

Residential Care Facilities Working Group Summary and Recommendations

4/26/2011

➤ Definitions and Use Standards

- **Residential Care Facility- General definition:** A group care or similar facility for twenty-four (24) hour medical or non-medical care for persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. Facility must meet all applicable federal, state and county certificate, licensure and regulatory requirements. Resident staff necessary for operation of the facility are allowed to live on site. The number of residents includes members of the staff who reside at the facility, but does not include infants of less than two months old. Use includes nursing home, assisted living facility, continuing care retirement community, hospice and group home. Does not include hospitals or independent living facilities for seniors or persons with disabilities.

Residential Care Facility, over 16 persons

Where a residential care facility, over 16 persons, is allowed as a conditional use, it may be permitted by the Board of Appeals subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

1. Any property to be used as a residential care facility must be of sufficient size to accommodate the proposed number of residents and staff.
2. Any property to be used as a group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
3. Height, density, coverage, green area requirements, parking standards and architectural style for the facility must be compatible with surrounding uses and the Board reserves the right to waive/ modify any standards to maximize the compatibility of the building with the surrounding neighborhood.
4. Independent dwelling units are subject to the provisions of the residential portions of the MPDU provisions of Section 25A-5 of this Code.
5. In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 62 years or older, with the following exceptions:
 - a) The spouse of a resident, regardless of age;
 - b) Another relative of a resident, 50 years of age and older
 - c) The resident widow, widower or other surviving relative is allowed to remain if a resident dies while residing at the life care facility, regardless of age.
6. The use must be adequately protected from noise, air pollution, and other potential dangers to the residents
7. An application must be accompanied by a site plan, drawn to scale, showing the location of the building or buildings, parking areas, landscaping, screening, access roads, height of buildings, topography, and the location of sewers, water lines, and other utility lines. The site plan must also show property lines, streets, and existing buildings within 100 feet of the property, and indicate the proposed routes of ingress and egress for automobiles and service vehicles. An expansion plan showing the location and form of any expansions expected to be made in the future on the same site must be included. A vicinity map showing major thoroughfares and current zone boundaries within one mile of the proposed home, must be included.

8. The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents, subject to restrictions by the Board.

Residential Care Facility, 9-16 persons

Where a residential care facility, 9-16 persons, is allowed as a conditional use, it may be permitted by the Board of Appeals subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

1. Any property to be used as a residential care facility is of sufficient size to accommodate the proposed number of residents and staff.
 2. Any property to be used as a group home for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for
 3. Height, density, coverage, green area requirements, parking standards and architectural style for the facility must be compatible with surrounding uses and the Board reserves the right to waive/ modify any standards to maximize the compatibility of the building with the surrounding neighborhood.
 4. The use will be adequately protected from noise, air pollution, and other potential dangers to the residents
- **Independent living facility for seniors or persons with disabilities** (replaces “housing and related facilities for seniors or persons with disabilities”)
A building or buildings containing dwelling units and related service facilities for senior adults or persons with disabilities. The use may also include facilities for such services to residents 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 the above operations. Resident staff necessary for operation of the facility are also allowed to live on site.

Where an **independent living facility for senior or persons with disabilities** is allowed as a conditional use, it may be permitted by the Board of Appeals subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

1. Facility must meet all applicable federal, state and county licensure, certificate and regulatory requirements.
2. The site or the proposed facility has adequate accessibility to or provides onsite public transportation, medical service, shopping areas, recreational and other community services frequently desired by senior adults or persons with disabilities. The application must contain a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility
3. The site or the proposed facility is reasonably well protected from excessive noise, air pollution, and other harmful physical influences
4. The Board may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included to serve exclusively the residents of the building.
5. Occupancy of a dwelling unit is restricted to the following:

- a) A senior adult or person with disabilities, as defined in ???;
 - b) The spouse of a senior or disabled resident, regardless of age or disability;
 - c) A resident care-giver, if needed to assist a senior or disabled resident; or
 - d) In a development designed primarily for persons with disabilities rather than senior adults, the parent, daughter, son, sister or brother of a handicapped resident, regardless of age or disability.
 - e) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal “Fair Housing Act,” Title VIII of the Civil Rights Act of 1968, and subsequent amendments thereto. (In that Act, “familial status” refers to discrimination against families with children.)
6. A minimum of 15 percent of the dwelling units is permanently reserved for households of very low income, or 20 percent for households of low income, or 30 percent for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined as follows:
- a) “MPDU income” is the income limit determined by the Department of Housing and Community Affairs in the administration of the moderately priced dwelling unit (MPDU) program, as prescribed by Chapter 25A.
 - a) “Low income” is income at or below 60 percent of the area median income adjusted for household size.
 - b) “Very low income” is income at or below 50 percent of the area median income adjusted for household size.
 - c) “Area median income” is as determined annually by the U.S. Department of Housing and Urban Development.

➤ Use Table

	AC	RR	RR-C	RE-2	RE-1	RLD-20	RMD-9	RMD-6	RHD-6	RHD-4	RHD-2
Residential Care Facility											
Residential Care Facility, over 16 persons		C	C	C	C	C	C	C	P	P	P
Residential Care Facility, 9-16 persons		C	C	C	C	C	C	C	P	P	P
Residential Care Facility, 8 or fewer persons	P	P	P	P	P	P	P	P	P	P	P
Independent living Facility for Seniors or Persons with Disabilities		C	C	C	C	C	C	C	P	P	P

*Policy change from current code: A small (fewer than 9 persons) hospice, nursing home, etc would be a ‘P’ in all rural and residential zones. They would be treated exactly the same as a small group home, which, according to Maryland law, is deemed conclusively a single- family dwelling and is permitted to locate in all residential zones.