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Ordinance No: 16-03

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: February 13, 2007

Effective: March 5, 2007

**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.

OPINION

Zoning Text Amendment No. 06-27 was introduced on December 12, 2006 to amend 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.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with amendments.

The County Council held a public hearing on January 16, 2007, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on February 5, 2007 to review the amendment. The Committee recommended approval of Zoning Text Amendment (ZTA) 06-27 with amendments. The recommended amendments retain current text that restricts the use of non-residential facilities and make editorial changes from the ZTA as introduced. With these amendments, the Committee believes that ZTA 06-27 establishes appropriate development standards for the Planned Retirement Community (P-R-C) zone.

The Committee recommends that projects less than 750 acres be entirely age-restricted and was satisfied that this requirement is stated in the ZTA. The Committee was also satisfied with the MPDU provision of the ZTA as introduced. However, the Committee recognizes that the regulations for age-restricted MPDUs may need revisions. In the opinion of the Committee, requiring TDRs for a proportion of P-R-C density, as suggested by Council staff, is best addressed in a more comprehensive manner.

The District Council reviewed Zoning Text Amendment No. 06-27 at a worksession held on February 13, 2007, and agreed with the recommendations of the Planning, Housing, and Economic Development 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. 06-27 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:

Sec. 1. DIVISION 59-C-7 is amended as follows:

DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.

* * *

59-C-7.4. Planned retirement community zone.

59-C-7.41. Purpose.

The purpose and intent of the P-R-C zone is to provide for the establishment of a planned retirement community type of development, accessible to or providing within it most of the day-to-day recreational, medical, retail, commercial and similar services required by the residents thereof, in accordance with the comprehensive development plan approved by the [planning board] Planning Board and so designed as to achieve a maximum of coordination between the development and the surrounding uses, including a maximum of safety, convenience and amenity for the residents of the development. Such developments [shall be] are limited to areas [which] that have adequate highway access, public water and sewer, and [shall provide the area of land required to furnish the development with necessary] public services [including school sites if needed]. Consideration must be given to the size of development (in acres) and the use of the site when determining whether day-to-day services and public facilities must be provided. [They shall] Such developments must be [so] designed [as] to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries.

* * *

59-C-7.421. Required uses. A planned retirement community must contain the following:

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

Dwelling units.

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

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

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

Golf course, 18 holes.

Lake.

Clubhouse.

Swimming pool.

Auditorium or meeting hall or both.

Bowling green.

Shuffleboard court.

Medical facilities, including an out-patient clinic.

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

Dwelling units.

Meeting rooms.

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

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

Motel located in the age-restricted community for use predominantly by guests of permanent residents, occupying not more than 5 acres of land.

Home occupation in the age-unrestricted section regulated by section 59-C-7.442, subject to the regulations of the following zones:

(a) The [RT-60] R-60 zone in the case of a detached dwelling

unit;

(b) The RT-6 zone in the case of a townhouse or one-family attached dwelling unit; or

(c) The R-30 zone in the case of a multiple-family dwelling unit.

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

Day care facility for senior adults and persons with disabilities.

Hospital.

Life care facility.

Nursing home or similar convalescent facility.

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

Public utility buildings and structures.

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

Temporary helistop.

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

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

[Sites for places] Places of worship

One or more [of each] of the following recreational, [educational] and

[cultural] medical facilities [facilities, which shall be available on a

reasonable basis for the exclusive use of the residents, of the area restricted

to permanent residents who are 50 years of age and over their guests and

reasonably to others designated by any party holding title to such facilities,

in trust or otherwise] , which shall be available on a reasonable basis for the

exclusive use of the residents, of the area restricted to permanent residents who are 50 years of age and over their guests and reasonably to others designated by any party holding title to such facilities, in trust or otherwise:

Golf course[,18 holes].

[Lake.]

Clubhouse.

Swimming pool.

[Auditorium or meeting hall or both.

Bowling green.

Shuffleboard court.]

Medical facilities, including an out-patient clinic.

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

- (1) In an area designated by the approved development plan for detached dwelling units, the R-60 Zone, as provided in Section C-1.31;
- (2) In an area designated by the approved development plan for townhouse or one- family attached dwelling units, the RT-6 Zone, as provided in Section C-1.71; or
- (3) In an area designated by the approved development plan for multiple-family dwelling units, the R-30 Zone, as provided in Section C-2.3.

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

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

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

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

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

59-C-7.43. Minimum area of tract.

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

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

(a) A planned retirement community of less than 750 acres must be restricted to permanent residents 50 years of age or over, except, that a disabled relative may reside with a permanent resident. In addition, residence must be regulated in accordance with the provisions of the Fair Housing Amendments Act of 1988, as may be subsequently amended. The number of dwelling units must not exceed 10 per acre, except as further provided in Section 59-C-7.44(b)(3).

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

145 **(1)[59-C-7.441.] Age-restricted section.** An area containing not less than
146 60 percent of the total number of dwelling units must be restricted to
147 permanent residents 50 years of age or over, except, that a disabled relative
148 may reside with a permanent resident. In addition, residence must be
149 regulated in accordance with the provisions of the Fair Housing
150 Amendments Act of 1988, as may be subsequently amended. The number
151 of dwelling units in that part of the planned retirement community shall not
152 exceed 10 per acre of land constituting the age-restricted section, including
153 the retail commercial center, and the associated off-street parking, except as
154 further provided in section [[59-C-7.443]] 59-C-7.44(b)(3).

155 **(2) [59-C-7.442.] Age-unrestricted[Unrestricted] section.** The number of
156 dwelling units in the area not included in the age-restricted section [shall]
157 must not exceed 6 dwelling units per acre of land constituting the
158 unrestricted section, except as further provided for in section 59-C-
159 7.44[3](b)(3).

160
161 **(3)[59-C-7.443. The maximum density permitted] Moderately priced**
162 **dwelling units (MPDUs) must be provided** in each section (age-restricted
163 and unrestricted) [may be increased by one dwelling unit per acre for each
164 moderately priced dwelling unit included in the respective development
165 plans,] in accordance with chapter 25A of this Code, as amended, including
166 provisions for density bonus [provided that the total increase does not
167 exceed 22 percent of the number of dwelling units permitted by section 59-
168 C-7.441 or 59-C-7.442, whichever is applicable]. The requirement to
169 provide moderately priced dwelling units does not apply to the age-restricted
170 section of a planned retirement community for which construction was
171 initiated prior to the adoption in 1974 of [chapter] Chapter 25A. (Laws of
172 Montgomery County, 1974, ch. 17, sec. 1, et seq.) All development on any

property added to the age-restricted area after [(April 4, 1994)] will be subject to the provisions of Chapter 25A of this Code.

59-C-7.45. Setbacks.

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

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

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

([c]3) Notwithstanding the above:

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

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

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

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

(2) Additional setback must be provided from adjacent one family residential development if the building or structure proposed is higher than 35 feet. The additional setback must be a minimum of 2 feet for each foot of building above 35 feet.

59-C-7.46. Coverage limitations.

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

59-C-7.462. Green area.

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

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

205 **59-C-7.47. Height of buildings.**

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

207 [(1)] (1) No building except a church tower may exceed 100 feet in height.

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

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

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

215 **59-C-7.48. Roads, parking and school sites.**

216 **59-C-7.481. Off-street parking.** Off-street parking [shall] must be provided
217 in accordance with the requirements of article 59-E.

218 **59-C-7.482. Roads.** Interior roads not dedicated to public use [shall] must
219 have a minimum width of 22 feet for two-way traffic and 12 feet for one-
220 way traffic and [shall] must be paved and maintained in good repair.

221 **59-C-7.483. Dedication of land for school sites.** Such land as may be
222 required for sites for public schools in the age-unrestricted section referred
223 to in subsection [[59-C-7.442]] 59-C-7.44(b)(2), if any, [shall] must be
224 dedicated in accordance with the requirements of the subdivision
225 regulations.

226 **59-C-7.49. Procedures for application and approval and limitation on filing.**

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

229 (b) Site plans [shall] must be submitted and approved in accordance

with the provisions of division 59-D-3.

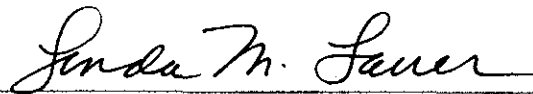
(c) No application for the reclassification of land in the P-R-C zone
[shall] may be accepted within 50 years after the land was classified in
this zone.

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

* * *

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

This is a correct copy of Council action.

A handwritten signature in cursive script, reading "Linda M. Lauer", is written over a horizontal line.

Linda M. Lauer, Clerk of the Council

Clerks Note: Copy with technical corrections for codification.