

Zoning Text Amendment No: 06-27
Concerning: Planned Retirement
Community (P-R-C) Standards
Draft No. & Date: 1 – 12/12/06
Introduced: December 12, 2006
Public Hearing: 1/16/07; 1:30 p.m.
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- amending the purpose provision and development standards of the Planned Retirement Community (P-R-C) zone to allow development to occur on smaller tract areas; and
- generally amend the P-R-C zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

| | |
|--------------------|--|
| DIVISION 59-C-7 | “PLANNED UNIT DEVELOPMENT ZONES” |
| Section 59-C-7.4 | “Planned retirement community zone” |
| Section 59-C-7.41 | “Purpose” |
| Section 59-C-7.421 | “Required uses” |
| Section 59-C-7.422 | “Permitted uses” |
| Section 59-C-7.423 | “Special exception use” |
| Section 59-C-7.43 | “Minimum area of tract” |
| Section 59-C-7.44 | “Age of residents and residential densities” |
| Section 59-C-7.441 | “Age-restricted section” |
| Section 59-C-7.442 | “Age-unrestricted section” |
| Section 59-C-7.443 | “The maximum density permitted” |
| Section 59-C-7.45 | “Setbacks” |
| Section 59-C-7.46 | “Coverage limitations” |
| Section 59-C-7.461 | “Buildings” |
| Section 59-C-7.462 | “Green area” |
| Section 59-C-7.47 | “Height of buildings” |
| Section 59-C-7.48 | “Roads, parking, and school sites” |
| Section 59-C-7.481 | “Off-street parking” |
| Section 59-C-7.482 | “Roads” |
| Section 59-C-7.483 | “Dedication of land for school sites” |
| Section 59-C-7.49 | “Procedures for application and approval and limitation on filing” |

EXPLANATION:

Boldface indicates a heading or a defined term.

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

27 Retail commercial center, limited to the uses permitted in the C-1 zone and
28 occupying not more than 1 ½ percent of the gross area, including off-street
29 parking.

30 Necessary accessory buildings and uses, [may include] including facilities
31 for maintenance, administration, fire prevention and safety, streets and off-
32 street parking facilities.

33 One or more of the following recreational, educational and cultural
34 facilities:

35 Golf course, 18 holes.

36 Lake.

37 Clubhouse.

38 Swimming pool.

39 Auditorium or meeting hall or both.

40 Bowling green.

41 Shuffleboard court.

42 Medical facilities, including an out-patient clinic.

43 (b) In a development of less than 750 acres:

44 Dwelling units.

45 Meeting rooms.

46 Recreational facilities, such as, a swimming pool, shuffleboard court,
47 golf course, or similar facilities designed to meet the passive and
48 active recreation requirements of the planned retirement community
49 residents, consistent with the size of the project.

50 **59-C-7.422. Permitted uses.** The following uses are also permitted, provided that
51 a development plan amendment is required for any use that is not shown on a
52 development plan approved in accordance with Division D-1, unless the use is
53 located in a dwelling unit and is subordinate to the residential use of that unit:

54 Motel located in the age-restricted community for use predominantly by
55 guests of permanent residents, occupying not more than 5 acres of land.
56 Home occupation in the age-unrestricted section regulated by section 59-C-
57 7.442, subject to the regulations of the following zones:

- 58 (a) The [RT-60] R-60 zone in the case of a detached dwelling
59 unit;
- 60 (b) The RT-6 zone in the case of a townhouse or one-family
61 attached dwelling unit; or
- 62 (c) The R-30 zone in the case of a multiple-family dwelling
63 unit.

64 A development plan amendment, in accordance with division 59-D-1,
65 is not required for a home occupation.

66 Day care facility for senior adults and persons with disabilities.

67 Hospital.

68 Life care facility.

69 Nursing home or similar convalescent facility.

70 Recreational, educational and cultural facilities not otherwise required by
71 this section which are not inconsistent with the purposes of this zone.

72 Public utility buildings and structures.

73 Rooftop mounted antennas and related unmanned equipment building,
74 equipment cabinets, or equipment room may be installed under the
75 guidelines contained in Sec. 59-A-6.14.

76 Temporary helistop.

77 Any transitory use in accordance with Section 59-A-6.13.

78 Retail commercial [center] uses, limited to the uses permitted in the C-1
79 zone [and occupying not more than 1 ½ percent of the gross area, including
80 off-street parking] to mainly serve the residents of the development.

81 [Sites for places] Places of worship

82 One or more [of each] of the following recreational, [educational] and
83 [cultural] medical facilities [facilities, which shall be available on a
84 reasonable basis for the exclusive use of the residents, of the area restricted
85 to permanent residents who are 50 years of age and over their guests and
86 reasonably to others designated by any party holding title to such facilities,
87 in trust or otherwise]:

88 Golf course[,18 holes].

89 [Lake.]

90 Clubhouse.

91 Swimming pool.

92 [Auditorium or meeting hall or both.

93 Bowling green.

94 Shuffleboard court.]

95 Medical facilities, including an out-patient clinic.

96 In the age-unrestricted area, other uses permitted in accordance with the provisions
97 of the following zones [; provided that a development plan amendment is required
98 for any use that is not shown on a development plan approved in accordance with
99 Division D-1, unless the use is located in a dwelling unit and is subordinate to the
100 residential use of that unit]:

101 (1) In an area designated by the approved development plan for detached
102 dwelling units, the R-60 Zone, as provided in Section C-1.31;

103 (2) In an area designated by the approved development plan for townhouse or
104 one- family attached dwelling units, the RT-6 Zone, as provided in Section
105 C-1.71; or

106 (3) In an area designated by the approved development plan for multiple-family
107 dwelling units, the R-30 Zone, as provided in Section C-2.3.

108

109 **59-C-7.423. Special exception use.** [Cable communications system, subject to the
110 provisions of sections 59-A-6.9 and 59-G-2.10.1.] In the age-unrestricted area,
111 special exception uses may be allowed in accordance with the provisions of
112 divisions 59-G-1 and 59-G-2, utilizing the following standards:

113 (a) In areas designated by the approved development plan for one-family
114 detached units, uses allowed in the R-60 Zone, as shown in Section 59-C-
115 1.31.

116 (b) In areas designated by the approved development plan for one-family
117 attached or townhouse units, uses allowed in the RT-6 Zone, as shown in
118 Section 59-C-1.71.

119 (c) In areas designated by the approved development plan for multiple family
120 units, uses allowed in the R-30 Zone, as shown in Section 59-C-2.3.

121 If the use is not located in, and subordinate to, the residential use of a dwelling
122 unit, a development plan amendment, in accordance with division 59-D-1, is
123 required to permit the use.

124

125 **59-C-7.43. Minimum area of tract.**

126 Each P-R-C zone [shall] must have [an] a gross tract area of at least 25 acres;
127 except, that a lesser area may be added to an existing P-R-C zone if contiguous
128 thereto and in compliance with the provisions of this section.

129

130 **59-C-7.44. Age of residents,[and] residential densities, and MPDU.**

131 (a) A planned retirement community of less than 750 acres must be
132 restricted to permanent residents 50 years of age or over, except, that a
133 disabled relative may reside with a permanent resident. In addition,
134 residence must be regulated in accordance with the provisions of the Fair
135 Housing Amendments Act of 1988, as may be subsequently amended. The

136 number of dwelling units must not exceed 10 per acre, except as further
137 provided in Section 59-C-7.44(b)(3).

138 (b) A planned retirement community of 750 acres or more may include a section
139 in which [(a)] there is no restriction upon the age of residents. [, (b) the] The
140 facilities listed in section 59-C-7.421(a) are not required in this age-
141 unrestricted section and [(c)] land must be dedicated for public school sites.

142 **(1)[59-C-7.441.] Age-restricted section.** An area containing not less than
143 60 percent of the total number of dwelling units must be restricted to
144 permanent residents 50 years of age or over, except, that a disabled relative
145 may reside with a permanent resident. In addition, residence must be
146 regulated in accordance with the provisions of the Fair Housing
147 Amendments Act of 1988, as may be subsequently amended. The number
148 of dwelling units in that part of the planned retirement community shall not
149 exceed 10 per acre of land constituting the age-restricted section, including
150 the retail commercial center, and the associated off-street parking, except as
151 further provided in section 59-C-7.443.

152 **(2) [59-C-7.442.] Age-unrestricted[Unrestricted] section.** The number of
153 dwelling units in the area not included in the age-restricted section [shall]
154 must not exceed 6 dwelling units per acre of land constituting the
155 unrestricted section, except as further provided for in section 59-C-
156 7.44[3](b)(3).

157
158 **(3)[59-C-7.443. The maximum density permitted] Moderately priced**
159 **dwelling units (MPDUs) must be provided** in each section (age-restricted
160 and unrestricted) [may be increased by one dwelling unit per acre for each
161 moderately priced dwelling unit included in the respective development
162 plans,] in accordance with chapter 25A of this Code, as amended, including
163 provisions for density bonus [provided that the total increase does not

164 exceed 22 percent of the number of dwelling units permitted by section 59-
165 C-7.441 or 59-C-7.442, whichever is applicable]. The requirement to
166 provide moderately priced dwelling units does not apply to the age-restricted
167 section of a planned retirement community for which construction was
168 initiated prior to the adoption in 1974 of [chapter] Chapter 25A. (Laws of
169 Montgomery County, 1974, ch. 17, sec. 1, et seq.) All development on any
170 property added to the age-restricted area after [(]April 4, 1994[)] will be
171 subject to the provisions of Chapter 25A of this Code.

172

173 **59-C-7.45. Setbacks.**

174 (a) In a development of 750 acres or more, [All] all buildings and structures
175 [shall] must be set back at least as follows:

176 ([a]1) Along not more than 40 percent of the length of the tract
177 boundary the setback [shall] must be at least 50 feet.

178 ([b]2) Along the remainder of the tract boundary the setback shall be at
179 least 100 feet.

180 ([c]3) Notwithstanding the above:

181 ([1]A) There [shall be] is no minimum setback requirement for an
182 entrance gate house, and

183 ([2]B) Along any portion of the tract boundary adjoining land
184 owned or occupied by a public utility the setback may be
185 reduced to not less than 10 feet.

186 (b) In a development of less than 750 acres, all buildings and structures must be
187 set back at least as follows:

188 (1) Not less than the setback of the adjacent zone.

189 (2) Additional setback must be provided from adjacent one family
190 residential development if the building or structure proposed is higher

191 than 35 feet. The additional setback must be a minimum of 2 feet for
192 each foot of building above 35 feet.

193 **59-C-7.46. Coverage limitations.**

194 **59-C-7.461. Buildings.** [For] In a development of 750 acres or [mor] more,
195 not more than 15 percent of the gross area [shall] may be covered by
196 residential buildings.

197 **59-C-7.462. Green area.**

198 (a) In a development of 750 acres or more, not [Not] less than 65 percent
199 of the gross area [shall] must be devoted to green area.

200 (b) In a development of less than 750 acres, not less than 50 percent of
201 the gross area must be devoted to green area.

202 **59-C-7.47. Height of buildings.**

203 (a) In a development of 750 acres or more:

204 (1) No building except a church tower may exceed 100 feet in height.

205 [(b)] (2) At least 65 percent of the total number of dwelling units must
206 be contained in buildings not more than 35 feet in height.

207 [(c)] (3) No residential building over 39 feet in height may be located
208 within 500 feet of any boundary line of the planned retirement
209 community.

210 (b) In a development of less than 750 acres, no building except a church
211 tower may exceed 100 feet in height.

212 **59-C-7.48. Roads, parking and school sites.**

213 **59-C-7.481. Off-street parking.** Off-street parking [shall] must be provided
214 in accordance with the requirements of article 59-E.

215 **59-C-7.482. Roads.** Interior roads not dedicated to public use [shall] must
216 have a minimum width of 22 feet for two-way traffic and 12 feet for one-
217 way traffic and [shall] must be paved and maintained in good repair.

218 **59-C-7.483. Dedication of land for school sites.** Such land as may be
219 required for sites for public schools in the age-unrestricted section referred
220 to in subsection 59-C-7.442, if any, [shall] must be dedicated in accordance
221 with the requirements of the subdivision regulations.

222 **59-C-7.49. Procedures for application and approval and limitation on filing.**

223 (a) Application and development plan approval [shall] must be in
224 accordance with the provisions of division 59-D-1.

225 (b) Site plans [shall] must be submitted and approved in accordance
226 with the provisions of division 59-D-3.

227 (c) No application for the reclassification of land in the P-R-C zone
228 [shall] may be accepted within 50 years after the land was classified in
229 this zone.

230 [(d) Partial-cost developer participation, as may be provided in an adopted
231 annual growth policy, is allowed in the P-R-C zone.]

232 * * *

233 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
234 Council adoption.

235
236 This is a correct copy of Council action.

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239 _____
240 Linda M. Lauer, Clerk of the Council