

**AGING IN COMMUNITY COMMITTEE
OF THE COMMISSION ON AGING**

Date: January 10, 2023
9:30am-11:30 am

“Zoning in the County and its Effect on Housing for Older Adults”

In Attendance: Wayne Berman (co-chair), Betsy Carrier (co-chair), Marsha Weber, Laurie Pross, Joyce Dubow, Sibio Ncube, Mona Grieser, Mary Sweeney

Staff: Pazit Aviv, MC AAA

Guests: Marcia Pruzan, Age-Friendly Montgomery; Sara Fought, Jewish Council for the Aging; Eddie Rivas, Austin Heyman

Opening Remarks from the Co-Chairs: Wayne and Betsy welcomed everyone and reviewed the agenda for today’s meeting that featured a presentation by Lisa Govoni, Housing Specialist, Montgomery County Department of Planning. Lisa was accompanied by Ben Berbert, also a Housing Specialist with the Department of Planning.

Approval of the Minutes: The minutes of the December 13, 2022, meeting was reviewed and approved.

PRESENTATION AND DISCUSSION:

Lisa Govoni started the meeting by introducing how zoning policy is applied in Montgomery County and how zoning policy defines what the County can and cannot do with land. Ben Berbert also participated in the presentation, sharing the discussion with Lisa. Some of the highlights of the presentation are as follows:

In Montgomery County, every piece of land is subject to zoning laws that determine how the land can be used and what public facilities and amenities are needed to provide service to the community. The County Council is the final authority on land use matters. The Council approves changes in the Zoning Ordinance. Lisa and Ben reviewed the general zoning categories along with maps of the County to illustrate areas with these zoning categories. The general zoning categories include:

- Agricultural zone: AR
- Rural Residential zones: R, RC, RNC
- Residential zones
 - Residential Detached zones: RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40
 - Residential Townhouse zones: TLD, TMD, THD
 - Residential Multi-Unit zones: R-30, R-20, R-10
- Commercial/ Residential zones: CRN, CRT, CR
- Employment zones: GR, NR, LSC, EOF
- Industrial zones: IL, IM, IH

Forty-three percent of the County's acreage is zoned for Residential Detached. Thirty-eight percent of the county's acreage is zoned for agricultural use. Twelve percent of the acreage is zoned for rural residential uses. The remaining seven percent of the acreage is zoned for uses like Employment, Industrial, and Townhome Residential. Ben then reviewed the key standards that such zoning uses to be permitted.

Lisa then reviewed the key zoning codes requirements as they pertain to older adults and persons with disabilities. The following categories were presented:

- Independent Living Facility for Seniors or Persons with Disabilities:
Dwelling units and related services for senior adults or persons with disabilities. Includes meal preparation and service, day care, personal care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations.
(Dwelling Unit = cooking, sanitation, and sleeping)
 - Permitted use in Multi-Family, Commercial/Residential, General & Neighborhood Retail Zones
 - Conditional use in Rural Residential, Residential Detached, and Residential Townhouse zones
- Requirements for Independent Living for Seniors as a Conditional Use:
 - Planning Board review and Hearing Examiner approval
 - Adequate accessibility to (or on-site) public transportation, medical service, shopping areas, recreation, etc.
 - Minimum of 15% units at $\leq 50\%$ AMI, 20% at $\leq 60\%$ AMI, or $30\% \leq$ MPDU income
 - Maximum height, minimum setback and minimum green area requirements
- Residential Care Facility:
A Residential Care Facility includes a nursing home, an assisted living facility, a continuing care retirement community, a hospice, and a group home. This is a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:
 - a) the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements,
 - b) resident staff necessary for operation of the facility are allowed to live on-site, and
 - c) the number of residents includes members of the staff who reside at the facility but does not include infants younger than 2 months old.
- Summary of Requirements for a Residential Care Facility as a Conditional Use:
 - Planning Board review and Hearing Examiner approval
 - When residential units are provided:
 - Density when facility is based on number of dwellings is limited to greater of 15 units/acre or maximum density of the zone
 - Minimum green area is 50%
 - Occupancy generally restricted to 62+ years
 - MPDUs are required under Chapter 25A
 - When facility is based on number of beds, minimum lot area ranges from 300 square feet per bed to 1,200 square feet per bed, depending on the zone.

Lisa and Ben concluded their presentation with a discussion of The Residential Development Capacity Analysis (RDCA). The RDCA is an estimate of the total potential residential development that may be built in Montgomery County, MD under a certain set of assumptions and constraints. These assumptions include applicable market trends, zoning rules and existing policy decisions. These assumptions, further, do not include Municipalities that govern their own zoning. The RDCA will serve as a baseline measure that aims to estimate current residential capacity in Montgomery County in dwelling units.

Top 5 Takeaways from RDCA include:

- While Montgomery County, MD has theoretical capacity for over 65,000 housing units on 3,733 parcels, most of the capacity is concentrated near transit, and along the original corridor, the I-270 corridor.
- Most residential capacity is tied up on the small sites – on sites less than 5 acres, highlighting Montgomery County’s development pattern shifting from green field development and toward infill development and compact form.
- Montgomery County has a diminished availability of available land for redevelopment or development, with the parcels available for development or redevelopment representing only 15 percent of the county’s land.
- Findings demonstrate that the county can prioritize agriculture and rural open space and also build more housing, by reevaluating previously made policy decisions, like the preservation of single-family zoning near our accessible single-family neighborhoods. There are many barriers to building housing, these variables are unable to be fully quantified but are important to consider when discussing future capacity. These barriers will be more pronounced in the future as the county continues to build out. Zoning in Montgomery County, MD.

A very lively discussion followed the presentation with lots of questions on issues related to the THRIVE 2050 Plan, policy issues related to moderately priced dwelling units (MPDU), ”Missing Middle Housing”, and universal design. . Several Commissioners asked Lisa and Ben what the CoA can do to help advance zoning policies and legislation that will support the growing population of older adults in the County. They suggested that the CoA participate in publicized Planning Board and community sessions and whenever possible advocate on relevant zoning policies and legislation to the County Council and the County Executive. They suggested that the CoA work with the County Office of Permitting Services to advance Universal Design / Design for Life programs that can be integrated into permitting practices. This was a big point of discussion at the end of the meeting.

UPCOMING MEETING: The next AIC meeting will be held on Tuesday, February 14th at 9:30 am. The focus of this business meeting will be on reviewing the upcoming Technology Forum, to be held on May 4th at Bohrer Park, Gaithersburg.

MEETING ADJOURNED: 11:40 am