

Zoning Text Amendment No.: 15-08
Concerning: Charitable Institutions -
Residential Support
Draft No. & Date: 1-5/5/15
Introduced:
Public Hearing:
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**

Lead Sponsor: Council President Leventhal
Co-Sponsors: Council Vice President Floreen and Councilmembers Katz and Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

Allow charitable residential support facilities under certain circumstances

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

DIVISION 59.3. “Uses and Use Standards”
Section 59.3.1.6. “Use Table”
And adding
Section 59.3.4.2.F. “Residential Support Facility”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by 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:

Sec. 1. DIVISION 59.3 is amended as follows:

DIVISION 59.3. Uses and Use Standards

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under [Division 4.9](#).

USE OR USE GROUP	Definitions and Standards	Residential													
		Residential Detached								Residential Townhouse			Residential Multi-Unit		
		RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	
* * *															
CIVIC AND INSTUTIONAL															
* * *															
CHARITABLE, PHILANTHROPIC INSTITUTION	3.4.2	C	C	C	C	Ⓛ/C	Ⓛ/C								
* * *															

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Section 3.4.2. Charitable, Philanthropic Institution

A. Defined

1. Charitable, Philanthropic Institution means a private, tax-exempt organization whose primary function is to provide services, research, or educational activities in areas such as health, social service, housing and support services for caregivers, recreation, or environmental conservation.

* * *

B. Use Standards

1. Where a Charitable, Philanthropic Institution is allowed as a limited use, in the R-60 and R-90 zones, it must satisfy the following standards:

- 20 a. A Charitable, Philanthropic Institution must reuse a dwelling to
21 primarily provide support and hospitality services for multiple
22 guests.
- 23 b. Services may be provided daily, during any hours, to persons or
24 households who are not permanent residents of the premises but
25 are present as a result of treatment or care being provided to a
26 member of their household by a federal treatment facility or a
27 hospital.
- 28 c. The support and hospitality services are provided without
29 payment by a tax-exempt organization.
- 30 d. Residential support facilities must use an existing detached
31 house or townhouse building type and must retain the
32 appearance of a detached house or townhouse building type, as
33 applicable.
- 34 e. The property fronts on and has direct access to a public road
35 classified as a major highway with a master-planned right-of-
36 way of 120 feet or greater.
- 37 f. The building must comply with the detached house or
38 townhouse building type development standards of the zone in
39 which it is located.
- 40 g. The maximum number of guests that may reside on the
41 property at one time is 8, excluding:
- 42 i. resident staff; or
- 43 ii. children younger than 2 months of age, when present
44 with a parent or legal guardian.
- 45 h. Up to 2 resident staff necessary for the operation of the facility
46 may live on-site.

47 i. One parking space is required for each resident staff member.
48 Guests or guest households may park on the premises of the
49 institution where treatment occurs, but must not park overnight
50 on the site or on residential streets in the surrounding
51 neighborhood.

52 j. The property must be within 100 feet, excluding public rights-
53 of-way, from the boundary of a research and treatment facility
54 owned and operated by the federal government and containing
55 at least 200 acres.

56 2. Where a Charitable, Philanthropic Institution is allowed as a
57 conditional use, it may be permitted by the Hearing Examiner under
58 Section 7.3.1, Conditional Use, and the following standards:

59 [1] a. Screening under Division 6.5 is required for outdoor recreation
60 facilities.

61 [2] b. Any lighting associated with outdoor recreation facilities must
62 satisfy Section 6.4.4.

63 [3] c. In the AR, R, RC, and RNC:

64 [a] i. A Charitable, Philanthropic Institution must re-use an
65 existing building. The Hearing Examiner may waive this
66 restriction to approve a residential camp for seriously ill
67 children and their immediate family members, operated
68 or sponsored by a non-profit organization under the
69 following conditions. Immediate family members may
70 attend sessions jointly with or separate from the sessions
71 attended by the children. Separate sessions for immediate
72 family members are only permitted as a secondary camp
73 activity. The camp may include facilities for overnight

74 accommodations and for support services related to camp
75 activities. The camp must be compatible with adjacent
76 land uses.

77 [b] ii. The site fronts on and has direct access to a public road
78 built to arterial or higher road standards. Frontage on and
79 access to an arterial or higher standard is not required
80 where the Hearing Examiner finds that road access by a
81 primary residential or secondary residential road will be
82 safe and adequate for the anticipated traffic to be
83 generated.

84 [c] iii. The minimum side setback is twice that required for a
85 detached house.

86 [d] iv. The minimum lot width at the front lot line is twice that
87 required for a detached house.

88 [e] v. The minimum green area is 50%.

89 [f] vi. The maximum coverage is half of the maximum allowed
90 for a detached house.

91 [g] vii. The maximum FAR is 0.2.

92 [4] d. In the R and RC zones, the maximum lot area is 5 acres.

93 [5] e. In the AR and RNC zones, the minimum lot area is twice that
94 required for a detached house and the maximum lot area is 2
95 acres.

96 [6] f. In the AR zone, this use may be prohibited under Section 3.1.5,
97 Transferable Development Rights.

98 [7] g. In the RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:

99 [a] i. The site fronts on and has direct access to a road built to
100 primary residential road or higher standards. Access to a

101 corner lot may be from an abutting primary street,
102 constructed to primary residential standards, if the
103 Hearing Examiner finds this access to be appropriate and
104 not detrimental to existing residential uses on that
105 primary residential street.

106 [b] ii. The minimum side setback is twice that required for a
107 detached house.

108 [c] iii. The minimum lot width at the front lot line is twice that
109 required for a detached house.

110 [d] iv. The maximum FAR is 0.25.

111 [e] v. For residential and office uses, if located in a lawfully
112 existing building, the standards in Section [3.4.2.B.7.b]
113 3.4.2.B.2.g.ii and Section [3.4.2.B.7.d] 3.4.2.B.2.g.iv do
114 not apply.

115 [8] h. In the R-90 and R-60 zones, the minimum green area is 50%
116 and the maximum building height is 35 feet.

117 [9] i. In the R-200 zone, the minimum green area is 60% and the
118 maximum building height is 50 feet.

119 [10] j. In the RE-2, RE-2C, RE-1 zones, the minimum green area is
120 70%.

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123 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
124 date of Council adoption.

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126 This is a correct copy of Council action.

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129 Linda M. Lauer, Clerk of the Council