

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 1/10/96

Reference No.: CB-72-1996

Proposer: Russell, Scott

Draft No.: 3

Sponsors: Russell, Scott

Item Title: An Ordinance defining Assisted Living Facility, and
permitting Assisted Living Facilities in the C-M Zone
under certain conditions

Drafter:

Resource Personnel: Mary Lane
PZ&ED Committee Director

LEGISLATIVE HISTORY:

Date Presented: 6/18/96

Executive Action: __/__/__ __

Committee Referral:(1) 6/18/96 PZED

Effective Date: 12/13/96

Committee Action:(1) 7/24/96 HELD

Committee Action:(2) 9/18/96 FAV (A)

Date Introduced: 10/1/96

Pub. Hearing Date: (1) 10/29/96 1:30 P.M.

Council Action: (1) 10/29/96 Enacted

Council Votes: SD:A, DB:A, JE:A, IG:N, AMc:N, WM:N, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

10/1/96 - Amended at Introduction; Draft 3 Introduced

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT

DATE: 9/18/96

Committee Vote: Favorable as amended, 3-1 (In favor: Council Members Wilson, Estepp, and Russell; in opposition: Council Member Maloney).

A number of amendments were presented in response to the comments made at the July 24 worksession. In addition to several technical amendments, a new Section 27-464.04 was proposed

that provides guidelines for the development of an assisted living facility. Also, a parking requirement of one space per three residents was proposed, which is consistent with the requirement for a nursing or care home. These amendments were accepted by the Committee.

Joe Meinert, representing the City of Bowie, spoke in support of the amendments, but suggested that assisted living facilities should also be permitted in the multifamily and retail zones. Dale Hutchison, representing the Planning Board, recommended that a Detailed Site Plan be required for this use. The Committee agreed to the requirement for a Detailed Site Plan, and further restricted this use to locating on a minimum of five, rather than three, acres; being no more than four stories, and requiring it to be adjoining residentially zoned land.

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT DATE:

7/24/96

Held in Committee.

This legislation defines a new use in the Zoning Ordinance, which is assisted living facility. An assisted living facility is defined on page 2 of the bill as "a residential facility for more than twenty elderly or physically handicapped residents, within which sheltered care services are provided, which may include, but need not be limited to, living and sleeping facilities, meal preparation, laundry services, housekeeping, personal observation and direction in the activities of daily living, transportation for routine social and medical appointments, and the availability of a responsible adult for companionship or nonclinical counseling. The use must comply with all licensing and regulatory requirements." This use differs from nursing home, which is defined in the Ordinance, because it does not offer comprehensive medical care for chronically ill, disabled or convalescent patients who are supervised on a 24-hour basis, and from care home, which provides intermittent assistance in performing activities of daily living, including administration of medication. It is also similar to "congregate living facility", the only difference being the number of persons residing in the facility, which is more than twenty. CB-72 also permits, by right, assisted living facilities on tracts of land greater than 3 acres in the C-M Zone.

The Legislative Officer finds the bill to be in proper legislative form, and the Planning Board opposes the bill. The Department of Environmental Resources takes no position on the legislation, but suggests that a Special Exception should be required. The City of Bowie voted a favorable recommendation on the bill, with the following amendments. A Detailed Site Plan should be required, the minimum acreage should be increased to 5 acres, the definition of Assisted Living Facility should be expanded, and a minimum percentage of area should be devoted to interior recreational facilities and social activity-oriented amenities.

The Committee agreed that since CB-71-1996 was being held until September for further study, CB-72-1996 should also be held.

BACKGROUND INFORMATION/FISCAL IMPACT**(Includes reason for proposal, as well as any unique statutory requirements)**

The Zoning Ordinance does not currently permit assisted living facilities for the elderly, although there is an increasing need and demand for this type of residential facility. This legislation defines "assisted living facility", and distinguishes it from other similar uses, such as congregate living facilities and nursing homes. It also permits the use by right in the C-M Zone, where nursing homes are permitted.

CODE INDEX TOPICS: (ZONING)**Commercial Zones***Additional Requirements for Specific Uses*

<u>Assisted living facilities</u>	<u>27-464.04.</u>
C-1 Zone (Local Commercial, Existing).....	27-455