-living facility III is permitted in a D.R. 16, R.A.E., R.O., R.O.A. or B.M. Zone by use permit. AN ASSISTED LIVING FACILITY III IS PERMITTED IN THE OR-2 ZONE BY SPECIAL EXCEPTION AND IS LIMITED BY THE USE, AREA AND BULK REGULATIONS OF THE D.R. 10.5 ZONE. A facility located in a R.O. Zone is also subject to review by the design review panel for compatibility with surrounding uses.

4. Housing for the elderly is permitted by right in R.A.E. Zones.

B. Except for the signs permitted by Section 450, no other signs or displays of any kind visible from the outside are permitted.

C. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure is permitted except for a residential garage as defined in Section 101.

1. Parking shall be set back at least 10 feet from the property line, except that if the property line abuts an alley, no setback is required if the alley does not abut the front or rear yard of a residentially used property.

2. Parking and delivery areas shall be located in the side or rear only.

3. At least 10% of the lot shall be used to provide useable, contiguous and private open space.

D. An assisted-living facility is subject to a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code.

1 E. An assisted-living facility located in a County historic district is also subject to review by the
2 Landmarks Preservation Commission in the same manner as other buildings located in a historic district.

3 SECTION 2. AND BE IT FURTHER ENACTED, that Section 1A04.2A.4 of the Baltimore
4 County Zoning Regulations, as amended, be and it is hereby repealed, retroactive to May 29, 2004.

5 SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days after its
6 enactment.

b03206.wpd

3. Program of fee disbursements.
4. Monitoring system.

430.13 Regulations. The Office of Planning and the Department of Public Works may promulgate such rules and regulations not inconsistent herewith as are necessary to implement the provisions of this section. [Bill No. 29-1995]

Section 431
Parking of Commercial Vehicles
on Residential Property
[Bill No. 70-1988]

- A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.
- B. One commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions:
 1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds.
 2. The owner or operator of the vehicle shall reside on the lot.
 3. The vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure:
 - a. No materials, products, freight or equipment shall be visible
 - b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door.
 - c. The vehicle shall be parked in a side or rear yard.

Section 432
Elderly Housing Facilities in D.R. Zones
[Bill No. 36-1988]

- A. Elderly housing facilities are permitted in all D.R. Zones under the conditions set forth below. Such uses shall also comply with the requirements of the zones in which they are located and with all other applicable provisions of the zoning regulations, except as herein modified.
- B. Development of elderly housing facilities is especially encouraged on property containing existing institutional uses; to promote such facilities on these properties, maximum residential density, maximum building height standards and residential transition area restrictions may be altered, as set forth below. For the purposes of this section, institutional uses shall be convents, orphanages, schools, seminaries, officially designated historic buildings, hospital campuses and churches on sites containing at least 10 acres.

432.1 In general. The following provisions shall apply to assisted-living facilities, continuing care facilities and housing for the elderly (collectively referred to as "housing facilities") in D.R. Zones, unless otherwise indicated.

A. Permitted uses.

1. Housing for the elderly shall be permitted by right. **[Bill No. 188-1993]**
2. Assisted-living facilities other than Class A or Class B for three or fewer shall be permitted by right. **[Bill No. 188-1993]**
3. Subject to Section 432.5, assisted-living facilities, Class A, shall be permitted by use permit and assisted-living facilities Class B shall be permitted by special exception. **[Bill No. 188-1993]**
4. Continuing care facilities shall be permitted by special exception. Assisted-living facilities other than Class A or Class B of four or more and assisted-living facilities developed in conjunction with a nursing home shall be permitted by special exception. **[Bill No. 188-1993]**
5. Elderly housing facilities for the elderly are not permitted in any Baltimore County Historic District, except for Class A assisted-living facilities. **[Bill No. 188-1993]**
6. An applicant for a special exception to develop a housing facility may combine in the same special exception petition a request for modification or waiver of the maximum residential density standard or building height standard as set forth in Section 432.2 or a request for modification or waiver of residential transition area restrictions, or all as set forth in Sections 432.2, 432.3 and 432.4. **[Bill No. 188-1993]**

B. The following uses shall be permitted as accessory uses:

1. Accessory uses which are normally and customarily associated with multiple-family dwelling developments in D.R. and R.A.E. Zones.
2. Common dining facilities.
3. Accessory uses which are customarily associated with elderly housing facilities and assisted-living facilities of four or more (except assisted-living facilities developed in conjunction with a nursing home), such as personal and recreational services, small gift or necessities shops and a small bank branch or automated bank teller machines, provided that the accessory use is for the sole use of the elderly housing community, and provided that there is no exterior announcement or other exterior evidence of the accessory use.
4. Guest rooms for residents, family members and guests of residents and potential residents. Guest rooms may not exceed two for each 100 dwelling units provided.

5. Any uses not listed above which, in the judgment of the Zoning Commissioner after a public hearing, would be in accordance with the definition of accessory use or structure contained in Section 101 and would not be detrimental to the locality involved.

C. Width of elevation of detached dwellings.

1. Notwithstanding the provisions of Section 1B01.2.B.1. and for the sole purposes of determining the width of any elevation of a detached building, any buildings within the development that are connected by exterior passageways shall be considered as detached buildings. Such passageway, whether or not completely enclosed, shall not be included when determining the width of any elevation of a detached building.
2. The development shall not be subject to the restriction contained in Section 1B01.1.B.1.b.(2) concerning the maximum width or length of any elevation of a detached building or group of attached buildings when located in a residential transition area.¹

- D. Notwithstanding the provisions of Section 1B01.2.C.2.b., the minimum distance between centers of facing windows of different dwelling units on the same subdivision tract shall be 20 feet for elderly housing facilities.²

432.2 Provisions for approving an increase in residential density or building height for elderly housing facilities on hospital campuses. If an elderly housing facility is established in conjunction with a hospital and is located on a hospital campus, the Zoning Commissioner, by special exception, may approve an increase in residential density or building height above the maximum residential density or maximum building height specified for the zone in which the facility is located if:

- A. The height of any new building does not exceed the height of the existing hospital building.
- B. The density approved is specified and does not exceed the maximum gross residential density permitted in the R.A.E. I Zone (40 density units per acre).

432.3 Provisions for modifying or waiving maximum residential density standards for elderly housing facilities on property containing institutional or historic buildings. If a person seeks to develop an elderly housing facility on a property that contains one or more existing institutional or historic buildings, the Zoning Commissioner may, by special exception, modify or waive the maximum residential density standard specified for the zoning in which the development is located, but only in accordance with the conditions set forth below.

- A. Before granting a density increase hereunder, the Zoning Commissioner shall determine that the proposed development falls into one of the following categories:

¹ Editor's Note: This provision was rendered no longer applicable as a result of Bill No. 2-1992.

² Editor's Note: This provision was rendered no longer applicable as a result of Bill No. 2-1992.

1. The development involves an institutional site, where the existing institutional use will be continued on a portion of the site and an elderly housing facility will be developed on the remainder. If the development falls into this category, the Zoning Commissioner may grant a density increase that takes into account the density and use by the existing institution.
2. The development involves property where no existing institutional use will be continued. If the development falls into this category, adaptive reuse of existing institutional or historic buildings is encouraged. The Zoning Commissioner may grant a density increase only if existing institutional or historic buildings are incorporated in the plat accompanying the petition or unless, for any such existing buildings that are not incorporated in the plat, the petitioner establishes that the buildings are unsuitable for adaptive reuse.

In determining whether a petition has established that existing buildings are unsuitable for adaptive reuse, the Zoning Commissioner shall consider, historical, architectural, structural, functional, economic and other pertinent factors. The Zoning Commissioner shall also consider whether the existing buildings may be adapted for use, architecturally, from institutional to residential use.

- B. As a condition of granting a density increase for proposed development that falls into the category described in Section 432.3.A.2., the Zoning Commissioner shall comply with the requirements herein with respect to each existing institutional or historic building that is suitable for adaptive reuse.
 1. If the building is not on the final historic landmarks list of the Landmarks Preservation Commission but the Zoning Commissioner determines that the building has historic or architectural significance, the Commissioner shall find that adequate guarantees have been made for the exterior preservation or restoration of the building, or that any exterior alterations or repairs and any new exterior construction will be architecturally compatible with the original building.
 2. If the building is on the final historic landmarks list of the Landmarks Preservation Commission, the Zoning Commissioner shall incorporate all pertinent requirements of the Commission as conditions of the special exception.
- C. Before granting any density increase under this Section 432.3, the Zoning Commissioner shall determine that:
 1. The subject property is suitable for the type of development proposed.
 2. The balance of the tract outside of the building envelope will be used only for such open space and recreational uses as are permitted by right or by special exception in D.R. Zones.

3. The development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood.
 4. The density increase will satisfy all other criteria stated in Section 502.1 of these regulations.
- D. Upon establishing a hearing date for any petition for a special exception hereunder, the Zoning Commission shall promptly forward a copy of the petition to the County Landmark Preservation Commission for review and comment with regard to historic preservation factors. At the hearing, the Zoning Commissioner shall consider in evidence without testimony thereto, absent objection by any party to the case, any comments from the Director of Planning or the County Landmarks Preservation Commission or any duly submitted relevant report or comments from any other county department or agency. If an objection is made by any party, the item shall be entered by testimony of a proper witness, who shall be notified by the Zoning Commissioner.
- E. In approving a density increase hereunder, the Zoning Commissioner shall specify the density approved, which may not exceed the maximum gross residential density permitted in the D.R.16 Zone.
- F. The Zoning Commissioner shall require an elderly housing facility which has been developed in accordance with the provisions of this subsection to attempt to provide for a system of community participation in the following manner:

The petition for special exception shall include a statement that a board of advisors to the facility has been established composed of members selected by the board of directors of the communities surrounding the facility. If at the time of the filing of the petition for special exception, no such board exists, the developer shall seek to establish such a board by soliciting membership by means of advertisement. Such advertisement shall be placed in a weekly newspaper serving the community and shall be at least 1 1/2 inches in width and 2 inches in length. Such advisory board shall consist of at least five members selected in the manner provided herein and shall be convened at least four times per year. The failure of the elderly housing facility to successfully establish the board of advisors shall not invalidate the granting of the special exception or prevent the granting of the special exception, if such failure results from the refusal of the community members to participate.

- G. If a petitioner has been granted an increase in density for a property under the provisions of this subsection, and if a financial failure of the elderly housing facility subsequently occurs, in order to determine an appropriate reuse the owner of the property shall file a petition for special hearing, pursuant to Section 500.7. If the proposed use requires a special exception from the density allowed by the base zone designation, a petition for special exception may be filed and heard simultaneously with the petition for special hearing. The financial records of the failed facility shall accompany the petition.

- H. Neither the use of the property for an elderly housing facility nor the increased density granted under this section may be considered as evidence of "substantial change in the character of the neighborhood" for the purpose of interim rezoning classifications of other property in the neighborhood.

432.4 Provisions for modifying or waiving the residential transition area restrictions for elderly housing facility developments. The Zoning Commissioner may, by special exception, notwithstanding Section 1B01.1.B.1.e, modify or waive the residential transition area restrictions in cases where an elderly housing facility development would be severely or adversely affected by the restrictions set forth in Paragraph 1B01.1.B.1.b. if the Zoning Commissioner determines that:

- A. Compliance with all or part of the residential transition area restrictions will cause unreasonable hardship on the development.
- B. The quality of the site design and amenities provided would justify a modification or waiver of the residential transition area restrictions.
- C. The development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood.

432.5 Assisted-living facilities, Class A and Class B. **[Bill No. 188-1993]**

A. Density.

1. Assisted-living facilities, Class A. The residence shall be located on a lot that will meet all of the density requirements for its size and zone, except that if there will be more than six residents, the following table shall apply:

	Minimum Lot Size (square feet)				
	R.C.5/D.R.1 Zones	D.R.2 Zone	D.R.3.5 Zone	D.R.5.5 Zone	D.R.10.5/16 Zones
Seven residents	50,000	25,000	12,500	10,000	9,000
Each additional resident	5,000	3,800	2,000	1,500	1,200

2. Assisted-living facilities, Class B. The minimum lot area shall be one acre or 2,000 square feet per resident, whichever is greater.

B. Performance standards.

1. Standards for Class A and Class B assisted-living facilities.
 - a. Signs are permitted, subject to Section 450. **[Bill No. 89-1997]**
 - b. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure shall be permitted, except for a residential garage, as defined in Section 101.

- (1) Parking shall be at least 10 feet from the property line, except that, if the property line abuts an alley, no setback is required, provided that the alley does not abut the front or rear yard of a residentially used property. This requirement shall not apply to spaces existing before the effective date of Bill No. 188-1993.
 - (2) Parking and delivery areas shall be located in the side or rear only. This requirement shall not apply to parking spaces existing before the effective date of Bill No. 188-1993.
- c. Changes to exterior.
- (1) Assisted-living facilities, Class A, which involves change to the exterior of the building or reconstruction after the building has been destroyed, is subject to review for compatibility of the proposed changes in relation to existing structures in the immediate vicinity.
 - (a) At the time of application for a building permit, plans or drawings of the building, sufficient to determine compatibility, and photographs representative of the vicinity shall be submitted to the Department of Permits and Development Management (PDM).
 - (b) PDM shall notify the Director of the Office of Planning, who may make, within 15 days of the request, written recommendations concerning the compatibility of the proposed changes with regard to: major divisions or architectural rhythm of facades; roof design and treatment; and materials and colors and other aspects of facade texture or appearance.
 - (c) The Director of PDM may approve, disapprove or modify the building permit based on the recommendations, if any, of the Office of Planning.
 - (2) Enclosure of the porch of a house or the addition of an exterior stairway to the side or rear of a building does not constitute a change to the exterior for purposes of this paragraph.
- d. Assisted-living facilities, Class B, shall be subject to a compatibility finding pursuant to Section 26-282 of the Baltimore County Code, 1988 Edition, as revised.
- e. The lot shall provide usable, contiguous and private open space of at least 500 square feet.
- f. In addition to the recordkeeping requirements of COMAR, Title 14.11.07., the owner or manager of an assisted-living facility shall maintain a complete and accurate personnel file for each employee of the facility. Personnel files shall be maintained for a period of at least five years. Any disciplinary action taken against an employee shall be

documented in the personnel file. Personnel files shall be available for inspection by the Maryland or Baltimore County Office of Aging. Unless disclosure is required by law, the owner or manager may not disclose information contained in an employee's personnel file to any person or agency other than the employee, the employee's agent or the Maryland or Baltimore County Office of Aging and their respective agents. [Bill No. 82-1994]

2. Additional standards for assisted-living facilities, Class A.
 - a. Assisted-living facilities, Class A, shall be exempt from Division 2, Article V, Title 26, of the Baltimore County Code, 1988 Edition, as revised, provided that there will be no enlargement of the building in ground floor area by 25% or more within a period of five years prior to application, and the residential appearance of the structure and its setting, including accessory parking spaces, will be maintained so that the converted dwelling will be highly compatible with adjacent residential property. This determination shall be made by the Director of the Office of Planning, upon review of a plan which indicates the size of the lot, square footage of the building, proposed parking and loading spaces and proposed private open space.
 - b. The reconstruction of assisted-living facilities, Class A, which are destroyed by fire or other casualty, may not increase the size or gross floor area of the structure or alter its location without a special hearing.
3. Additional standards for assisted-living facilities, Class B.
 - a. The lot shall meet the minimum setback, maximum height and maximum coverage for other principal buildings for the zone where it is located.
 - b. The lot shall have frontage on a principal arterial, as defined in these regulations, except if the facility is located in a property which is designated as historic or is in a historic district, as identified on the Zoning Maps.

Section 433
(Reserved)²⁷

²⁷ Editor's Note: The provisions of former Section 433, Temporary Moratorium on Infectious Waste Incinerators, originally enacted by Bill No. 87-1987, expired on January 1, 1988, and they have been removed from the Regulations.

● Old print 5/29/84

ANIMAL BOARDING PLACE, CLASS B — Any other animal boarding place not excluded under the general definition of "animal boarding place" above. [Bill No. 85-1967]²

ANTIQUE SHOP — A retail establishment for the sale of goods of a type that are often purchased by collectors and that may include furniture, pottery, glassware, jewelry, linens, tools, artworks and books which were manufactured at least 20 years in the past. Antique shop includes the outside display of merchandise offered for sale in front of the establishment on the same lot within five feet of the front porch of front building facade. [Bill Nos. 73-2000; 74-2000]

ARCADE — A building or part of a building in which five or more pinball machines, video games or other similar player-operated amusement devices are maintained. [Bill No. 29-1982]

AREA, NET — Land area not including area of land in public streets or other fee-simple public rights-of-way. [Bill No. 40-1967]

ARTERIAL STREET — A motorway or portion thereof which: is or is intended for travel to or from major employment centers, such as town centers; has or is intended to have, four or more lanes for moving traffic; is or is intended to be designed for traffic speeds of at least 40 miles per hour; has or is intended to have a right-of-way at least 66 feet wide; is not a freeway or an expressway; and has been designated as an arterial street (or as a boulevard or thoroughfare) by the Planning Board. [Bill No. 40-1967]

ASSISTED-LIVING FACILITY — A building, or a section of a building, or a residence that provides: (1) a residential environment assisted by congregate meals, housekeeping and personal services for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for persons, regardless of age, who have physical or developmental disabilities; or (2) three daily meals in a family setting, housekeeping and personal services such as assistance with bathing, dressing or laundry for no more than 15 persons 62 years of age or older and which satisfies and complies with Section 432 of these regulations. Such a facility must be certified or licensed by the Maryland Office on Aging as is otherwise required in COMAR, Title 14.11.07. [Bill No. 188-1993]

- A. Where such services are located in a converted dwelling or other building that has not been enlarged to accommodate the facility by more than 25% of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted-living facilities Class A. [Bill No. 188-1993]
- B. Where such services are located in a new building constructed for that purpose or in a dwelling or other building that has been enlarged to accommodate the facility by 25% or more of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted living facilities Class B. [Bill No. 188-1993]

² Editor's Note: The following definitions, which originally followed this definition, were repealed as indicated: "antenna, long-wire" and "antenna, rigid-structure" were repealed by Bill No. 30-1998; "apartment building" and "apartment, group-house" were repealed by Bill No. 2-1992; "apartment house" was repealed by Bill No. 111-1968.

For the purposes of these regulations, this definition does not include: (1) a room or dwelling unit containing a complete kitchen, including a stove, intended for the daily preparation of meals for the resident; or (2) the provision of personal, housekeeping and congregate meal services in housing for the elderly, in a multifamily building or in other dwellings designed with complete kitchens in individual units. Density for such facilities shall be calculated at 0.25 for each bed. [Bill No. 188-1993]

Any such facility which is not covered by another chapter of the National Fire Protection Association Life Safety Code, 1991 Edition, shall comply with Chapter 22 of said code, entitled "Residential Board and Care Occupancies." However, a facility with less than four persons who are capable of self-preservation and prompt evacuation is exempt. [Bill Nos. 36-1988; 188-1993]

BANK — The term "bank" includes bank station, building and loan association, savings and loan association, credit union and similar chartered financial institutions. The term also includes automatic teller machines or banking devices and drive-through banking facilities, except as limited by the use listing in any zone where a bank is permitted. [Bill Nos. 13-1980; 191-1990]

BASEMENT — That portion of a building below the first floor, the floor of which is less than one-half of the height of the room below the average grade of the adjoining ground (see definitions of "cellar" and "story").

BED-AND-BREAKFAST HOME — A home occupation that provides one to three rooms (limited to two persons or one family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost. A bed-and-breakfast home is allowable only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 402D of these regulations. [Bill No. 113-1988]

BED-AND-BREAKFAST INN — A tourist home that provides four to 12 rooms (limited to a maximum of 16 persons) for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost. A bed-and-breakfast inn is allowable only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 402D of these regulations. [Bill No. 113-1988]

BEDROOM — The term "bedroom" includes a bedroom, any other room used principally for sleeping purposes, an "all-purpose room," a study or a den, provided that no room having less than 100 square feet of floor area shall be considered a bedroom. [Bill No. 100-1970]

BILLIARD OR POOL ROOM — A business establishment where the principal use is the playing of pool or billiards and at least 75% of the net floor area of the establishment's interior space is devoted exclusively to this use. The net floor area does not include space that is not available for use by the public. [Bill No. 30-1983]

BOARDING- OR ROOMING HOUSE [Bill Nos. 44-1982; 124-1993; 86-2001; 102-2001];

A. A building:

BALTIMORE COUNTY COUNCIL

Old Court House - 2nd Floor
400 Washington Avenue
Towson, Maryland 21204



S. G. Samuel Moxley
First District

Kevin Kamenetz
Second District

T. Bryan McIntire
Third District

Kenneth N. Oliver
Fourth District

Vincent J. Gardina
Fifth District

Joseph Bartenfelder
Sixth District

John Olszewski, Sr.
Seventh District

Thomas J. Peddicord, Jr.
Legislative Counsel/
Secretary

TO: BILL WISEMAN
FROM: _____
DATE: _____
NUMBER OF PAGES: 4
PHONE: 410-887-3196
FAX: 410-887-5791

REMARKS: *TOM PEDDICORD 9/4.3196*

Council

FISCAL NOTE**Bill 19-04****Council District(s) All****April 5, 2004****Councilmembers Kamenetz, Moxley, McIntire, Oliver & Bartenfelder**

Planned Unit Developments

This bill proposes to amend the County Code and the Zoning Regulations in order to revise and consolidate the review of all proposed planned unit developments. It also creates a new form of planned unit development for elderly housing.

The current process for the review and approval of residential planned unit developments (PUD-R) was created by Bill 3-92 pursuant to a Planning Board report. The process for the review of commercial PUDs (PUD-C) was created by Bill 47-94, again pursuant to a Planning Board report. Both types of PUDs require Planning Board review, and, in the case of the PUD-C, Council approval of the sites via the adoption of an annual PUD-C map.

Several years ago, the Council asked the Planning Board to review the County's laws governing housing facilities for the elderly (Res. 61-96). The Board issued two reports in 1997 that recommended, among other things, a revision of the PUD review process to include a new form of planned unit development for housing for the elderly.

Bill 19-04 creates a new PUD-E for senior housing and consolidates the review of all planned unit developments (PUD-R, PUD-C and PUD-E) under the Planning Board with a limited review of the development plan by the hearing officer following Planning Board approval. However, a PUD application is initially filed with the County Council. It is only after Council approval of the PUD site, following a public hearing and adoption of a Resolution of approval, that the concept plan may be filed with the Office of Planning for transmittal to the Planning Board.

The key elements of the bill are as follows:

- Elderly housing is divided into two types: assisted living facilities (typically, these are homes converted to accommodate small numbers of people who need help with daily living) and senior housing (structures for large groups of people age 60 and over, such as a continuing care facility, nursing home, or the largest types of assisted living facilities).

Bill 19-04 (cont'd)**April 5, 2004**

- Assisted living facilities are permitted in residential zones either as of right or by special exception depending upon the number of residents. Senior housing is permitted in any zone as a Planned Unit Development (PUD-E).
- The review of all PUDs (residential, commercial and elderly) is consolidated into a uniform process that requires County Council approval of the PUD site (by Resolution adopted after two-week notice and a work session) followed by a comprehensive review by the Planning Board and hearing officer approval. If the Council approves the site and the Planning Board approves the plan of development, the hearing officer is bound by the Planning Board's decision. The traditional role of the hearing officer is diminished in this new PUD process.
- The annual review of a PUD-C map is repealed, and there is no longer a classification of PUD-Rs by amount of acreage.
- The PUD-R is permitted in any residential zone with a minimum tract size of five acres lying within the URDL. The PUD-C is permitted in specified non-residential zones.
- After Council approval of a PUD site, a concept plan and pattern book are filed with the Office of Planning which must file its report with the Planning Board within 30 days after the CIM. The Planning Board must act within 45 days after receipt of the Office of Planning report.
- The Planning Board may waive or alter the height, area, setback, parking, open space, sign or other requirements of the underlying zone or zones, and permitted uses may be distributed throughout the PUD tract without regard to zone boundary.
- The Planning Board may increase the density of an elderly Planned Unit Development if affordable housing is provided (the eligibility basis is income below 60% of the median established by designated state and federal agencies). The size of the density bonus varies depending upon the number of affordable residential rental units provided in the PUD (the greater number of units provided, the greater the potential bonus). The density bonus is not available if the elderly PUD is in a R.A.E. zone.

Bill 19-04 (cont'd)**April 5, 2004**

- The hearing officer may deny a development plan only upon a finding that the decision of the Planning Board constituted an abuse of its discretion.
- The County Council may overrule the Planning Board decision on a PUD project.

Amendments will be offered to the Bill in order to clarify that a proposed PUD is subject to the existing development review process, including the community input meeting, agency review, etc. The only change to the process is that the Planning Board will give the public notice, post the property, and hold the public hearing on the proposed PUD, whereas the hearing officer's review is more limited than under current law.

BALTIMORE COUNTY COUNCIL

Old Court House - 2nd Floor
400 Washington Avenue
Towson, Maryland 21204



S. G. Samuel Moxley
First District

Kevin Kamenetz
Second District

T. Bryan McIntire
Third District

Kenneth N. Oliver
Fourth District

Vincent J. Gardina
Fifth District

Joseph Bartenfelder
Sixth District

John Olszewski, Sr.
Seventh District

Thomas J. Peddicord, Jr.
Legislative Counsel/
Secretary

TO: BILL WISEMAN
FROM: _____
DATE: _____
NUMBER OF PAGES: 9
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REMARKS:

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2004, Legislative Day No. 5

Bill No. 19-04

Councilmembers Kamenetz, Moxley, McIntire, Oliver, Bartenfelder & Olszewski

By the County Council, March 1, 2004

A BILL
ENTITLED

AN ACT concerning

Planned Unit Developments

FOR the purpose of amending the Baltimore County Zoning Regulations in order to revise the procedures governing the submission, review and approval of planned unit developments; amending the regulations concerning certain types of housing for the elderly; amending certain definitions in the Zoning Regulations and in the Taxation Article; adding definitions in the Zoning Regulations; establishing a new class of residential planned unit development for senior housing (PUD-E); permitting certain uses by right; permitting certain uses by special exception; establishing guidelines and standards for a PUD-E; establishing guidelines and standards for assisted living facilities; correcting certain references; eliminating the requirements for the submission of an annual map for the PUD-C process; amending certain tax credit provisions relating to senior housing developments; eliminating the distinction between classes of residential planned unit developments; and generally relating to the regulation of certain types of housing for the

EXPLANATION

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
[Brackets] indicate matter stricken from existing law
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

elderly and the manner of the submission, review and approval of all planned unit developments

BY repealing

Section 101, Definitions, the definitions of "Assisted Living Facility", and "Elderly Housing Facility"

Baltimore County Zoning Regulations, as amended

BY adding

Section 101, Definitions, the definitions of "Assisted Living Facility" and "Senior Housing"

Baltimore County Zoning Regulations, as amended

BY repealing

Sections 1B01.1.A.1.e., 1B01.1.C.25, 26, 27 and 28, 430.3B and C, 430.4B.1.b., B.2.b., B.3.b. and B.4.b., 430.10, 432, 440.6A. and 440.7C.

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Sections 1B02.2.A., 430.1A, 430.2C, 430.3E., 430.7, 430.8, 430.9, 430.11, 440.2C., 440.2F.3, 440.3B., 440.4E., 440.4A. and E., 440.5C., 440.6C., 440.7B. and 440.8

Baltimore County Zoning Regulations, as amended

BY adding

Sections ~~432~~ 432A and 433

Baltimore County Zoning Regulations, as amended

BY repealing

Section 32-4-241 to 32-4-245

Article 32. Planning, Zoning and Subdivision Control

Title 4 - Development

Subtitle 2 - Development Review and Approval Process

Baltimore County Code 2003

BY adding

Sections 32-4-241 to 32-4-246

Article 32. Planning, Zoning and Subdivision Control

Title 4 - Development

Subtitle 2 - Development Review and Approval Process

Baltimore County Code 2003

BY repealing

Section 32-3-204

Article 32. Planning, Zoning and Subdivision Control

Title 3 - Zoning

Subtitle 2 - Zoning Process

Baltimore County Code 2003, as amended by Bill 59-03

BY repealing and re-enacting, with amendments

Section 32-4-232(f)

Article 32. Planning, Zoning and Subdivision Control

Title 4 - Development

Subtitle 2 - Development Review and Approval Process

Baltimore County Code 2003

BY repealing and re-enacting, with amendments

Section 11-2-202(a)(4)

Article 11 - Taxation

Title 2 - Ad Valorem Taxes

Subtitle 2 - Property Tax Credits for Improvements

Baltimore County Code 2003

1 **SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE**
2 **COUNTY, MARYLAND, that Section 101 - Definitions, the definitions of Assisted Living**
3 **Facility, and Elderly Housing Facility, of the Baltimore County Zoning Regulations, as amended,**
4 **be and they are hereby repealed.**

5 **SECTION 2. AND BE IT FURTHER ENACTED, that the definitions of Assisted Living**
6 **Facility and Senior Housing be and they are hereby added, alphabetically, to Section 101 -**
7 **Definitions, of the Baltimore County Zoning Regulations, as amended, to read as follows:**

8 **SECTION 101. Definitions.**

9 **ASSISTED LIVING FACILITY:**

10 **A BUILDING, OR SECTION OF A BUILDING, THAT PROVIDES HOUSING AND**

1 SUPPORTIVE SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-
2 RELATED SERVICES, OR A COMBINATION THEREOF, TO MEET THE NEEDS OF
3 INDIVIDUALS WHO ARE UNABLE TO PERFORM OR WHO NEED ASSISTANCE IN
4 PERFORMING THE ACTIVITIES OF DAILY LIVING AND WHICH IS LICENSED AS AN
5 ASSISTED LIVING PROGRAM AS DEFINED UNDER TITLE 19, SUBTITLE 18 OF THE
6 HEALTH-GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND FOR THE
7 PURPOSES OF THIS DEFINITION, IF A RESIDENT LIVES IN A ROOM OR APARTMENT
8 PROVIDING COMPLETE KITCHEN FACILITIES INTENDED FOR THE DAILY
9 PREPARATION OF MEALS BY OR FOR THAT RESIDENT, THE UNIT SHALL NOT BE
10 CONSIDERED AN ASSISTED LIVING FACILITY. DENSITY FOR SUCH FACILITIES
11 SHALL BE CALCULATED AT 0.25 FOR EACH BED.

12 ASSISTED LIVING FACILITY I: AN ASSISTED LIVING PROGRAM WHICH:

- 13 1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE
14 YEARS BEFORE THE DATE OF APPLICATION,
15 2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA
16 WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION; AND
17 3) WHICH ACCOMMODATES FEWER THAN 8 RESIDENT CLIENTS.

18 ASSISTED LIVING FACILITY II: AN ASSISTED LIVING PROGRAM WHICH:

- 19 1) IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE
20 YEARS BEFORE THE DATE OF APPLICATION,
21 2) WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA
22 WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION; AND

1 3) WHICH ACCOMMODATES BETWEEN 8 AND 15 RESIDENT CLIENTS
2 ASSISTED LIVING FACILITY III: AN ASSISTED LIVING PROGRAM WHICH:

3 1) WILL ACCOMMODATE MORE THAN 15 RESIDENT CLIENTS,
4 AND

5 2) WILL BE IN A STRUCTURE WHICH WAS BUILT OR ENLARGED
6 BY MORE THAN 25% OF GROUND FLOOR AREA LESS THAN FIVE YEARS BEFORE
7 THE DATE OF APPLICATION, OR

8 3) WILL BE IN A STRUCTURE WHICH WILL BE NEWLY CONSTRUCTED
9 OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA FOR THE ASSISTED
10 LIVING PROGRAM.

11 SENIOR HOUSING FACILITY:

12 A BUILDING, A SECTION OF A BUILDING OR A GROUP OF BUILDINGS THAT
13 CONTAINS DWELLINGS THAT RESTRICT OCCUPANCY TO PERSONS 60 YEARS OF
14 AGE OR OLDER OR TO COUPLES IF EITHER THE HUSBAND OR WIFE IS 60 YEARS
15 OF AGE OR OLDER. THE TERM INCLUDES A CONTINUING CARE FACILITY; OR A
16 NURSING HOME ~~OR AN ASSISTED LIVING FACILITY III~~. THE TERM DOES NOT
17 INCLUDE A SINGLE-FAMILY DWELLING OR A TOWNHOUSE.

18 SECTION 3. AND BE IT FURTHER ENACTED, that Sections 1B01.1A, i.e.,
19 1B01.1.C.25, 26, 27 and 28, 430.3B AND C, 430.4B.1.b., B.2.b., B.3.b. and B.4.b., 430.10, 432,
20 440.6A. and 440.7C. of the Baltimore County Zoning Regulations, as amended, be and they are
21 hereby repealed

1 indicated. The [hearing officer's] PLANNING BOARD'S approval of the number and types of
2 commercial vehicles, access routes and hours of delivery shall constitute a condition and may not
3 be changed except by amendment of the PUD-C.

4 440.7 Mitigation of Impact.

5 B. Such mitigation may include actual improvements or contributions towards such
6 improvements, on-site or off-site, as determined by the [hearing officer] PLANNING BOARD,
7 as long as the improvements or contribution required are directly and proportionately related to
8 the mitigation of adverse impacts of the PUD-C itself.

9 440.8 Review. Proposals for a PUD-C shall be submitted and reviewed in accordance
10 with the procedures [specified in Section 430.11.] OF SECTIONS 32-4-241 TO 32-4-246 OF
11 THE BALTIMORE COUNTY CODE.

12 SECTION 5. AND BE IT FURTHER ENACTED, that Sections ~~432~~ 432A and 433 be
13 and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as
14 follows.

15 SECTION ~~432~~ 432A. ASSISTED LIVING FACILITY; HOUSING FOR THE
16 ELDERLY.

17 A. AN ASSISTED LIVING FACILITY IS PERMITTED IN THE D.R., R.O. ~~AND~~
18 ~~R.G.A., R.O.A., R.A.E., B.R. AND B.M.~~ ZONES AS FOLLOWS.

19 ~~1. AN ASSISTED LIVING FACILITY IS PERMITTED AS A MATTER OF~~
20 ~~RIGHT.~~

21 ~~2. AN ASSISTED LIVING FACILITY IS PERMITTED AS A MATTER OF~~

1 ~~RIGHT IF IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL STREET.~~

2 ~~3. AN ASSISTED LIVING FACILITY III IS PERMITTED AS A MATTER OF~~
3 ~~RIGHT IN AN R.O. OR R.O.A. ZONE.~~

4 ~~4. AN ASSISTED LIVING FACILITY II IS PERMITTED BY SPECIAL~~
5 ~~EXCEPTION IN A D.R. ZONE IF IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL~~
6 ~~STREET.~~

7 1. AN ASSISTED LIVING FACILITY I IS PERMITTED BY USE PERMIT.

8 2. AN ASSISTED LIVING FACILITY II IS PERMITTED BY USE PERMIT IF
9 IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL STREET.

10 3. AN ASSISTED LIVING FACILITY III IS PERMITTED IN A D.R.16, R.A.E.,
11 R.O., R.O.A. OR B.M. ZONE BY USE PERMIT. A FACILITY LOCATED IN A R.O. ZONE
12 IS ALSO SUBJECT TO REVIEW BY THE DESIGN REVIEW PANEL FOR
13 COMPATIBILITY WITH SURROUNDING USES.

14 4. HOUSING FOR THE ELDERLY IS PERMITTED BY RIGHT IN R.A.E.
15 ZONES.

16 B. EXCEPT FOR THE SIGNS PERMITTED BY SECTION 450, NO OTHER SIGNS
17 OR DISPLAYS OF ANY KIND VISIBLE FROM THE OUTSIDE ARE PERMITTED.

18 C. OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH
19 SECTION 409 AND SUBJECT TO THE FOLLOWING CONDITIONS. BUT NO PARKING
20 STRUCTURE IS PERMITTED EXCEPT FOR A RESIDENTIAL GARAGE AS DEFINED IN
21 SECTION 101.

22 1. PARKING SHALL BE SET BACK AT LEAST 10 FEET FROM THE

1 PROPERTY LINE, EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLEY, NO
2 SETBACK IS REQUIRED IF THE ALLEY DOES NOT ABUT THE FRONT OR REAR
3 YARD OF A RESIDENTIALLY-USED PROPERTY.

4 2. PARKING AND DELIVERY AREAS SHALL BE LOCATED IN THE SIDE
5 OR REAR ONLY.

6 3. AT LEAST 10% OF THE LOT SHALL BE USED TO PROVIDE
7 USEABLE, CONTIGUOUS AND PRIVATE OPEN SPACE.

8 D. AN ASSISTED LIVING FACILITY IS SUBJECT TO A COMPATIBILITY
9 FINDING PURSUANT TO SECTION 32-4-402 OF THE BALTIMORE COUNTY CODE.

10 ~~E. AN ASSISTED LIVING FACILITY IS NOT PERMITTED IN ANY COUNTY OR~~
11 ~~NATIONAL REGISTER HISTORIC DISTRICT.~~

12 E. AN ASSISTED LIVING FACILITY LOCATED IN A COUNTY HISTORIC
13 DISTRICT IS ALSO SUBJECT TO REVIEW BY THE LANDMARKS PRESERVATION
14 COMMISSION IN THE SAME MANNER AS OTHER BUILDINGS LOCATED IN A
15 HISTORIC DISTRICT.

16 Section 433

17 PLANNED UNIT DEVELOPMENT - ELDERLY (PUD-E)

18 433.1 DEFINITIONS.

19 AS USED IN THIS SECTION, "PUD E" MEANS A PLANNED UNIT
20 DEVELOPMENT COMPRISED OF SENIOR HOUSING AND PERMITTED ACCESSORY
21 USES. THE PUD-E IS NEITHER A ZONE NOR A DISTRICT IT IS AN OPTIONAL
22 APPROVAL PROCESS THAT THE PLANNING BOARD MAY APPLY TO PROPOSED