

Clerk's Note: A technical correction is made to line 1 to reflect the correct section number in the Ordinance.

CORRECTED

Ordinance No.: 19-20

Zoning Text Amendment No.: 21-02

Concerning: Independent Living
Facility for Seniors or
Persons with Disabilities
– Residential Zone
Standards

Draft No. & Date: 4 – 9/15/2021

Introduced: June 15, 2021

Public Hearing: July 20, 2021

Adopted: September 21, 2021

Effective: October 11, 2021

**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 Sponsors: Councilmembers Friedson and Katz
Co-Sponsor: Council President Hucker, Councilmembers Navarro and Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow multiple building types for Independent Living Facilities for Seniors or Persons with Disabilities; and
- amend the green area and setback requirements for Independent Living Facilities for Seniors or Persons with Disabilities

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

Division 3.3. “Residential Uses”
Section 3.3.2. “Group Living

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.*

OPINION

Zoning Text Amendment (ZTA) 21-02, lead sponsors Councilmembers Friedson and Katz, co-sponsors Council President Hucker and Councilmembers Navarro and Riemer, was introduced on June 15, 2021.

The Zoning Ordinance currently limits Independent Living Facilities for Seniors or Persons with Disabilities to multi-unit building types. ZTA 21-02 will allow more diverse housing options and less intensive building types, such as townhomes, duplexes, and detached houses. ZTA 21-02 will also reduce the amount of green space required and amend other setbacks to allow for the construction of these communities while remaining a conditional use.

In its report to the Council, the Montgomery County Planning Board and Planning Staff recommended approval of ZTA 21-01. The Planning Board recommended amendments regarding building height and front setbacks.

The Council's public hearing was conducted on July 20, 2021. Patrick Byrne of the Community Housing Initiative testified in support. Susanne Lee of the West Montgomery County Citizens Association testified in opposition.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation. The PHED Committee held a worksession on July 28, 2021. The PHED Committee unanimously (3-0) recommended approval with the amendments proposed by the Planning Board.

The Council agreed with the recommendation of the Committee. For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 21-02 will be approved as amended.

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:

1 **Sec. [[2]]1. DIVISION 59-3 is amended as follows:**

2 **Division 3.3. Residential Uses**

3 * * *

4 **Section 3.3.2. Group Living**

5 * * *

6 **C. Independent Living Facility for Seniors or Persons with Disabilities**

7 **1. Defined**

8 Independent Living Facility for Seniors or Persons with Disabilities
9 means a building or collection of buildings, of any building type,
10 containing dwelling units [and related services] for senior adults or
11 persons with disabilities. An Independent Living Facility for Seniors
12 or Persons with Disabilities [includes] may include on-site support
13 services such as meal preparation and service, day care, personal care,
14 nursing or therapy, or any service to the senior adult or disabled
15 population of the community that is an ancillary part of one of these
16 operations. Support services may be located either in the same
17 structure as the dwelling units or in a structure physically separated
18 from the independent living dwelling units.

19 **2. Use Standards**

20 * * *

- 21 c. Where an Independent Living Facility for Seniors or Persons
22 with Disabilities is allowed as a conditional use, it may be
23 permitted by the Hearing Examiner under all limited use
24 standards, Section 7.3.1, Conditional Use, and the following
25 standards:
- 26 i. The site or the proposed facility has adequate
27 accessibility to or provides on-site public transportation,

medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must include a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.

ii. The Hearing Examiner may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included for the exclusive use of the residents of the building.

iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income, and otherwise satisfies Chapter 25A. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs under Executive regulations. Income levels are defined in Section 1.4.2, Defined Terms.

iv. The maximum building height of an Independent Living Facility for Seniors or Persons with Disabilities is the height of the applied-for building type in the underlying zone under the standard method of development, except for the apartment building type which may be up to 60

feet ~~[[and the]]~~. If a particular building type is not allowed under the standard method of development, the maximum height is the height of a Conditional Use in the underlying zone. The maximum density is determined by the Hearing Examiner under the development standards of Section [3.3.2.C.2.b.vi] 3.3.2.C.2.c.vi through Section [3.3.2.C.2.b.ix] 3.3.2.C.2.c.ix, without regard to any other limitation in this Chapter.

- v. Height, density, coverage, and parking must be compatible with surrounding uses and the Hearing Examiner may modify height, density, coverage, and parking to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.
- vi. [The minimum front setback is 50 feet.] The minimum front setback to the street for a lot abutting a property not included in the application is equal to the front setback for a detached house in the underlying zone under the standard method of development. Except for an access driveway, ~~[this]~~this ~~[[the]]~~ front setback area must be maintained as green area[; however, if development does not exceed the height limit of the applicable Residential zone, the minimum setback specified by the zone applies].
- vii. The minimum side and rear setback is 25 feet [or as specified by the relevant zone, whichever is greater] to abutting lots not included in the application.

viii. The minimum green area is[:] 50%.

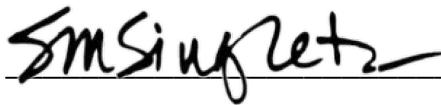
- [(a) 70% in the RE-2, RE-2C, and RE-1 zone, except where the minimum green area requirement is established in a master plan;
- (b) 60% in the R-200 zone; and
- (c) 50% in the R-60, R-90, and Residential Townhouse zones.]

ix. [The Hearing Examiner may reduce the green area requirement by up to 15% if it is necessary to accommodate a lower building height for compatibility reasons.] Principal building setbacks for all building types must meet the minimum setbacks required under the standard method of development for the subject building type in the R-30 zone (see Section 4.4.14.B.3, Placement).

* * *

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

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.

Clerk of the Council