# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL

#### 1996 Legislative Session

Bill No.	CB-78-1996
Chapter No.	56
Proposed and Presented by	Council Member Russell
Introduced by	Council Member Russell
Co-Sponsors	
Date of Introduction	October 1, 1996

#### **ZONING BILL**

### AN ORDINANCE concerning

### Mixed Retirement Development

For the purpose of defining assisted living facility, mixed retirement development, and permitting these uses in certain Comprehensive Design Zones subject to certain requirements. BY repealing and reenacting with amendments:

Sections 27-107.01, 27-486(a), 27-491(a), 27-496(a), 27-505(a), 27-509(a), 27-513(a), 27-514.10(a), and 27-515(b)(7),

The Zoning Ordinance of Prince George's County, Maryland,

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1995 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-107.01, 27-486(a), 27-491(a), 27-496(a), 27-505(a), 27-509(a), 27-513(a), 27-514.10(a) and 27-515(b)(7) of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

# SUBTITLE 27. ZONING. PART 2. GENERAL.

#### **DIVISION 1. DEFINITIONS.**

Sec. 27-107.01. Definitions.

(a)	Terms in the Zoning Ordinance are defined as follows:				
	*	*	*	*	×

(20.1) Assisted Living Facility: A residential facility with living and sleeping facilities for more than twenty (20) elderly or physically handicapped residents, within which sheltered care services are provided, which may include, but need not be limited to, 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 term shall not include an "Adult Day Care Center," "Congregate Living Facility," "Hospital," "Nursing or Care Home," "Family," or "Group Residential Facility," as defined elsewhere in this Subtitle. An Assisted Living Facility shall comply with any licensing and other regulatory requirements.

\* \* \* \* \*

(151.05) Mixed Retirement Development: A residential community for retirement aged persons developed under a uniform scheme of development, containing a mix of attached, detached, or multifamily dwelling units, nursing or care homes, or assisted living facilities. Each community shall be developed with not less than two (2) types of dwelling units.

# PART 8. COMPREHENSIVE DESIGN ZONES. DIVISION 1. GENERAL.

#### Sec. 27-486. Density and intensity calculations.

- (a) Residential density determinations in the L-A-C and M-A-C Zones shall be based on an average number of dwelling units per gross residential acre. Residential density determinations in the R-S, R-M, R-U, V-M, V-L, and R-L Zones shall be based on an average number of dwelling units per gross acre, minus fifty (50) percent of the density attributed to any land located within a one hundred (100) year floodplain. The base residential density shall be the numerical base to which increment factors may be applied. Motel units, hotel units, and living accommodations in institutions shall not be considered as dwelling units.
- (b) Portions of the proposal devoted exclusively to a mixed retirement development shall be excluded from the density calculations for the overall proposal, and shall be subject to a separate density calculation specified for mixed retirement development in the general standards for each zone. For the purposes of density calculations, each separate living unit provided in any nursing or care home or assisted living facility shall be considered a dwelling unit. Whatever property in the zone that is not utilized for mixed retirement development shall maintain its approved density, and no density transfer shall be approved.
- [b](c) Commercial intensity determinations shall be based on a gross-building-area-to-gross-commercial-land-area ratio. The base commercial floor area ratio shall be the numerical base to which increment factors may be applied.
- [c](d) Increments shall not be allowed for any improvement which is required to be made by the developer (by other laws or regulations).

## DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.

# Subdivision 1. M-A-C Zone (Major Activity Center).

# Sec. 27-491. Regulations.

## (a) General standards.

		Major Metro Centers	New Town or Corridor City Centers
(1)	Minimum size of zone (except as provided in Section 27-493)	40 adjoining gross acres	40 adjoining gross acres
(2)	Base residential density acre	48 dwelling units per gross residential acre	10 dwelling units per gross residential
(3)	Maximum residential density acre	125 dwelling units per gross residential acre	47.9 dwelling units per gross residential
(4)	Base commercial intensity	1.0 FAR per gross commercial acre	0.2 FAR per gross commercial acre
(5)	Maximum commercial intensity	2.7 FAR per gross commercial acre	0.88 FAR per gross commercial acre
(6)	Minimum residential floor area	20% of the total floor area at time of full development	20% of the total floor area at time of full development
<u>(7)</u>	Maximum mixed retirement development density	8 units per gross acre	8 units per gross acre

	(c) Public benefit features and density/intensity increment factors for	or Mixed Re	tirement Development.		
<u>(1)</u>	For open space at a ratio of 3.5 acres per 100 dwelling units (with a minimum size of 1 acre) an increment factor may be granted, not to exceed		25% in dwelling units		
<u>(2)</u>	For enhancing existing physical features (such as breakfront treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed		25% in dwelling units		
<u>(3)</u>	For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed		5% in dwelling units		
<u>(4)</u>	For recreational/community/cultural facilities including at a minimum an indoor/outdoor swimming pool and a community center with facilities catering to the retired, elderly or physically handicapped		50% in dwelling units		
<u>(5)</u>	For public facilities (except streets and open space areas), an increment factor may be granted, not to exceed		30% in dwelling units		
<u>(6)</u>	For creating activity centers with space provided for quasi- public services (such as churches, community meeting rooms, and the like), a density increment factor may be granted not to exceed		10% in dwelling units		
<u>(7)</u>	For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed		5% in dwelling units		
<u>(8)</u>	For providing 3 or more different dwelling types			15% in dwelling uni	ts for each
	* * *	*	additional dwelling unit type *	*	*

- [(c)](d) Other regulations.
- (1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.
- (2) Additional regulations concerning development and use of property in the M-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately Priced Dwelling Units (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.
  - [(d)](e) Adjoining properties.
- (1) For the purposes of this section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.
- [(e)](f) For those developments with a residential component, ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.

# Subdivision 2. L-A-C Zone (Local Activity Center).

# Sec. 27-496. Regulations.

# (a) General standards.

	Community Center	Village Center	Neighborhood Center
(1) Minimum size of zone (except as provided in Section 27-498)	20 adjoining gross acres	10 adjoining gross acres	4 adjoining gross acres
(2) Base residential density	10 dwelling units per gross residential acre	10 dwelling units per gross residential acre	8 dwelling units per gross residential acre
(3) Maximum residential density	20 dwelling units per gross residential acre	15 dwelling units per gross residential acre	12.1 dwelling units per gross residential acre
(4) Base commercial intensity	0.2 FAR per gross commercial acre	0.2 FAR per gross commercial acre	0.16 FAR per gross commercial acre
(5) Maximum commercial density	0.68 FAR per gross commercial acre	0.64 FAR per gross commercial acre	0.31 FAR per gross commercial acre
(6) Maximum mixedretirement development density	8 units per gross acre	8 units per gross acre	8 units per gross acre
* *	* *	*	* *

	(c) Public benefit features and density/intensity increment factors for Mixed Retirement Development.	
<u>(1)</u>	For open space at a ratio of 3.5 acres per 100 dwelling units (with a minimum size of 1 acre) an increment factor may be granted, not to exceed	25% in dwelling units
<u>(2)</u>	For enhancing existing physical features (such as breakfront treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed	25% in dwelling units
<u>(3)</u>	For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed	5% in dwelling units
<u>(4)</u>	For recreational/community/cultural facilities including at a minimum an indoor/outdoor swimming pool and a community center with facilities catering to the retired, elderly or physically handicapped	50% in dwelling units
<u>(5)</u>	For public facilities (except streets and open space areas), an increment factor may be granted, not to exceed	30% in dwelling units
<u>(6)</u>	For creating activity centers with space provided for quasi- public services (such as churches, community meeting rooms, and the like), a density increment factor may be granted not to exceed	10% in dwelling units
<u>(7)</u>	For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed	5% in dwelling units
<u>(8)</u>	For providing 3 or more different dwelling types	15% in dwelling units for each additional dwelling unit type

- [(c)](d) Other regulations.
- (1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.
- (2) Additional regulations concerning development and use of property in the M-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately Priced Dwelling Units (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.
  - [(d)](e) Adjoining properties.
- (1) For the purposes of this section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.
- [(e)](f) For those developments with a residential component, ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.

## Subdivision 4. R-U Zone (Residential Urban Development).

## Sec. 27-505. Regulations.

(a) General standards.

Residential Urban 8.0 <sup>2</sup>	Residential Urban 12.0 <sup>2</sup>
5 adjoining gross acres <sup>1</sup>	5 adjoining gross acres <sup>1</sup>
8.0 dwelling units per gross acre	12.0 dwelling units per gross acre
11.9 dwelling units per gross acre	16.9 dwelling units per gross acre
8 units per gross acre	8 units per gross acre
	5 adjoining gross acres  8.0 dwelling units per gross acre  11.9 dwelling units per gross acre

1 Applies only to Comprehensive Design Zones for which Zoning Map Amendment applications were filed after October 31, 1978. For Comprehensive Design Zones approved pursuant to applications filed prior to this date, the minimum size is four (4) adjoining gross acres.

\* \* \* \* \* \* \* \* \*

	(c) Public benefit features and density/intensity increment factors	s for Mixed Retirement Development.	
<u>(1)</u>	For open space at a ratio of 3.5 acres per 100 dwelling units (with a minimum size of 1 acre) an increment factor may be granted, not to exceed		25% in dwelling units
<u>(2)</u>	For enhancing existing physical features (such as breakfront treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed		25% in dwelling units
<u>(3)</u>	For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed		5% in dwelling units
<u>(4)</u>	For recreational/community/cultural facilities including at a minimum an indoor/outdoor swimming pool and a community center with facilities catering to the retired, elderly or physically handicapped		50% in dwelling units
<u>(5)</u>	For public facilities (except streets and open space areas), an increment factor may be granted, not to exceed		30% in dwelling units
<u>(6)</u>	For creating activity centers with space provided for quasi- public services (such as churches, community meeting rooms, and the like), a density increment factor may be granted not to exceed		10% in dwelling units
<u>(7)</u>	For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed		5% in dwelling units
<u>(8)</u>	For providing 3 or more different dwelling types  * * *	additional dwelling unit type  *	15% in dwelling units for each  *

- [(c)](d) Other regulations.
- (1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.
- (2) Additional regulations concerning development and use of property in the M-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately Priced Dwelling Units (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.
  - [(d)](e) Adjoining properties.
- (1) For the purposes of this section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.
- [(e)](f) For those developments with a residential component, ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.

## Subdivision 5. R-M Zone (Residential Medium Development).

## Sec. 27-509. Regulations.

(a) General standards.

	Residential Medium 3.6 <sup>2</sup>	Residential Medium 5.8 <sup>2</sup>
(1) Minimum size of zone (except as provided for in Section 27-510)	10 adjoining gross acres <sup>1</sup>	10 adjoining gross acres <sup>1</sup>
(2) Base residential density	3.6 dwelling units per gross acre	5.8 dwelling units per gross acre
(3) Maximum residential density	5.7 dwelling units per gross acre	7.9 dwelling units per gross acre
(4) Maximum mixed retirement development density	8 units per gross acre	8 units per gross acre

<sup>1</sup> Applies only to Comprehensive Design Zones for which Zoning Map Amendment applications were filed after October 31, 1978. For Comprehensive Design Zones approved pursuant to applications filed prior to this date, the minimum size is four (4) adjoining gross acres.

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	(c) Public benefit features and density/intensity increment factors	s for Mixed Retirement Development.	
<u>(1)</u>	For open space at a ratio of 3.5 acres per 100 dwelling units (with a minimum size of 1 acre) an increment factor may be granted, not to exceed		25% in dwelling units
(2)	For enhancing existing physical features (such as breakfront treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed		25% in dwelling units
<u>(3)</u>	For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed		5% in dwelling units
<u>(4)</u>	For recreational/community/cultural facilities including at a minimum an indoor/outdoor swimming pool and a community center with facilities catering to the retired, elderly or physically handicapped		50% in dwelling units
<u>(5)</u>	For public facilities (except streets and open space areas), an increment factor may be granted, not to exceed		30% in dwelling units
<u>(6)</u>	For creating activity centers with space provided for quasi- public services (such as churches, community meeting rooms, and the like), a density increment factor may be granted not to exceed		10% in dwelling units
<u>(7)</u>	For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed		5% in dwelling units
<u>(8)</u>	For providing 3 or more different dwelling types  * * *	additional dwelling unit type *	15% in dwelling units for each  *

- [(c)](d) Other regulations.
- (1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.
- (2) Additional regulations concerning development and use of property in the M-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately Priced Dwelling Units (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.
  - [(d)](e) Adjoining properties.
- (1) For the purposes of this section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.
- [(e)](f) For those developments with a residential component, ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.

## Subdivision 6. R-S Zone (Residential Suburban Development).

## Sec. 27-513. Regulations.

(a) General standards.

	Residential Suburban 1.6 <sup>2</sup>	Residential Suburban 2.7 <sup>2</sup>
(1) Minimum size of zone (except as provided for in Section 27-514)	25 adjoining gross acres <sup>1</sup>	25 adjoining gross acres <sup>1</sup>
(2) Base residential density	1.6 dwelling units per gross acre	2.7 dwelling units per gross acre
(3) Maximum residential density	2.6 dwelling units per gross acre	3.5 dwelling units per gross acre
(4) Maximum mixed retirement development density	8 units per gross acre	8 units per gross acre

<sup>1</sup> Applies only to Comprehensive Design Zones for which Zoning Map Amendment applications were filed after October 31, 1978. For Comprehensive Design Zones approved pursuant to applications filed prior to this date, the minimum size is four (4) adjoining gross acres.

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	(c) Public benefit features and density/intensity increment factors	s for Mixed Retirement Development.	
<u>(1)</u>	For open space at a ratio of 3.5 acres per 100 dwelling units (with a minimum size of 1 acre) an increment factor may be granted, not to exceed		25% in dwelling units
<u>(2)</u>	For enhancing existing physical features (such as breakfront treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed		25% in dwelling units
<u>(3)</u>	For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed		5% in dwelling units
<u>(4)</u>	For recreational/community/cultural facilities including at a minimum an indoor/outdoor swimming pool and a community center with facilities catering to the retired, elderly or physically handicapped		50% in dwelling units
<u>(5)</u>	For public facilities (except streets and open space areas), an increment factor may be granted, not to exceed		30% in dwelling units
<u>(6)</u>	For creating activity centers with space provided for quasi- public services (such as churches, community meeting rooms, and the like), a density increment factor may be granted not to exceed		10% in dwelling units
<u>(7)</u>	For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed		5% in dwelling units
<u>(8)</u>	For providing 3 or more different dwelling types  * * *	additional dwelling unit type  *	15% in dwelling units for each  *

- [(c)](d) Other regulations.
- (1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.
- (2) Additional regulations concerning development and use of property in the M-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately Priced Dwelling Units (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.
  - [(d)](e) Adjoining properties.
- (1) For the purposes of this section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.
- [(e)](f) For those developments with a residential component, ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.

# Subdivision 8. R-L Zone (Residential Low Development).

# **Sec. 27-514.10. Regulations.**

(a) General standards.

			Residential Low 0.5		Residential Low 1.0			
(1) Minimum size	1) Minimum size of Zone (except as provided below)			acres	100 adjoining gross acres			
(2) Base residenti	(2) Base residential density			er gross acre	1.0 dwelling units per gross acre			
(3) Maximum residential density			0.9 dwelling units pe	er gross acre	1.5 dwelling units per gross acre			
(4) Maximum mixed retirement development density			8 units per gross acr	<u>e</u>	8 units per gross acre			
*	*	*	*	*	*			

	(c) Public benefit features and density/intensity increment factors for	or Mixed Retirement Development.	
<u>(1)</u>	For open space at a ratio of 3.5 acres per 100 dwelling units (with a minimum size of 1 acre) an increment factor may be granted, not to exceed		25% in dwelling units
<u>(2)</u>	For enhancing existing physical features (such as breakfront treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed		25% in dwelling units
<u>(3)</u>	For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed		5% in dwelling units
<u>(4)</u>	For recreational/community/cultural facilities including at a minimum an indoor/outdoor swimming pool and a community center with facilities catering to the retired, elderly or physically handicapped		50% in dwelling units
<u>(5)</u>	For public facilities (except streets and open space areas), an increment factor may be granted, not to exceed		30% in dwelling units
<u>(6)</u>	For creating activity centers with space provided for quasi- public services (such as churches, community meeting rooms, and the like), a density increment factor may be granted not to exceed		10% in dwelling units
<u>(7)</u>	For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed		5% in dwelling units
<u>(8)</u>	For providing 3 or more different dwelling types  * * *	additional dwelling unit type *	15% in dwelling units for each  *

- [(c)](d) Other regulations.
- (1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.
- (2) Additional regulations concerning development and use of property in the M-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately Priced Dwelling Units (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.
  - [(d)](e) Adjoining properties.
- (1) For the purposes of this section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.
- [(e)](f) For those developments with a residential component, ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.

#### **DIVISION 3. USES PERMITTED.**

Sec. 27-515. Uses permitted.

(b) TABLE OF USES

USE			M-A-C	L-A-C	E-I-A	R-U	ZONE R-M	R-S	R-L	V-L	V-M
(7) RESIDENTIAL/LODGING:											
	*	*	*		*	*		*		*	
Assisted Livi	ng Facility		<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
	*	*	*		*	*		*		*	
Mixed Retire	ement Development		<u>P<sup>28</sup></u>	<u>P<sup>28</sup></u>	<u>X</u>	<u>P<sup>28</sup></u>	<u>P<sup>28</sup></u>	<u>P<sup>28</sup></u>	<u>P<sup>28</sup></u>	<u>X</u>	<u>X</u>
Motel			X	X	P <sup>11</sup>	X	X	X	X	X	X
	*	*	*		*	*		*		*	

The owner of the property shall record among the Land Records of Prince George's County a declaration of covenants which establishes that the premises will be solely occupied by elderly persons, in accordance with State and Federal Fair Housing laws, for a fixed term of not less than sixty (60) years. The covenant shall run to the benefit of the County.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 29th day of October, 1996.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

BY:

Stephen J. Del Giudice Chairman

ATTEST:

Joyce T. Sweeney Clerk of the Council

#### KEY:

<u>Underscoring</u> indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.