

TOWN OF MOUNTAIN LAKE PARK

ORDINANCE NO. 2019-03

**ZONING ORDINANCE AMENDMENT FOR RESIDENTIAL LIVING FACILITIES,
TRANSIENT RENTAL HOUSING, AND MISCELLANEOUS USES**

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK AMENDING THE ZONING ORDINANCE TO REPEAL OR AMEND CERTAIN PROVISIONS OF THE ZONING ORDINANCE REGULATING GROUP HOMES AND ADOPTING NEW OR AMENDED PROVISIONS IN THEIR STEAD; TO PERMIT TRANSIENT OR VACATION RENTAL HOUSING; AND TO ADOPT NEW PROVISIONS TO PROVIDE FLEXIBILITY IN APPLYING THE ORDINANCE TO USES NOT DEFINED.

WHEREAS, the Mayor and Town Council of Mountain Lake Park is authorized by the Maryland Local Government Annotated Code Title 5, Subtitle 2, or its successor, and by the Mountain Lake Park Town Charter to enact ordinances to protect the health, safety and welfare of residents of and visitors to Mountain Lake Park, and

WHEREAS, on December 5, 2013, the Mayor and Town Council of Mountain Lake Park adopted a zoning ordinance regulating uses, and

WHEREAS, the Town finds that the definition needs to be broadened to include facilities housing fewer than 4 people, so they may also be permitted by the zoning ordinance, and

WHEREAS Section 218 of the December 5, 2013 Zoning Ordinance states:
218 Group Home

- A. "Group Home" means a residence that:
 - 1. Provides residential services for individuals who, because of developmental disability, require specialized living arrangements;
 - 2. Admits at least four but not more than eight individuals; and
 - 3. Provides ten or more hours of supervision per home, per week.
- B. See provisions for modifications in subsection 1005-E.

WHEREAS Section 405(12) of the December 5, 2013 Zoning Ordinance states:
405 Table of Use Regulations

RESIDENTIAL USES	PD	TR	SR	C	AR	R	SW
(12) Group Homes	P	P	P	P	P	P	N

- (a) A group home meeting the requirements of this Section shall house a maximum of 8 unrelated persons, in addition to any staff-persons necessary to assist and supervise such persons.
- (b) A minimum of 1 off-street parking space shall be provided for each employee on-site during peak periods. Plus 1 additional space for each resident having a registered vehicle.
- (c) A copy of any relevant Federal, State or County license or

certification shall be provided to the Zoning Administrator. The Zoning Administrator shall be notified in writing within 7 days by the operator if the use of such license or certification is suspended, expired or withdrawn, or if there is a significant change in the type of residents housed.

- (d) The group home shall apply for and obtain a Zoning Permit. The permit application shall state the maximum number of residents, general type of treatment/care, level of staffing, any sponsoring agency and a phone number and address of a responsible supervisor of the use.
- (e) Any medical or counseling services on-site within a residential district shall be limited to a maximum of 3 persons who do not live on-site.
- (f) If a group home is within a residential district:
 - (i) it shall be maintained and/or constructed with a clearly residential appearance; and
 - (ii) no exterior signs shall identify the use.
- (g) If a group home is within PD it shall be constructed and manufactured so as to be compatible with other dwellings in the area. This determination shall be made by the Mountain Lake Park Historic Review Board.

BE IT ORDAINED AND RESOLVED, Section 218 of the Zoning Ordinance is rescinded and replaced by the following:
231A Residential Living Facility:

- A. "Residential Living Facility" means a residence that:
 - 1. Provides residential services for individuals who require specialized living arrangements;
 - 2. Admits up to eight individuals; and
 - 3. Provides resident supervision.
- B. See provisions for modifications in subsection 1005-E.

BE IT FURTHER ORDAINED AND RESOLVED, Section 405(12) of the Zoning Ordinance is rescinded and replaced by the following:
405 Table of Use Regulations

<u>RESIDENTIAL USES</u>	<u>PD</u>	<u>TR</u>	<u>SR</u>	<u>C</u>	<u>AR</u>	<u>R</u>	<u>SW</u>
(12C) Residential Living Facility	P	P	P	P	P	P	N

- (a) A residential living facility meeting the requirements of this Section shall house a maximum of 8 unrelated persons, in addition to any staff-persons necessary to assist and supervise such persons.
- (b) A minimum of 1 off-street parking space shall be provided for each employee on-site during peak periods. Plus 1 additional space for each resident having a registered vehicle.
- (c) A copy of any relevant Federal, State or County license or certification shall be provided to the Zoning Administrator. The Zoning Administrator shall be notified in writing within 7 days by

the operator if the use of such license or certification is suspended, expired or withdrawn, or if there is a significant change in the type of residents housed.

- (d) The residential living facility shall apply for and obtain a Zoning Permit. The permit application shall state the maximum number of residents, general type of treatment/care, level of staffing, any sponsoring agency and a phone number and address of a responsible supervisor of the use.
- (e) Any medical or counseling services on-site within a residential district shall be limited to a maximum of 3 persons who do not live on-site.
- (f) If a residential living facility is within a residential district:
 - (i) it shall be maintained and/or constructed with a clearly residential appearance; and
 - (ii) no exterior signs shall identify the use.
- (g) If a residential living facility is within PD it shall be constructed and manufactured so as to be compatible with other dwellings in the area. This determination shall be made by the Mountain Lake Park Historic Review Board.

WHEREAS, the Town finds that the zoning ordinance should include transient or vacation rental housing, so they may be permitted by the zoning ordinance.

BE IT ORDAINED AND RESOLVED, the following is added to Article 2. Definitions:
238A Transient Rental Housing:
 A use which is referred to as a room or suite of rooms which is occupied not as a principal residence and:

- A. Is a single-family dwelling; or
- B. Multi-family dwelling; and
- C. Has 11 or fewer sleeping rooms available for rent or for hire for transient occupancy by registered guest; and
- D. Is rented by persons for periods of less than 30 consecutive days.

BE IT FURTHER ORDAINED AND RESOLVED, the following is added to Section 405:
405 Table of Use Regulations

RESIDENTIAL USES	PD	TR	SR	C	AR	R	SW
(11A) Transient Rental Housing	SE	SE	SE	SE	SE	SE	N

WHEREAS, the Town finds that, as new uses come into existence, the current provisions of the Zoning Ordinance do not permit these uses which are substantially similar in character and impact to uses ordinarily permitted by said ordinance, and

WHEREAS, Section 405 of the December 5, 2013 Zoning Ordinance contains the heading: “Accessory Uses.”

BE IT ORDAINED AND RESOLVED, the “Accessory Uses” heading in Section 405 of the Zoning Ordinance is rescinded and replaced by the following: “Miscellaneous and Accessory Uses.”

BE IT FURTHER ORDAINED AND RESOLVED, the following is added to Article 2.
Definitions:

Section 226A Miscellaneous Use: Other use substantially similar in character and impact to uses ordinarily permitted in this zoning ordinance by right or special exception within the same zoning district.

BE IT FURTHER ORDAINED AND RESOLVED, the following is added to Section 405:
405 Table of Use Regulations

<u>MISCELLANEOUS AND ACCESSORY USES</u>	<u>PD</u>	<u>TR</u>	<u>SR</u>	<u>C</u>	<u>AR</u>	<u>R</u>	<u>SW</u>
(70) Other uses substantially similar in character and impact to uses ordinarily permitted by this article by right or special exception within the same zoning district.	SE	SE	SE	SE	SE	SE	N

BE IT FURTHER RESOLVED, this ordinance amendment shall be duly advertised in accordance with the Policy for the Adoption of Ordinances by the Mayor and Town Council of Mountain Lake Park. A public hearing on this zoning ordinance amendment shall be held on the 4th day of April 2019, at 6:00 p.m. at the Town Hall located at 1007 Allegany Drive, Mountain Lake Park, Maryland 21550.

INTRODUCED this 7th day of March 2019. **SECOND READING** this 4th day of April 2019. **ADOPTION** this 4th day of April 2019.

AND BE IT FURTHER ORDAINED AND RESOLVED, this Ordinance shall be effective April 14, 2019.

ATTEST:

APPROVED:

Clerk Treasurer

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember