



**Committee:** PHED  
**Committee Review:** At a future date  
**Staff:** Livhu Ndou, Legislative Attorney  
Pamela Dunn, Senior Legislative Analyst  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #IndependentLivingFacilities

AGENDA ITEM #16A  
June 15, 2021  
**Introduction**

## **SUBJECT**

Zoning Text Amendment (ZTA) 21-02, Independent Living Facility for Seniors or Persons with Disabilities – Residential Zone Standards

Lead Sponsors: Councilmembers Friedson and Katz  
Co-Sponsor: Council President Hucker

## **EXPECTED ATTENDEES**

None

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

N/A

## **DESCRIPTION/ISSUE**

ZTA 21-02 will 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.

## **SUMMARY OF KEY DISCUSSION POINTS**

- Currently, Independent Living Facilities for Seniors or Persons with Disabilities are restricted to multi-unit building types.
- ZTA 21-02 will allow multiple building types for Independent Living Facilities for Seniors or Persons with Disabilities.
- ZTA 21-02 will reduce the green area requirement and amend other setback requirements to accommodate the construction of campus-like communities

### **This report contains:**

Staff Report  
ZTA 21-02

Page 1  
©1-6

**Alternative format requests for people with disabilities.** If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at [adacompliance@montgomerycountymd.gov](mailto:adacompliance@montgomerycountymd.gov)

**MEMORANDUM**

June 10, 2021

TO: County Council

FROM: Livhu Ndou, Legislative Attorney  
Pamela Dunn, Senior Legislative Analyst

SUBJECT: Zoning Text Amendment (ZTA) 21-02, Independent Living Facility for Seniors or Persons with Disabilities – Residential Zone Standards

PURPOSE: Introduction

Zoning Text Amendment (ZTA) 21-02, Independent Living Facility for Seniors or Persons with Disabilities – Residential Zone Standards, lead sponsors Councilmembers Friedson and Katz, co-sponsor Council President Hucker, is scheduled to be 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 more campus-like communities, while remaining a conditional use.

A public hearing is tentatively scheduled for July 20, 2021 at 1:30 p.m.

This packet contains:  
ZTA 21-02

©1-6

Zoning Text Amendment No.: 21-02  
Concerning: Independent Living  
Facility for Seniors or  
Persons with Disabilities  
– Residential Zone  
Standards

Draft No. & Date: 1 – 5/13/2021

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 Sponsors: Councilmembers Friedson and Katz  
Co-Sponsor: Council President Hucker

---

**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.

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. 2. DIVISION 59-3 is amended as follows:**

**Division 3.3. Residential Uses**

\* \* \*

**Section 3.3.2. Group Living**

\* \* \*

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

**1. Defined**

Independent Living Facility for Seniors or Persons with Disabilities means a building or collection of buildings, of any building type, containing dwelling units [and related services] for senior adults or persons with disabilities. An Independent Living Facility for Seniors or Persons with Disabilities [includes] may include on-site support services such as 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. Support services may be located either in the same structure as the dwelling units or in a structure physically separated from the independent living dwelling units.

**2. Use Standards**

\* \* \*

c. Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section 7.3.1, Conditional Use, and the following standards:

- i. The site or the proposed facility has adequate accessibility to or provides on-site public transportation,

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

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

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

50 iv. The maximum building height of an Independent Living  
51 Facility for Seniors or Persons with Disabilities is 60 feet  
52 and the maximum density is determined by the Hearing  
53 Examiner under the development standards of Section  
54 [3.3.2.C.2.b.vi] 3.3.2.C.2.c.vi through Section

- 55 [3.3.2.C.2.b.ix] 3.3.2.C.2.c.ix, without regard to any other  
56 limitation in this Chapter.
- 57 v. Height, density, coverage, and parking must be  
58 compatible with surrounding uses and the Hearing  
59 Examiner may modify height, density, coverage, and  
60 parking to maximize the compatibility of buildings with  
61 the residential character of the surrounding  
62 neighborhood.
- 63 vi. [The minimum front setback is 50 feet.] Except for an  
64 access driveway, [this] the front setback area must be  
65 maintained as green area]; however, if development does  
66 not exceed the height limit of the applicable Residential  
67 zone, the minimum setback specified by the zone  
68 applies].
- 69 vii. The minimum side and rear setback is 25 feet [or as  
70 specified by the relevant zone, whichever is greater] to  
71 abutting lots not included in the application.
- 72 viii. The minimum green area is[:] 50%.  
73 [(a) 70% in the RE-2, RE-2C, and RE-1 zone, except  
74 where the minimum green area requirement is  
75 established in a master plan;  
76 (b) 60% in the R-200 zone; and  
77 (c) 50% in the R-60, R-90, and Residential  
78 Townhouse zones.]
- 79 ix. [The Hearing Examiner may reduce the green area  
80 requirement by up to 15% if it is necessary to  
81 accommodate a lower building height for compatibility

82 reasons.] Principal building setbacks for all building  
83 types must meet the minimum setbacks required under  
84 the standard method of development for the subject  
85 building type in the R-30 zone (see Section 4.4.14.B.3,  
86 Placement).

87 \* \* \*

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

90

91 This is a correct copy of Council action.

92

93 \_\_\_\_\_

94 Selena Mendy Singleton, Esq.

95 Clerk of the Council

96