



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 2
05/30/02

DATE: May 24, 2002
TO: Montgomery County Planning Board
VIA: Michael Ma, Zoning Supervisor *Ma*
FROM: Greg Russ, Zoning Coordinator
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To revise the Planned Retirement Community (PRC) Zone to allow a reduction in the minimum area requirement and to reduce the number of required uses.

TEXT AMENDMENT: No. 02-05
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: April 16, 2002

PLANNING BOARD REVIEW: May 30, 2002
PUBLIC HEARING: June 4, 2002; 1:30pm

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

The zoning text amendment is proposed to revise the Planned Retirement Community (PRC) Zone to allow a reduction in the minimum area requirement and a reduction in the number of required uses.

BACKGROUND

On August 13, 2001, as part of the first phase of the Comprehensive Zoning Ordinance Review, the Planning Board transmitted to the County Council recommendations concerning senior housing opportunities in the County. The main emphasis was to expand the zones where this use could be permitted by right and to propose the use of a floating zone for larger projects. Staff's recommendation was to provide an alternative zone for large projects, those incorporating 25 or more acres of land. This entailed either modifying the PRC Zone or developing a new zone that

is similar to the PRC Zone for this purpose. The Planning Board recommendation to the Council included modifying the PRC Zone.

The County Council determined that the revisions to the PRC Zone proposed by the Planning Board were not related to the main purpose of the rewrite and were not reflected in the title of the ZTA or in the published notice of the public hearing. As such, the PRC proposal of the Comprehensive Zoning Ordinance Review was withdrawn and reintroduced as a separate text amendment.

ANALYSIS

The text amendment proposes to revise the Planned Retirement Community (PRC) Zone to allow a reduction in the minimum area requirement from 750 to 25 acres and a reduction in the number of required uses to coincide with the smaller acreage requirements. The purpose for the smaller acreage is to accommodate campus like senior housing projects that are unusually large for a special exception request for senior housing in the one-family residential zones.

Development of 750 acres or larger

Leisure World is currently the only development in the County that is under the PRC zone. Staff believes the requirements in the PRC Zone should be retained for projects 750 acres or larger so that development of Leisure World will not be affected by this zoning text amendment. As such, staff has amended the proposed text to require fewer uses for sites less than 750 acres but maintained the more stringent list of required uses for tracts of 750 acres or greater. Required uses for the larger projects include sites for places of worship, retail commercial center, golf course, lake, clubhouse swimming pool, auditorium or meeting hall or both, bowling green, shuffleboard court, medical facilities, including an out-patient clinic.

Smaller Development

Staff has also modified the development standards to reflect the smaller area requirements below 750 acres. The regulations for these areas must include dwellings, meeting rooms and active and passive recreational facilities for the exclusive use by the residents, employees and their guests. A minimum setback of 50 feet is proposed from all property lines while building height restrictions provide a sliding scale up to 100 feet, with a one-to-two height-to setback requirement. Additionally, the green area requirements for developments less than 750 acres was reduced from 65% to 60 %, consistent with the mid-range of the green area requirement for senior housing projects located in the various one-family residential zones.

RECOMMENDATION

The staff supports the proposed text amendment to revise the Planned Retirement Community (PRC) Zone to allow a reduction in the minimum area requirement and a reduction in the number of required uses subject to the text amendment recommended standards, as modified. The modifications include amending the proposed text to require fewer uses for sites less than 750

acres but maintained the more stringent list of required uses for tracts of 750 acres or greater. Also amended are the development standards in building setbacks and minimum green areas.

Attachment 1 depicts the proposed text amendment as modified by staff. 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 (staff's changes). [[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment (staff's changes).

GR

Attachments

1. Proposed Text Amendment 02-05 (as amended by staff)

ATTACHMENT 1

Zoning Text Amendment No: 02-05
Concerning: Planned Retirement
Community
Draft No. & Date: 1 – 2/7/02
Introduced: April 16, 2002
Public Hearing: June 4, 2002; 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: District Council at the request of the Planning Board

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

- revising the Planned Retirement (PRC) Community Zone.

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

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:

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, providing within it [all the] 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 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 have adequate highway access, public water and sewer, and ~~[[shall]]~~ must provide the area of land required to furnish the development with necessary public services including school sites if needed. They ~~[[shall]]~~ must be ~~[[so]]~~ designed ~~[[as]]~~ to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries.

In addition, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of existing trees and to minimize the amount of grading necessary for construction of a development.

59-C-7.42. Land uses.

The only development permitted in this zone is a planned retirement community, which must meet the following requirements:

1 **59-C-7.421. Required uses.** A planned retirement community must contain the
2 following:

3 (a) For developments of 750 acres or more:

4 Dwelling units.

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

8 [Sites for places of worship.]

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

12 Sites for places of worship.

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

16 [One or more of each of the following recreational, educational and cultural
17 facilities, which shall be available on a reasonable basis for the
18 exclusive use of the residents of the area restricted to permanent
19 residents who are 50 years of age and over, their guests and
20 reasonably to others designated by any party holding title to such
21 facilities, in trust or otherwise:

22
23 Golf course, 18 holes.

24 Lake.

25 Clubhouse.

26 Swimming pool.

27 Auditorium or meeting hall or both.

1 Bowling green.

2 Shuffleboard court.

3 Medical facilities, including an out-patient clinic.]

4 One or more of each of the following recreational, educational and cultural
5 facilities, which shall be available on a reasonable basis for the
6 exclusive use of the residents of the area restricted to permanent
7 residents who are 50 years of age and over, their guests and
8 reasonably to others designated by any party holding title to such
9 facilities, in trust or otherwise:

10
11 Golf course, 18 holes.

12 Lake.

13 Clubhouse.

14 Swimming pool.

15 Auditorium or meeting hall or both.

16 Bowling green.

17 Shuffleboard court.

18 Medical facilities, including an out-patient clinic.

19
20 (b) For developments of less than 750 acres:

21
22 Dwelling units.

23 Meeting rooms.

24
25 Recreational facilities (active and passive).

26
27 Meeting rooms and recreational facilities must be provided exclusively for
28 the residents, their guests and reasonably to others designated by any party
29 holding title to such facilities, in trust or otherwise.

1 **59-C-7.422. Permitted uses.** The following uses are also permitted:

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

5 Home occupation in the age-unrestricted section regulated by section 59-C-
6 7.442, subject to the regulations of the following zones:

7 (a) The R[[T]]-60 zone in the case of a detached dwelling unit;

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

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

11 A development plan amendment, in accordance with division 59-D-1,
12 is not required for a home occupation in the P-R-C zone.

13
14 [A development plan amendment, in accordance with division 59-D-1, is not
15 required.]

16 Day care facility for senior adults and persons with disabilities

17 Hospital.

18 Life care facility.

19 Nursing home or similar convalescent facility.

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

22 Public utility buildings and structures.

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

26 Temporary helistop.

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

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

5 [[Sites for p]]Places of worship.

6 One or more of each of the following recreational, educational and cultural
7 facilities, which [[shall]] may be available on a reasonable basis for
8 the exclusive use of the residents [[of the area restricted to permanent
9 residents who are 50 years of age and over]], their guests and
10 reasonably to others designated by any party holding title to such
11 facilities, in trust or otherwise:

12
13 Golf course[[, 18 holes]].

14 [[Lake.]]

15 Clubhouse.

16 Swimming pool.

17 [[Auditorium or meeting hall or both.

18 Bowling green.

19 Shuffleboard court.]]

20 Medical facilities, including an out-patient clinic.

21

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

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

8

9 **59-C-7.423. Special exception use.** Cable communications system, subject to the
10 provisions of sections 59-A-6.9 and 59-G-2.10.1. In the age-unrestricted area,
11 special exception uses may be allowed in accordance with the provisions of
12 divisions 59-G-1 and 59-G-2, utilizing the following standards:

- 13 (a) In areas designated by the approved development plan for one-family
14 detached units, uses allowed in the R-60 Zone, as shown in Section
15 59-C-1.31.
- 16 (b) In areas designated by the approved development plan for one-family
17 attached or townhouse units, uses allowed in the RT-6 Zone, as shown
18 in Section 59-C-1.71.
- 19 (c) In areas designated by the approved development plan for multiple
20 family units, uses allowed in the R-30 Zone, as shown in Section 59-
21 C-2.3.

22 If the use is not located in, and subordinate to, the residential use of a
23 dwelling unit, a development plan amendment, in accordance with division
24 59-D-1, is required to permit the use.

25

1 **59-C-7.43. Minimum area of tract.**

2 Each P-R-C zone ~~[[shall]]~~ must have a ~~[[n]]~~ gross tract area of at least [750] 25
3 acres; except, that a lesser area may be added to an existing P-R-C zone if
4 contiguous thereto and in compliance with the provisions of this section.

5
6 **59-C-7.44. Age of residents ~~[[and]]~~, residential densities, and MPDU.**

7 (a) A planned retirement community of less than 750 acres must be restricted to
8 permanent residents of an age as specified in Article 49B Subsection 19 et
9 seq., of the Annotated Code of Maryland, except that a disabled relative may
10 reside with a permanent resident. In addition, residence must be regulated in
11 accordance with the provisions of the Fair Housing Amendments Act of
12 1988, as may be subsequently amended. The number of dwelling units must
13 not exceed 10 per acre, except as further provided in Section 59-C-7.44(c).

14
15 (b) A planned retirement community of 750 acres or more may include a section
16 in which ~~[[a]]~~ there is no restriction upon the age of residents, ~~[[, (b) t]]~~The
17 facilities listed in section 59-C-7.421(a) are not required in this age-
18 unrestricted section ~~[[and (c) land must be dedicated for public school sites]].~~

19
20 **(1) ~~[[59-C-7.441.]]~~ Age-restricted section.** An area containing not less than
21 60 percent of the total number of dwelling units must be restricted to
22 permanent residents ~~[[50 years]]~~ of an age as specified in Article 49B
23 Subsection 19 et seq., of the Annotated Code of Maryland ~~[[or over]]~~,
24 except, that a disabled relative may reside with a permanent resident. In
25 addition, residence must be regulated in accordance with the provisions
26 of the Fair Housing Amendments Act of 1988, as may be subsequently
27 amended. The number of dwelling units in that part of the planned

1 retirement community ~~[[shall]]~~ must not exceed 10 per acre of the land
2 constituting the age-restricted section, including the retail commercial
3 center and the associated off-street parking, except as further provided in
4 section 59-C-7.44~~[[3]]~~(c).

5
6 (2) ~~[[59-C-7.442.]]~~ Age- ~~[[U]]~~unrestricted section. The number of dwelling
7 units in the area not included in the age-restricted section shall not exceed
8 6 dwelling units per acre of land constituting the unrestricted section,
9 except as further provided for in section 59-C-7.44~~[[3]]~~(c).

10
11 (c) ~~[[59-C-7.443. The maximum density permitted]]~~ Moderately priced
12 dwelling units (MPDUs) must be provided in each section (age-restricted
13 and unrestricted) ~~[[may be increased by one dwelling unit per acre for each~~
14 ~~moderately priced dwelling unit included in the respective development~~
15 ~~plans,]]~~ in accordance with chapter 25A of this Code, as amended~~[[,~~
16 ~~provided that the total increase does not exceed 22 percent of the number of~~
17 ~~dwelling units permitted by section 59-C-7.441 or 59-C-7.442, whichever is~~
18 ~~applicable]]~~. The requirement to provide moderately priced dwelling units
19 does not apply to the age-restricted section of a planned retirement
20 community for which construction was initiated prior to the adoption in
21 1974 of chapter 25A. (Laws of Montgomery County, 1974, ch. 17, sec. 1, et
22 seq.) All development on any property added to the age-restricted area after
23 (April 4, 1994) will be subject to the provisions of Chapter 25A of this
24 Code.

25 **59-C-7.45. Setbacks.**

26 (a) For development of 750 acres or more, ~~[[A]]~~all buildings and structures
27 ~~[[shall]]~~ must be set back at least as follows:

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

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

5 (([c])3) Notwithstanding the above:

6 (([1])A) There ~~[[shall be]]~~ is no minimum setback requirement for an
7 entrance gate house, and

8 (([2])B) Along any portion of the tract boundary adjoining land owned
9 or occupied by a public utility the setback may be reduced to
10 not less than 10 feet.

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

13 (1) 50 feet from all property lines.

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

18
19 **59-C-7.46. Coverage limitations.**

20 **59-C-7.461. Buildings.** For development of 750 acres or more, not more
21 than 15 percent of the gross area ~~[[shall]]~~ may be covered by residential
22 buildings.

23
24 **59-C-7.462. Green area.** For development of 750 acres or more, ~~[[N]]~~not
25 less than 65 percent of the gross area ~~[[shall]]~~ must be devoted to green area.
26 For development of less than 750 acres, not less than 60 percent of the gross
27 area must be devoted to green area.

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59-C-7.47. Height of buildings.

(a) For developments of 750 acres or more:

- (1) No building except a church tower may exceed 100 feet in height.
- (2) At least 65 percent of the total number of dwelling units must be contained in buildings not more than 35 feet in height.
- (3) No residential building over 39 feet in height may be located within 500 feet of any boundary line of the planned retirement community.

(b) For development of less than 750 acres:

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

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

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

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

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

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

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

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

3 (c) No application for the reclassification of land in the P-R-C zone that was
4 approved before (effective date) ~~[[shall]]~~ may be accepted within 50 years
5 after the land was classified in this zone.

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

8

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

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4 This is a correct copy of Council action.

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9 Mary A. Edgar, CMC

10 Clerk of the Council

