

ZONING INFORMATION FOR SMALL ASSISTED LIVING FACILITIES (ALF'S)

The attached information will help in filing for the use permits for Class I and II ALF's

There are two checklist sheets. One is for Zoning Use Permit; the other is for Planning Office compatibility review. Both must be followed carefully. A sample site plan accompanies the checklist for your convenience. There is also a condensed copy of the zoning regulations attached to the above information.

The regulations for these facilities were based on their establishment in certain residential (DR or equivalent) zones and in existing detached single family dwellings or buildings. **They may not be located in apartment buildings. They can only be placed in townhouse units with difficulty; usually involving Zoning Public Hearings for parking or other conflicts with the zoning regulations as set forth on the checklists.** Please be aware that a **public hearing requires actions that are not detailed in this information.** You may contact the zoning review staff at 410 - 887-3391 about public hearing requirements if you have a site plan conflict with the regulations.

The buildings in which ALF's are proposed must have existed for the past five years and not have had substantial enlargement during that time. For details please see the checklist.

Please check your zoning as directed below. This is very important if you are proposing more than four ALF beds. Each zone requires an increasingly larger lot area to support more than four beds. You may call the above referenced zoning review phone # for questions on required lot sizes once you can state what the site is zoned and the number of ALF beds you are proposing.

ALF II's are for more than 7 beds. There are special requirements for location. They must be located on a "principal arterial street". You must come to the Zoning Review Office at 111 West Chesapeake Ave. in Towson Md., in person to locate your site on the State Highways system map to confirm compliance with this requirement.

ALF III's are for more than 15 residents and have requirements that go beyond those of the smaller ALF I and II Facilities (such as development regulation application). Please contact the zoning staff at the above phone # for details regarding this type of approval.

Please be aware that the provided information is for zoning use permit application only and it is not intended to represent the requirements of any other agency regarding approval of your use.

To find your zoning, you may come to the Zoning Office at the above address or go to the following website: [http:// www.baltimorecountyonline.info](http://www.baltimorecountyonline.info). Once there, click on "What's My Zoning", then on the next page click the "I Agree" tab. An address bar will then come up. Put the street # and road name in the bar and click the " Create A Map " tab. In a few seconds the zoning map should appear. The zoning designation is shown within the blue lines. If you cannot read it clearly, place the mouse cursor on the site and left click the mouse, the zoning should appear in a window on your screen. Occasionally this site may be off-line. Should you have difficulty accessing it, you can try again later or come to the zoning counter at the above address for help. Please be aware that this on-line map is not official. To get a copy of the official map, you must come to the zoning counter for assistance.

ZONING USE PERMIT CHECKLIST

ASSISTED LIVING FACILITY I (1 – 7 BEDS) OR ii (8 – 15 BEDS)

Pursuant to Bills 19-04 & 32-06

The zoning regulations regarding assisted living facilities (ALF's) were changed by the County Council in Bill No. 19-04, effective 5/29/04 and Bill 32-06, effective 5/18/06. 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.

THESE CHECKLIST REQUIREMENTS MUST BE FOLLOWED IN ACCURATE DETAIL FOR FILING ACCEPTANCE.

Three (3) use permit plans, per this checklist and sample plan sheet; one Planning Office compatibility/appearance review package (see Recommendation Form), and \$60.00 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 applicant's name, date, address, daytime telephone number with Email address, 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 the 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 must be in the side or rear yard only (behind the front wall of the dwelling). Contact the zoning office for questions. THIS STANDARD MUST BE CLEARLY SHOWN. PUBLIC HEARINGS ARE REQUIRED FOR ANY CONFLICTS.**
5. A. Note on the plan: "This building has **not** been originally constructed to accommodate elderly housing or an assisted living facility. The building has **not** been constructed in the past 5 years. **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 for 5 years from the date of this application.
 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 these 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 450 B.C.Z.R.

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

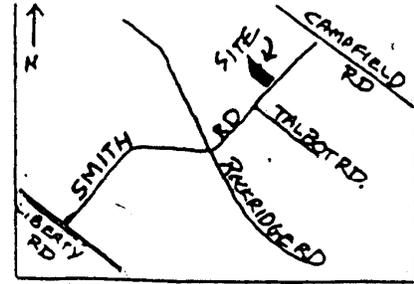
SIGNATURE DATE

PRINTED NAME

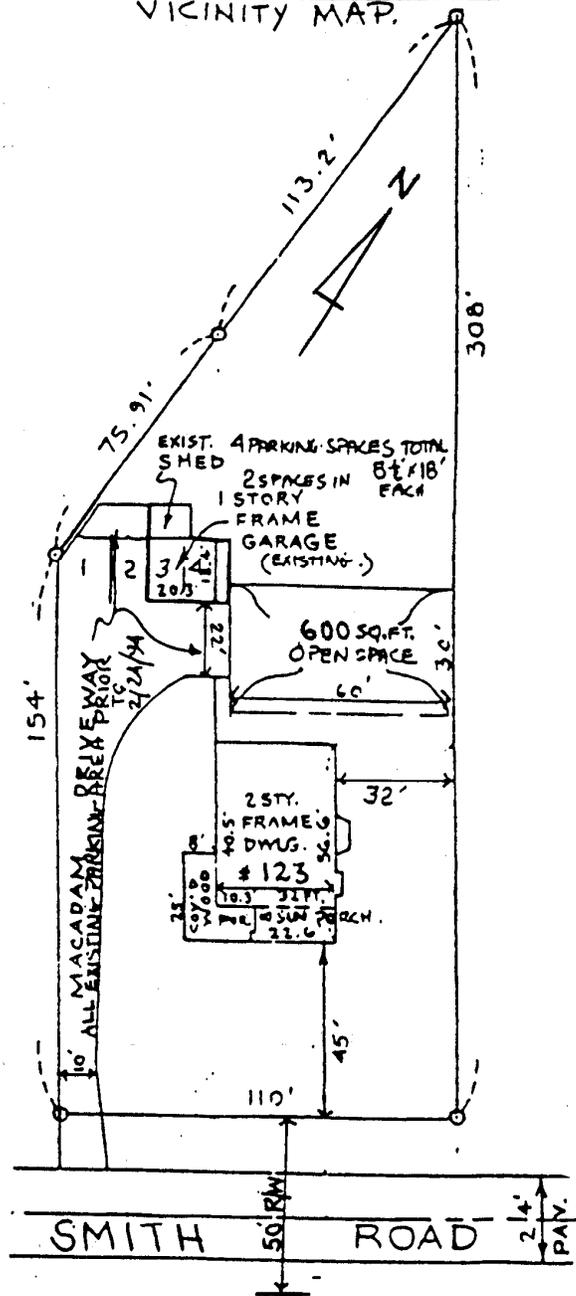
SIGNATURE DATE

PRINTED NAME

**ENGINEERS SCALE
1" = _____ FT.**



VICINITY MAP.



**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning
Attention: Lynn Lanham
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

ALF Address _____

Permit No. (if required) B _____

FROM: Arnold Jablon, Director
Department of Permits, Approvals and Inspections

RE: Assisted Living Facility

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

A. MINIMUM APPLICANT SUPPLIED COMPATABILITY INFORMATION (As Required under A and B below):

Print Name of Applicant	Address	Telephone Number	Email Address
Lot Address _____	Election District _____	Councilmanic District _____	Square Feet of Lot _____
Lot Location: N E S W/side/corner of _____ (street)		, _____ feet from N E S W corner of _____ (street)	
Land Owner(s): _____		10 Digit Tax Account Number _____	
Address: _____		Telephone Number () _____	
		Email Address _____	

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

B. APPLICANT MUST PROVIDE 1 THROUGH 6	Planner to confirm information acceptance by marking x below
	YES NO
1. This Recommendation Form (3 copies).....	<input type="checkbox"/> <input type="checkbox"/>
2. Permit Application	<input type="checkbox"/> <input type="checkbox"/>
3. Site Plan	
Property (3 copies) including lot size and sq ft of building, parking and open space – 10% lot area.....	<input type="checkbox"/> <input type="checkbox"/>
Statement of Compliance with Checklist Note 5.A	<input type="checkbox"/> <input type="checkbox"/>
4. Building Elevation Drawings (these <u>may be waived</u> if not 5.A from the Zoning Use Permit Checklist can be stated on the plans)	<input type="checkbox"/> <input type="checkbox"/>
5. Photographs (please label all photos clearly	
Adjoining Buildings and Surrounding Neighborhood	<input type="checkbox"/> <input type="checkbox"/>
6. Current Zoning Classification: _____	Accepted for filing by _____ (Date)

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

Date: _____

ASSISTED LIVING FACILITIES I, II, & III

(Bill Nos. 19-04 & 32-06)

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.

SECTION 432A. ASSISTED LIVING FACILITY; HOUSING FOR THE ELDERLY. AN ASSISTED LIVING FACILITY IS PERMITTED IN THE D.R., R.O., R.O.A., R.A.E., B.R., 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.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

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 FEWER THAN 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.

SITE DESIGN STANDARDS

1. EXCEPT FOR THE SIGNS PERMITTED BY SECTION 450, NO OTHER SIGNS OR DISPLAYS OF ANY KIND VISIBLE FROM THE OUTSIDE ARE PERMITTED.
2. 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.
 - 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 YEARD OF A RESIDENTIALLY USED PROPERTY.
 - PARKING AND DELIVERY AREAS SHALL BE LOCATED IN THE SIDE OR REAR ONLY.
 - AT LEAST 10% OF THE LOT SHALL BE USED TO PROVIDE USABLE CONTIGUOUS AND PRIVATE OPEN SPACE.
3. AN ASSISTED LIVING FACILITY IS SUBJECT TO A COMPATIBILITY FINDING PURSUANT TO SECTION 32-4-402 OF THE BALTIMORE COUNTY CODE.
4. 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.