



ZTA 20-07, R-60 Zone – Uses and Standards

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Description

ZTA 20-07 would allow owners of R-60 zoned property located within one mile of a Metrorail station to construct duplexes, townhouses, and multi-family structures as a standard method development within the current R-60 lot coverage, building height, setbacks, minimum lot size, and minimum parking requirements. More flexibility would be allowed for projects constructed on R-60 zoned sites located within ½ mile of a Metrorail Station. Such sites would be excluded from infill lot coverage limits and the minimum parking requirements would be decreased.

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Summary

Staff recommend transmitting comments for the public hearing on February 11, 2021.

- Staff agree with the sponsor that the shortage of affordable housing is a crisis that must be addressed. However, staff do not believe this ZTA will result in an appreciable increase in the quantity of affordable housing. Rather, this ZTA is geared toward the creation of Missing Middle housing, which is market rate housing types that can be more affordable than the predominant single-family detached housing. Missing Middle housing is a major housing priority for the county.
- There are many issues related to Missing Middle housing that need to be addressed through a comprehensive and coordinated strategy. Alone, policy changes like those proposed in ZTA 20-07 are not likely to be effective in producing the desired housing outcomes.
- Additional analysis should be conducted to consider modifications to development standards, including parking and building height, to ensure a meaningful increase in Missing Middle housing in these areas near Metro stations.
- Should the ZTA move forward, the scope should be expanded to include the R-90 zone to increase the likelihood of obtaining the desired outcome of new Missing Middle housing within one mile of a Metro station.
- Further discussion needs to occur on how to integrate design into the development review and approval process before the Council adopts this ZTA.

Report Overview

This report is separated into four main parts. Part I provides background information about the ZTA, including a description of its scope. It also includes an overview of Missing Middle housing. Part II covers a series of broad issues that staff believe can impact the effectiveness of the ZTA. This includes concerns over development standards, community design, and the ZTA's interaction with other ongoing housing initiatives. Part III reviews, section-by-section, the most significant changes proposed in the ZTA as introduced. It also includes staff recommendations to clarify the intent and scope of the changes. Part IV includes a brief review of the ZTA relevance to designated historic districts.

Part I: Background

Zoning Text Amendment 20-07 was introduced on December 8, 2020 by Councilmember Jawando. ZTA 20-07 is envisioned as a small step that can result in the creation of more attainable housing options near Metro stations in advance of more comprehensive changes to the Zoning Code or a "Missing Middle Functional Plan" as suggested by the Montgomery Planning's [2018 Missing Middle Housing Study](#). **In concept, Planning staff support providing expanded housing options and opportunities in our residential communities near Metro stations but believe the ZTA as submitted must be part of a fully developed comprehensive strategy.**

ZTA 20-07 would amend the Zoning Code to allow duplexes, townhouses, and small multi-family structures to be built as a Limited Use standard method development on R-60 zoned lots within a mile of a Metro station entrance. Proposed changes to the Zoning Code include amending the:

- use table;
- standards for two-unit, townhouse and multi-unit living under the household living standards;
- residential infill compatibility standards; and

- R-60 zone development standards and vehicle parking requirements.

The stated intent of the ZTA is to provide more affordable housing options near Metro stations by allowing denser residential uses under existing use standards in a zone that is predominantly characterized by detached houses.

However, the ZTA is clearly inspired by the need for more Missing Middle type housing in Montgomery County. Missing Middle housing refers to a range of building types that are compatible in scale, form and construction with single-family homes, but include multiple housing units. Missing Middle housing is typically two-to-four story, multi-unit, clustered housing such as smaller townhouses, duplexes, triplexes, quadraplexes, detached courtyard cottages, attached courtyard apartments, or smaller apartment buildings (with fewer than 20 units) that are typically in walkable, transit-accessible neighborhoods. The goal of Missing Middle housing is to allow Montgomery County residents to access more choices in housing to meet their needs.

Missing Middle housing can provide a transition from low-density single-family neighborhoods to high-density apartment, retail and office districts. Providing for Missing Middle housing, if done right, will not eliminate single-family neighborhoods. It may result in some single-family homes being replaced with (or converted to) one of the aforementioned housing types in a compatible form. It requires proper zoning conditions and may necessitate parcel aggregation.

Part II: General Review and Analysis

Staff agree there is a need to increase housing options and opportunities near Metro stations as intended by ZTA 20-07. However, staff have concerns about the viability of the proposed amendment in that it is only one part of a comprehensive strategy needed to ensure the integration of desired Missing Middle housing types. Staff believe there are other elements that need to be researched and considered to successfully achieve the desired impact of this ZTA, including alternative approaches, a deeper review of the development standards, design review or criteria, and coordination with other ongoing Missing Middle initiatives. Staff supports this Zoning Text Amendment as a potential step, but not the only step in what we hope is a broader, comprehensive, stakeholder and data-informed initiative to build Missing Middle in Montgomery County.

Below are other elements related to Missing Middle housing that staff believe need to be considered to successfully achieve the goals of this ZTA.

Coordination with Other Missing Middle Initiatives

Integrating Missing Middle housing in Montgomery County is no small task. There are many issues that need to be addressed in a comprehensive and coordinated way with the community and its stakeholders. Alone, policy changes like those proposed in ZTA 20-07 are not likely to be effective in producing the desired housing types.

Planning staff and the Planning Board have demonstrated a commitment to pursuing Missing Middle, as evidenced through the [2018 Missing Middle Housing Study](#), the [2020 Montgomery County Housing Needs Assessment](#) and the creation of [a Missing Middle webpage](#). Staff think a clearly articulated and comprehensive strategy that builds off these other efforts to define the desired residential uses and pursue the appropriate ZTAs, policies and master plan recommendations is needed to ensure the creation of Missing Middle housing in desired areas.

Although ZTA 20-07 is not part of a comprehensive approach to Missing Middle, it still helps start the conversation on appropriate locations and development standards. Fortunately, comprehensive efforts are currently underway in both [Thrive Montgomery 2050](#) and the [Silver Spring Downtown and Adjacent Communities Plan](#).

Thrive Montgomery 2050

ZTA 20-07 would partially implement the actions called for in the draft General Plan by loosening standards around the development of duplexes, townhouses and apartment buildings near transit. But absent a more comprehensive approach to Missing Middle housing, this ZTA falls short of the desired Thrive Montgomery 2050 outcomes.

Montgomery County's update of the General Plan, Thrive Montgomery 2050, includes policies and actions that support the production of different types of housing near transit and along our corridors, including in existing single-family zones like R-60 and R-90. Specifically, Thrive Montgomery 2050 recommends modest increases of density in areas currently zoned exclusively for single-family housing near high-capacity transit stations and along transit corridors. These would provide more housing types such as duplexes, triplexes and quadraplexes for varying household needs and affordability levels. Thrive Montgomery 2050 released its public hearing draft in fall of 2020, and the Planning Board will complete its review to send the draft to the County Council in April 2021.

While ZTA 20-07 was introduced before the adoption of Thrive Montgomery 2050, should the amendment pass, potential linkages should be assessed to ensure coordination and successful implementation of both the proposed amendment and the General Plan. One such potential missing linkage between the ZTA and Thrive Montgomery 2050 that should be explored is the idea of allowing Missing Middle housing along our high-capacity transit corridors, which would include more areas than the 1-mile buffer around Metro stations. Thrive envisions a web of complete communities connected by vibrant corridors, which not only include our Red Line stations, but also our Purple Line and BRT corridors.

As a General Plan, Thrive Montgomery 2050 is not self-implementing. It does not automatically change any zoning or other regulations. Implementation of its policies will rely on several tools, including Zoning Text Amendments.

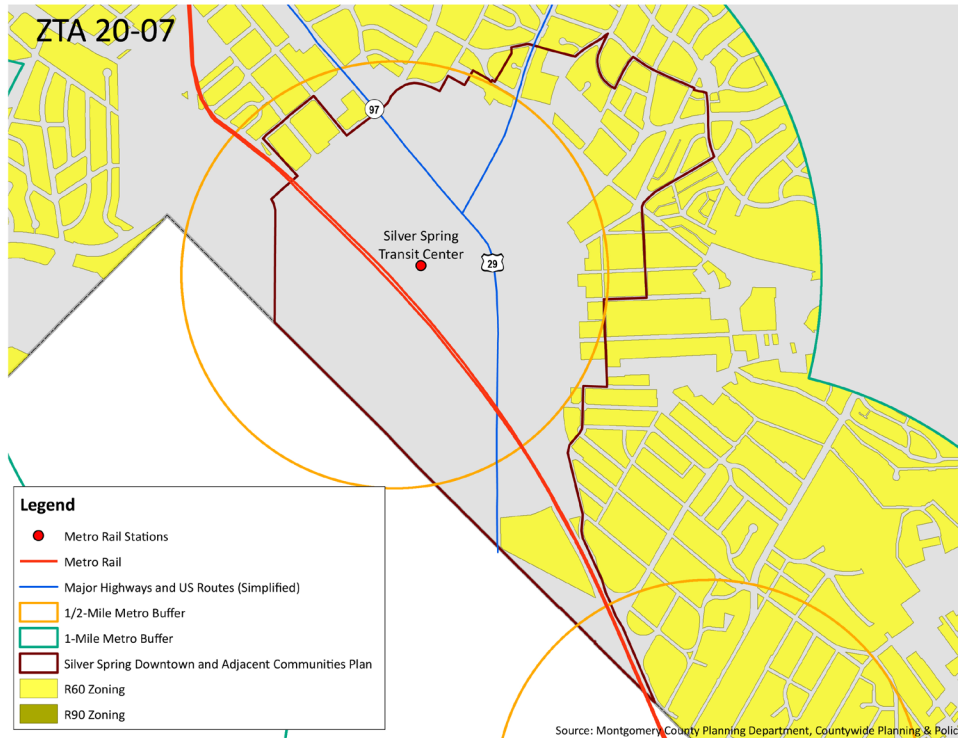
Silver Spring Downtown and Adjacent Communities Plan

Through the Silver Spring Downtown and Adjacent Communities Plan, Planning staff are taking a detailed approach researching best practices for implementing Missing Middle type housing in the single-family neighborhoods adjacent to Downtown Silver Spring. The full analysis is not yet complete; however, it is become clear zoning changes alone as proposed by this ZTA are not likely to be effective in producing much of this desired housing type.

In March 2020, the Planning Board directed Planning staff on the Silver Spring Downtown and Adjacent Communities Plan (a two-year planning process) to expand the plan boundary to include portions of the adjacent single-family R-60 zoned neighborhoods within a ½ mile of the Silver Spring Metro station and the future Purple Line station at the Silver Spring Library. This was done to study the viability of introducing more diverse housing options with increased density.

Planning staff working on the Silver Spring Downtown and Adjacent Communities Plan have noted that the introduction of the proposed ZTA has caused confusion among community members in and around Silver Spring that are actively participating in the sector plan process. Planning staff have spent months participating in discussions with community members on what increased density within the single-family R-60 zone might mean as well as listening to the residents' thoughts and concerns.

Map 1 – Overlap of ZTA Scope and the Silver Spring Downtown and Adjacent Communities Plan Area



The extensive engagement being done by staff on the Silver Spring Downtown and Adjacent Communities Plan has included community members, property owners and small builders and real estate professionals in and around Silver Spring. Staff have led discussions, focus groups, and interviews to better understand the opportunities, challenges and potential implications of addressing the land use and zoning, housing, economic, and parking issues pertaining to the Missing Middle housing typologies ZTA 20-07 proposes to allow. This analysis includes detailed interviews with industry professionals that have the expertise and knowledge in developing housing with densities associated with Missing Middle housing in a market like Silver Spring and could provide helpful guidance on the potential implementation of the proposed amendment.

Although the analysis and study are not yet completed, interviews conducted thus far with industry professionals highlight that, beyond zoning, there are significant challenges to producing Missing Middle housing in Montgomery County. These include:

- The R60 zoning/development standards as they currently stand do not allow for everything that needs to be fit to achieve even a duplex. Lot coverage, height limits, and setbacks were the most common items mentioned in relation to development standards. To attract Missing Middle the county would need to change those development standards.

- Parking requirements will be the most challenging standard to achieve on these sites.
- The stacked-flats or 2-over-2s products may require 45' heights to be achievable.
- Missing Middle is still an unproven product type in Montgomery County and the region, and at the most modest typologies (duplexes) it is unlikely to generate much development interest because land costs are too high near Metro stations.
- There is heavy competition for properties in close-in Metro accessible neighborhoods, which makes it harder to acquire and assemble lots. If a house is habitable it is most likely going to go to an end-user and not to be redeveloped.
- The most likely builders of Missing Middle types of housing are small firms that are currently working in the teardown, custom home market. Missing Middle products would need to be proven to be economical and scalable to be built with some regularity.
- Building Missing Middle housing will require a significant amount of community outreach and education to ensure a shared vision.
- While there are significant hurdles to building this product, taking no action will depress the supply of homes, resulting in housing continuing to get more and more expensive. With increased demand and limited supply, over time many single-family homes will be bought and through the tear-down process become much larger and more expensive. Even small, modest numbers of duplexes, triplexes, and small apartment buildings could help combat teardowns and rebuilds.

If this proposed ZTA passes, Planning staff should work with the Planning Board, the County Council and the community to not only understand the implications for the Silver Spring Downtown and Adjacent Communities Plan in terms of scope for the plan, but to glean any future research needed, best practices and lessons learned from completed studies and analysis for successful implementation of the ZTA.

Missing Middle Housing Study

In addition to Thrive Montgomery 2050 and the Silver Spring Downtown and Adjacent Communities Plan, staff believe that the Missing Middle Housing Study provides a valuable framework for encouraging the production of Missing Middle housing in the county. The elements of that framework are missing from this ZTA.

In 2018, Montgomery Planning published the [Missing Middle Housing Study](#) that highlighted strategies to inform future action. As a study, the Missing Middle Study requires no formal action, but instead provides recommendations that may lead to future implementation including:

- The creation of a Missing Middle Optional Method of Development near transit through a Zoning Text Amendment (ZTA).
- The creation of a Missing Middle housing floating zone for specific locations in the county.
- The rezoning of transit accessible neighborhoods to a CRN zone.
- The creation of a Missing Middle housing Functional Master Plan for the entire county that identifies ideal locations for this typology and results in a Sectional Map Amendment that would rezone appropriate areas.
- Evaluation and suggestion of potential financial incentives for Missing Middle housing typologies.

Extending the ZTA to R-90

Planning staff suggest the scope of this ZTA be expanded to include the R-90 zone to increase the likelihood of obtaining the desired outcome of new Missing Middle housing within one mile of a Metro station.

The ZTA, as introduced, applies to properties in the R-60 zone with a tract area of 25,000 square feet or less, located within a 1-mile radius of a Metrorail station entrance. Analysis shows there are approximately 24,700 single-family parcels zoned R-60 within one mile of a Metro station (just under 5,000 of these parcels are located within a ½-mile buffer). The average lot size within the 1-mile buffer for these R-60 parcels is around 7,800 sq. ft, which would allow for the assemblage of up to three average sized R-60 lots. In total, parcels zoned R-60 account for 6,825 acres, which is 30 percent of the land within the 1-mile buffer. Map 2 demonstrates that within the 1-mile buffer R-60 zoning is most prevalent around the Silver Spring and Takoma Park stations, the east side of Forest Glen station, the north and west side of Medical Center station, and the north side of Friendship Heights station.

As currently written, the intent of the R-90 zone is identical to that of the R-60 zone although the development standards differ, with larger lot sizes, bigger setbacks and lower densities in the R-90 zone. Nevertheless, both are characterized by moderate density residential uses that are predominantly detached houses. Permitted uses in each zone are nearly identical, however the conditional use and limited use standards may vary. Map 3 demonstrates that the largest areas of R-90 within a 1-mile buffer of a Metro entrance are located on the east sides of Wheaton and Glenmont, but also areas around Grosvenor-Strathmore and Bethesda.

There are approximately 4,100 single-family parcels zoned R-90 within the 1-mile buffer (with only about 200 located within the ½-mile buffer). The average lot size within the 1-mile buffer for these R-90 parcels is around 12,500 sq. ft. Keeping the same 25,000 sq. ft. or less standard this would allow for the assemblage of two average sized R-90 lots. In total, parcels zoned R-90 account for 2,355 acres within the 1-mile buffer, meaning that applying ZTA 20-07 to the R-90 zone would increase the applicability of the ZTA to 10 percent more of the land within the buffer. Approximately 4,088 single-family detached lots would be added to the existing 24,723 R-60 parcels for a total of 28,811 single-family detached lots that would be eligible for additional housing types. Of particular note, as shown in Map 3, nearly all of the buffer around the Bethesda, Wheaton, Glenmont, Forest Glen and Medical Center stations would now be covered by this ZTA.

Table 1 – R-60 Single-Family¹ Detached Lots by Buffer

Metro Station Buffer	Zoned R-60		Zoned R-90	
	Parcel Count	Average Lot Size	Parcel Count	Average Lot Size
Up to ½ mile	4,972	7,721	202	9,809
Beyond ½ mile, up to 1 mile	19,751	7,866	3,886	12,639
Total, up to 1 mile	24,723	7,837	4,088	12,499

Source: SDAT

¹The State Department of Assessment and Taxation (SDAT) gives each parcel in Montgomery County a land use code based on its use classification. For this analysis, only parcels with a land use code “111” or single-family detached were included although the ZTA does not distinguish between existing use.

Table 2 – Zoning by Acres in Buffer Distance

Metro Station Buffer	Zoned R-60	Zoned R-90
Up to ½ mile	1,629 acres	247 acres
Beyond ½ mile, up to 1 mile	5,196 acres	2,107 acres
Total, up to 1 mile	6,825 acres	2,355 acres

Planning staff also looked at the variation in lot sizes in both the R-60 and R-90 zones. While the lot sizes average around 7,800 and 12,500 square feet, respectively, the histograms (Chart 1 for R-60 and Chart 2 for R-90) show there is still a great deal of variation of lot sizes, and thus the number of parcels that will be allowed to be assembled under 25,000 sq. ft will vary greatly.

Chart 1 – Histogram of R-60 Lot Sizes in 1-Mile Buffer (Single-Family Detached Land Use)

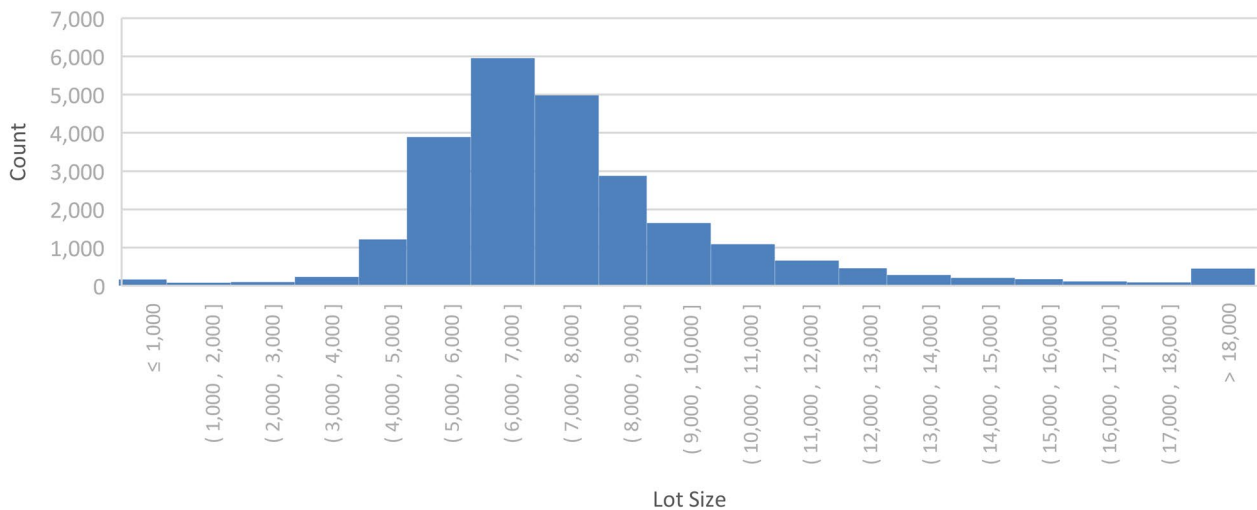
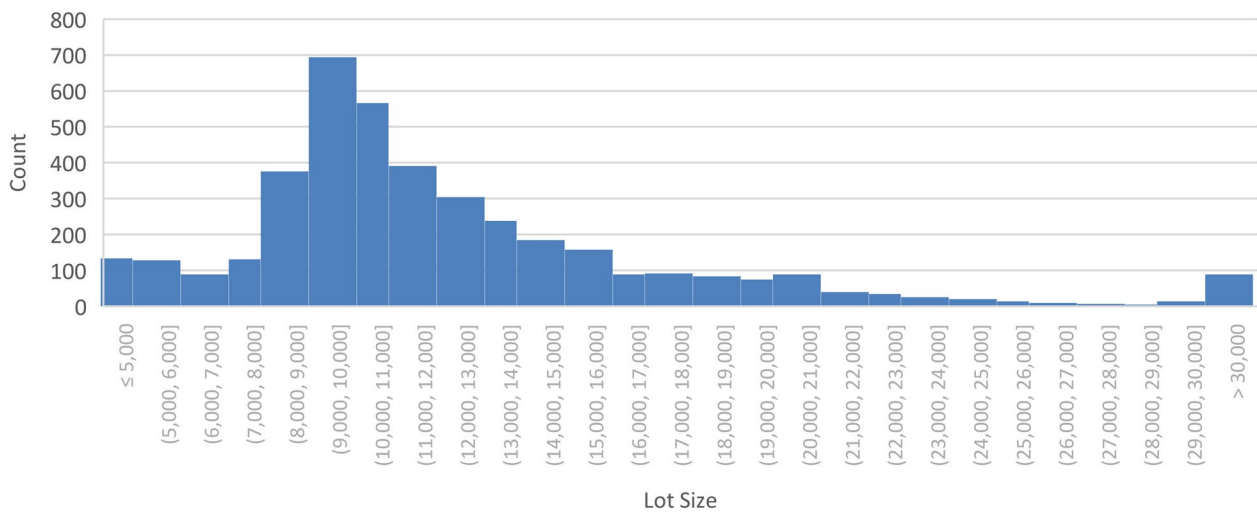
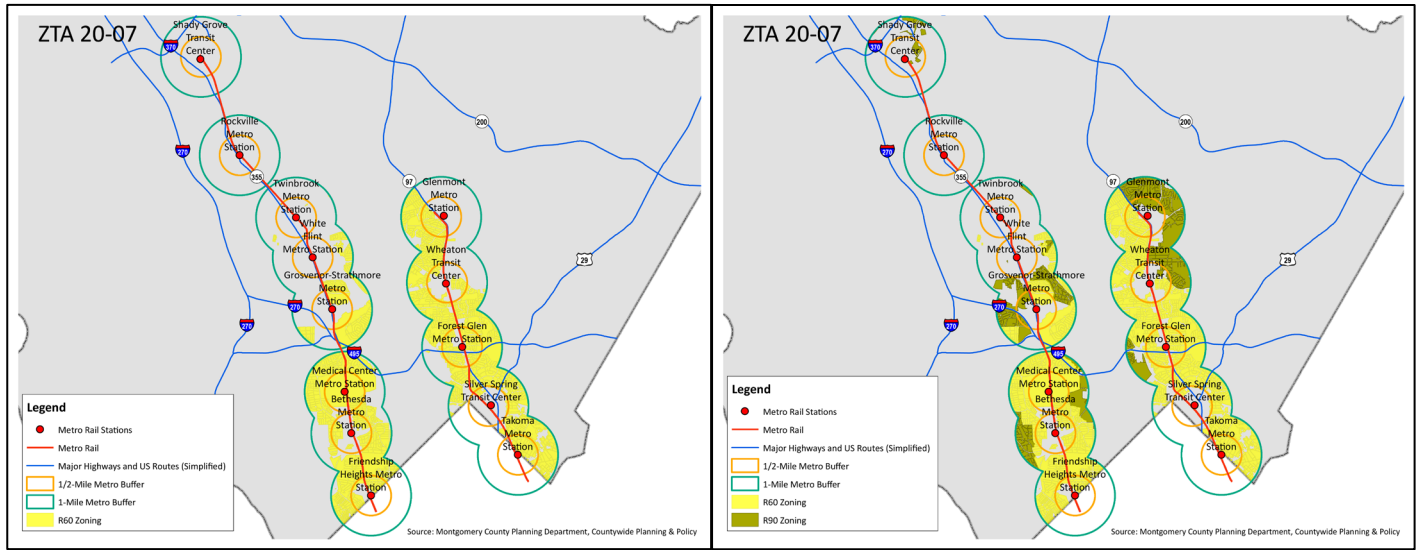


Chart 2 – Histogram of R-90 Lot Sizes in 1-Mile Buffer (Single-Family Detached Land Use)



Map 2 – ZTA 20-07 Scope, as Introduced

Map 3 – ZTA 20-07 Scope, with R-90 Zoning



Will This Create Missing Middle Housing?

Staff recommend additional analysis be conducted to consider modifications to parking requirements and development standards, including setbacks, coverage and building height, and parking requirements, to ensure a meaningful increase in Missing Middle housing in these areas near Metro stations.

ZTA 20-07 as introduced, makes very few changes to the development standards within the R-60 zone, applying the minimum lot size, lot dimensions, building setbacks, and building height limitations for a detached house to all building types (Table 3). The only standards loosened are the requirements for properties within ½ mile of a Metro station to follow the residential infill compatibility standards of Section 4.4.1.B, and a reduction in required parking in Section 6.2.4.

Because only one primary building is allowed on a residential lot, the construction of a duplex or townhouse building type would need to be permitted as a single building, rather than multiple buildings each on its own small lot. As a result, any new duplexes or townhouses built under this ZTA would either be constructed as rental units, or a condo entity with common ownership of the land and individual ownership of the dwelling units. Staff do not object to this but point out that this type of construction and ownership is rare in Montgomery County. If, however, the ability to subdivide is desired, a further amendment may be necessary to the development standards tables in Sections 4.4.8. (R-90) and 4.4.9. (R-60). One option would be to allow the use of Optional Method Development standards to apply to a tract area under 25,000 sq. ft. within one mile of a Metro station, but other means may also be applicable.

Table 3 – R-60 Zone, Development Standards

1. Lot and Density	Detached House, Duplex, Townhouse, Apartment Building or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
Lot (min)	
Lot area	6,000 SF
Lot width at front building line	60'
* * *	
2. Placement	
Principal Building Setbacks (min)	
Front setback	25'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'
Side setback	8'
Sum of side setbacks	18'
Rear setback	20'
Specification for Principal Building Setbacks	
a. Development may have to satisfy Section 4.4.1.A, Established Building Line.	

Table 4 – R-90 Zone, Development Standards

1. Lot and Density	Detached House, Duplex, Townhouse, Apartment Building or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
Lot (min)	
Lot area	9,000 SF
Lot width at front building line	75'
* * *	
2. Placement	
Principal Building Setbacks (min)	
Front setback	30'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'
Side setback	8'
Sum of side setbacks	25'
Rear setback	25'
Specification for Principal Building Setbacks	
a. Development may have to satisfy Section 4.4.1.A, Established Building Line.	

Staff are also concerned the supply of new housing units may be limited by the building heights allowed in the zone, and by the parking standards for new development. Current maximum building heights in the R-60 and R-90 zones standard method for Detached Houses is 30 feet if measured at the mean height along a pitched roof, or 35 feet for the highest roof element. This is reasonable for a detached home, and possibly for duplexes or very small apartment buildings, but this height may be constraining for any larger project envisioned by the ZTA, particularly when having to accommodate parking which is often in garages tucked under the living space in townhomes and some apartments in modern new construction. The height limits do act as a control in the absence of design review but may also be an impediment to builders being willing to take on projects. More study is needed to see how constraining the height limits may be, and whether options such as voluntary Site Plan in exchange for increased building height would be fishable.

Additionally, providing the necessary on-site parking is an obstacle staff foresee in implementing new housing. The ZTA does propose reducing parking requirements within ½ mile of Metro stations, which is a good thing, but has left the parking requirements alone for the rest of the buffer. The standard two spaces per duplex or townhouse unit consumes a lot of space. Options exist to park vehicles in driveways or parking lots, however recent development trends have favored immediate vehicle access, which tends to be in garages integrated into the units, driving the buildings higher. Reducing vehicle

parking through the entire 1-mile buffer should be considered in coordination with providing car share, bike share, or enhanced pedestrian routes to transit.

City of Minneapolis Case Study

The City of Minneapolis shows that reforming single-unit zoning limits on these Missing Middle types of housing requires the reform of other restrictions on how and where housing can be built including minimum lot size requirements, parking requirements, height limits and more.

In 2019, the City of Minneapolis reformed their zoning code to allow for duplexes and triplexes on lots previously zoned for detached single-family housing. In 2020, the number of permits for new triplexes in the city was only three triplexes.

A recent article by Eric Myers in the Twin Cities Business Journal² assessed why the zoning changes have yet to have a major effect in Minneapolis, finding that while the zoning code might allow for duplex and triplex uses, they do not fit well within the development standards: “Height restrictions are the same, as are setback requirements. Triplexes built on single-family lots have to fit within the footprint of the original building.”

Emily Hamilton in her July 2020 piece *Want More Housing? Ending Single-Family Zoning Won't Do It*,³ further assessed the lack of impact from the Minneapolis zoning reforms: “The reform was not paired with any increase in allowable height or size for structures themselves. So, three units can now be built where only one was permitted before, but the allowable built space is the same. It remains to be seen how profitable it will be for homeowners or builders to subdivide houses or build two or three new units that are much smaller than a single-unit house would be permitted to be. Allowing larger buildings could make more triplex conversions more comfortable and profitable.”

Attainable housing vs. Affordable housing

Staff does not believe this ZTA will result in an appreciable increase in the quantity of affordable housing but may result in additional market housing types that are more affordable than the predominant single-family detached housing.

One of the most commonly asked questions about Missing Middle housing is whether it is income-restricted affordable housing. Missing Middle housing is not income-restricted affordable housing. Most Missing Middle housing is market-rate housing that will generally be more affordable than the typical new detached single-family home due to its smaller size. The prices of Missing Middle housing, however, will be determined by what the market can bear and will likely vary by market area in the county.

While staff believe there is merit to the creation of more market housing to address the county's ongoing housing supply gap staff want to note that the creation of Missing Middle housing does not automatically create affordable housing such as Moderately Priced Dwelling Units (MPDUs), either. MPDUs are the county's inclusionary zoning program, where new residential development projects of 20 units or more are required to set aside 12.5 percent or 15 percent of units as affordable to households earning between 65 percent and 70 percent of Area Median Income. Development projects between 11

² Giving Triplexes A Try in North Minneapolis, Burl Gilyard. <https://tcbmag.com/giving-triplexes-a-try-in-north-minneapolis/>

³ Want More Housing? Ending Single-Family Zoning Won't Do It., Emily Hamilton. <https://www.bloomberg.com/news/articles/2020-07-29/to-add-housing-zoning-code-reform-is-just-a-start>

and 19 units are required to make a payment to the Housing Initiative Fund, the county's housing trust fund. The Missing Middle housing envisioned in ZTA 20-07 pertains to lots (or assembled lots) less than 25,000 sq. ft. This will likely result in projects with less than 20 units and no MPDU requirement.

While no MPDUs will be created, Missing Middle housing will still be helpful in increasing the supply of attainable housing in Montgomery County. There is a growing need to make sure the housing built is attainable, appropriate and suitable for the households that live here. Implicit in this idea of attainability is that a range of housing options (type, size, tenure, cost) exists in the local market to meet the size and affordability needs of people at all economic levels. The recent [Montgomery County Housing Needs Assessment](#) highlighted the need for attainable housing options:

- The household income required to afford the median home value in Montgomery County is almost \$20,000 more than the actual median household income.
- Over the 2020 to 2040 period, household forecasts suggest that Montgomery County will need to add 55% multifamily renter and 27% multifamily owner housing units to meet the forecasted need which include Missing Middle types of housing, including duplexes, triplexes, and multiplexes.

Design Review

Staff recommend that further discussion needs to occur on how to integrate design into the development review and approval process as part of implementing this ZTA.

Notably missing from the ZTA as introduced is any inclusion of, or reference to design standards or best practices for including these new dwelling types into existing neighborhoods. One of the major selling points of providing Missing Middle type housing is its ability to be integrated into existing communities without drastically changing the residential form of the existing community. The intent of this ZTA is to allow housing types already permitted in the zone under optional method development on larger tracts to occur by right, as standard method infill development on smaller tracts. The consequence of this is there is no provision for Site Plan review by the Planning Board or any other means of achieving a desirable and integrated design outcome besides adhering to the existing development standards.

There are many forms integrating design into the process could take. One option could require a Site Plan review by the Planning Board for certain building types or buildings over a certain size, making smaller projects such as duplexes or triplexes fully standard method, while larger townhomes or apartments would require Site Plan review. A study could also be conducted resulting in a set of design standards or an approved pattern book with acceptable building forms and types. Creating an overlay zone rather than directly amending the text of the R-60 zone is another option that could then include required design elements for using the overlay zone.

Part III: Review of ZTA 20-07 as Introduced

This section of the report provides a detailed review of ZTA 20-07 as introduced, including a review of each substantive proposed amendment to the Zoning Ordinance. Should the ZTA move forward in the Council review process, staff recommends a number of detailed modifications below.

Use Table

The modification proposed in the ZTA for the Use Table in Section 3.1.6 is minor and would add Multi-Unit Living as a limited use under the R-60 zone, as shown in Table 5 below. This change would allow

multi-unit living in an Apartment Building as a limited use in the R-60 zone. **Staff recommend adding Multi-Unit Living as a limited use in the R-90 zone, if expanding the scope of the ZTA to include that zone.**

Table 5 – Modified Use Table

USE OR USE GROUP	Definitions and Standards		Residential					
			Residential Detached					
			RE-2	RE-2C	RE-1	R-200	R-90	
* * *								
RESIDENTIAL		* * *						* * *
Household Living	3.3.1							
Single-Unit Living	3.3.1.B		P	P	P	P	P	P
Two-Unit Living	3.3.1.C			L	L	L	L	P
Townhouse Living	3.3.1.D			L	L/C	L/C	L/C	L
Multi-Unit Living	3.3.1.E					<u>L</u>	<u>L</u>	

Residential Uses - Household Living

The ZTA as proposed makes modifications to various parts of Section 3.3.1. Household Living, specifically under subsections C (Two-Unit Living), D (Townhouse Living) and E (Multi-Unit Living). These changes would allow the respective housing type to be located within one mile of a Metro station, on a lot less than or equal to 25,000 sq. ft. in size.

Staff support these changes, but recommend the following modifications:

- For the sections on Two-Unit Living and Townhouse Living, strike the first part of the added text which limited the scope to the R-60 zone, since these code sections otherwise apply to both R-60 and R-90 already.
- For the Multi-Unit Living, amend the new subsection to add reference to the R-90 zone.
- For consistency with how other subsections in this part of the code are handled, replace the “and” at the end of subsection C.2.c.i with “or”; clarify that the amendment applies to the standard method of development in subsection C.2.c.ii; and replace the reference to “Apartment Building” to “Multi-Unit Living” in subsection E.2.c.

The substantive amendments to Section 3.3.1. are as follows:

C. Two-Unit Living

* * *

2. Use Standards

* * *

c. In the R-90 and R-60 zones, Two-Unit Living is permitted:

- i. as part of a development including optional method Moderately Priced Dwelling Units or optional method Cluster Development (see Division 4.4); ~~[[and]]~~ or

ii. [[in the R-60 zone]] as part of a standard method development on a lot with an area of 25,000 square feet or less, located within a 1-mile radius of an entrance to a Metrorail station entrance.

* * *

D. Townhouse Living

* * *

2. Use Standards

* * *

iii. In the R-90 and R-60 zones, Townhouse Living is permitted as part of the following:

(a) a development including optional method Moderately Priced Dwelling Units (see Division 4.4);

(b) optional method cluster development (see Division 4.4) that is a minimum of 10 acres in size; [or]

(c) optional method cluster development (see Division 4.4) that is a minimum of 3 acres or more in size and recommended in a master plan; or

(d) [[in the R-60 zone,]] a standard method development on a lot with an area of 25,000 square feet or less, located within a 1-mile radius of an entrance to a Metrorail station entrance.

* * *

E. Multi-Unit Living

* * *

2. Use Standards

* * *

c. In the R-60 and R-90 zone, [[an Apartment Building]] Multi-Unit Living is permitted on a lot with an area of 25,000 square feet or less, located within a 1-mile radius of a Metrorail station entrance.

Building Types Allowed by Zone

ZTA 20-07 also modifies the table for building types allowed by zone found in 59.4.1.4 by adding that Duplex, Townhouse and Apartment Building are allowed in the R-60 zone. As shown in Table 6 below, **Staff recommend also allowing these building types in the R-90 zone, subject to the limited use standards amended earlier in this report.**

Table 6 – Modified Building Types Allowed by Zone Table

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex	Townhouse	Apartment Building
* * *				
Residential Detached Zones				
Residential Estate - 2 (RE-2)	A	TDR	TDR	TDR
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--
Residential - 200 (R-200)	A	MPDU, TDR	MPDU, TDR	TDR
Residential - 90 (R-90)	A	<u>A</u> , MPDU, CD, TDR	<u>A</u> , MPDU, CD, TDR	<u>A</u> , TDR
Residential - 60 (R-60)	A	<u>A</u> , MPDU, CD, TDR	<u>A</u> , MPDU, CD, TDR	<u>A</u> , TDR
Residential - 40 (R-40)	A	A	MPDU	--
* * *				

Key: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not Allowed CD = Allowed as part of an optional method Cluster Development MPDU = Allowed as part of an optional method MPDU Development TDR = Allowed in a TDR Overlay zone as part of optional method TDR Development under Section 4.9.15.B

Residential Infill Compatibility

The Zoning Ordinance under Section 4.4.1 Standard Method Development includes B. Residential Infill Compatibility, which applies to certain residential zones including R-60 and R-90. The intent of this section is to limit the maximum lot coverage of a new or expanded dwelling. Under the existing code, infill development is restricted to maximum lot coverage ranging from 20 to 30 percent, depending on the size of the lot. ZTA 20-07 would amend the applicability of the Residential Infill Compatibility subsection to exclude any land zoned R-60 within ½ mile of a Metro station where the proposed building type is duplex, townhouse or apartment building. In such cases, the default maximum lot coverage standard for the zone would apply. For R-60, the default standard is 35 percent lot coverage. For R-90, the default is 30 percent. Note that under the proposed ZTA, the infill compatibility standards would still apply to a detached house.

B. Residential Infill Compatibility

1. Applicability

[The] Except in the R-60 and R-90 zones for the construction of duplex[[es]], townhouse[[es]], and apartment building housing types [[multi-unit living]] within a ½-mile radius of a Metrorail

Station entrance, the standards in Section 4.4.1.B apply to the R-200, R-90, R-60, and R-40 zones where:

- a. the lot was created:
 - i. by a plat recorded before January 1, 1978; or
 - ii. by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
- b. the lot is less than 25,000 square feet in area; and
- c. the construction proposed is:
 - i. a new detached house;
 - ii. the demolition and reconstruction of more than 50% of the floor area of an existing detached house; or
 - iii. the addition of more than 50% of the floor area of the detached house.

* * *

Staff recommend that this infill compatibility exception also apply to the R-90 zone. Also, the term duplex refers to a building type, while multi-unit living refers to a housing type. Since the infill compatibility standards apply for the construction of a building, **staff suggest the text read “...for the construction of duplex, townhouse, and apartment building types...”**

Residential Zones – R-60 Zone

Included with this ZTA are multiple amendments to the intent and development standards of the R-60 zone, under Section 4.4.9. The first change is under subsection A (Intent Statement), which is as follows:

A. Intent Statement

The intent of the R-60 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. [A limited number of other] Other building types may be permitted [allowed under the optional method of development].

This change is straightforward, being clear that uses other than a detached house would now be allowed. **For clarity and consistency, staff however recommend modifications to the proposed text change in this section to read as follows:**

A. Intent Statement

The intent of the R-60 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. [A limited number of other] Other building types may be permitted [allowed under the optional method of development] under the optional method of development or as a limited use.

This change continues to inform the Code user what the means are for achieving the allowed other building types, namely the optional method of development, or the newly modified limited use standards.

Staff also recommend that a similar change be made to the intent statement for the R-90 zone, in Section 4.4.8.A. as follows:

A. Intent Statement

The intent of the R-90 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. ~~[[A limited number of other]]~~ Other building types may be permitted ~~[[allowed]]~~ under the optional method of development or as a limited use.

The next set of proposed changes to Section 4.4.9. relates to the table in subsection B (R-60 Zone, Standard Method Development Standards), which is shown in Table 7 below.

Table 7 – R-60 Standard Method Development Standards Table

1. Lot and Density	Detached House, Duplex, Townhouse, Apartment Building or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
Specification for Lot and Density	
a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.	
b. Development with [a detached house] <u>any residential building</u> type may have to satisfy Section 4.4.1.B, Residential Infill Compatibility.	
c. The lot coverage maximum does not apply to Religious Assembly.	
<u>d. The maximum density does not apply to a lot with an area of 25,000 square feet or less, located within a 1-mile radius of a Metrorail station entrance.</u>	
2. Placement	
* * *	

The changes made to the Development Standards table above make sense in the context of this ZTA. Section b acknowledges the changing list of allowed building types within the zone. Section d waives the density requirements of the R-60 zone from applying. Staff agree the density of standard method in the R-60 zone would not work for the new building types being considered, and the suggestion of including design as part of the process for approving and constructing Missing Middle housing should be the mechanism for the ultimate control of density.

Staff recommend similar updates be made in Section 4.4.8 to the R-90 Zone standards, as shown in Table 8.

Table 8 – R-90 Standard Method Development Standards Table

1. Lot and Density	Detached House, Duplex, Townhouse, Apartment Building or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
Specification for Lot and Density	
a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.	
b. Development with [[a detached house]] <u>any residential building</u> type may have to satisfy Section 4.4.1.B, Residential Infill Compatibility.	
<u>c. The maximum density does not apply to a lot with an area of 25,000 square feet or less, located within a 1-mile radius of a Metrorail station entrance.</u>	
2. Placement	
* * *	

Parking Requirements

The final section of the Code that the ZTA would amend is the parking requirements under Section 6.2.4. Specifically, the Vehicle Parking Spaces under subsection B would include a new section for Household Living – R-60 zone within a ½ mile radius of a Metrorail Station Entrance. The amended table section is shown below in Table 9. These changes reduce the parking required within a ½ mile radius of the Metro to respond to industry concerns that providing parking for these new housing types as a part of infill development is challenging. The parking would remain as 2 spaces per detached dwelling but is cut in half to one space per attached (duplex or townhouse) dwelling. The parking for the multi-unit living is also reduced, similar to the parking requirements for multi-unit living within a CR Zone or a parking district. **Staff are supportive of this change, as it is consistent with prioritizing reduced parking in areas well served by transit. Consistent with other changes, staff recommend changing this table slightly to reflect Household Living in both the R-60 and R-90 zones within a ½ mile.**

Table 9 – Parking Requirements Table

USE or USE GROUP	Metric	Agricultural, Rural Residential, Residential, and Industrial Zones	
		Baseline Minimum	
AGRICULTURAL			
* * *			
RESIDENTIAL			
Household Living			
* * *			* * *
<u>Household Living - R-60 and R-90 zones within a ½-mile radius of a Metrorail Station entrance</u>			
<u>Single-Unit Living</u>	<u>Dwelling Unit</u>	<u>2.00</u>	
<u>Two-Unit Living</u>		<u>1.00</u>	
<u>Townhouse Living</u>		<u>1.00</u>	
<u>Multi-Unit Living</u>	<u>Efficiency Dwelling Unit</u>	<u>0.50</u>	
	<u>1+ Bedroom Dwelling Unit</u>	<u>1.00</u>	
* * *			

Part IV: Historic Preservation Review

The boundaries of the proposed ZTA would include portions of the Capitol View Park Historic District, Chevy Chase Village Historic District, Forest Glen Historic District, Garrett Park Historic District, Greenwich Forest Historic District, Hawkins Lane Historic District, Linden Historic District, Somerset Historic District, and Takoma Park Historic District.⁴ While these districts only represent about 2 percent of the land area within the one mile buffer of Metro stations, large shares (if not the entirety) of these districts are impacted by this ZTA.

⁴ National Park Seminary Historic District is also located within the 1-mile buffer but is zoned entirely RD-15.0.

Table 10 – Historic Districts Within 1-Mile ZTA Buffer

Historic District	Acres	Historic District Acres Within 1-Mile Buffer	Percent of Historic District Within 1-Mile Buffer	Share of the Entire 1-Mile Buffer
Capitol View Park Historic District	81.2	46.6	57.4%	0.20%
Chevy Chase Village Historic District	139.6	104.2	74.7%	0.45%
Forest Glen Historic District	10.1	10.1	100.0%	0.04%
Garrett Park Historic District	19.6	19.6	100.0%	0.08%
Greenwich Forest	27.3	12.5	45.8%	0.05%
Hawkins Lane Historic District	4.1	4.1	100.0%	0.02%
Linden Historic District	7.0	7.0	100.0%	0.03%
Somerset Historic District	21.3	21.3	100.0%	0.09%
Takoma Park Historic District	249.6	248.7	99.6%	1.07%

In historic districts, a Historic Area Work Permit (HAWP) is required for alterations to the exterior of buildings within these designated areas. The Historic Preservation Commission (HPC) would review proposals for building additions and modifications like those proposed in the amendment, similar to how they review such proposals for accessory dwelling units. A review of the proposed construction is conducted in public at HPC meetings and affords Local Advisory Panels and the general public the opportunity to participate in consideration of the new construction/development in the historic districts.

Historic Preservation (HP) staff note that HP supports the goal of higher density in areas adjacent to public transportation. The majority of these historic districts are locally and nationally designated precisely for their histories as early and excellent examples of transit-oriented development from the late 19th and early 20th centuries. Developed along the Metropolitan Branch Railway and the earliest streetcar suburb lines, these neighborhoods exemplify the history of the county and its development.

Conclusion

Staff are recommending transmitting comments on proposed Zoning Text Amendment 20-07 to the County Council before the public hearing on February 11, 2021. While staff believe the proposed ZTA has its merits, staff have concerns about its ability alone to produce desired Missing Middle housing. Staff believe that the proposed changes are only one part of a comprehensive strategy that is needed to ensure the successful integration of Missing Middle housing in desired areas. Staff believe there are other elements that need to be researched and considered to successfully achieve the goal of this ZTA including alternative approaches, a deeper review of development standards, design review or criteria, and coordination with other ongoing Missing Middle initiatives.

Attachments

Attachment 1: R-60 Zone Comparison of Current and ZTA 20-07 Standards

Attachment 2: Zoning Text Amendment 20-07 as introduced, with introduction packet

Attachment 3: Map of ZTA 20-07 Scope

Attachment 1:

R-60 Zone Comparison of Current and ZTA 20-07 Standards

	Current Code	ZTA 20-07 within 1 mile of a Metrorail station and more than ½ mile	ZTA 20-07 within ½ mile of a Metrorail station
Maximum Density			
Dwelling Units per acre	7.26	Not limited	Not limited
Building Types Allowed			
Single Unit, Duplex, Townhouse	Allowed	No Change	No Change
Apartment	Not Allowed	Allowed	Allowed
Principal Building Setbacks			
Front	25'	No Change	No Change
Rear	20'	No Change	No Change
Side	8'	No Change	No Change
Side Sum	18'	No Change	No Change
Side Street if abutting lot does not front on the side street or is not in a Residential Detached zone	15'	No Change	No Change
Principle Building Max Height			
Measured to the highest point of a roof surface	35'	No Change	No Change
Measured to mean height between the eaves and ridge of a gable, hip, mansard or gambrel roof	30'	No Change	No Change
Lot Coverage (% of lot area)			
Not an infill lot	35%	No Change	No Change
Infill lot ⁵	20-30% based on lot size	No Change	35%
Minimum On-Site Parking			
Single Detached Unit	2 spaces	No Change	No Change
Duplex	2 spaces	No Change	1 space
Townhouse	2 spaces	No Change	1 space
Apartment (Multi-Unit)			
Efficiency	1.0 space	No Change	0.5 space
One bedroom	1.25 spaces	No Change	1.0 space
Two bedroom	1.5 spaces	No Change	1.0 space
Three or more bedrooms	2.0	No Change	1.0

Source: Jeff Zyontz, Montgomery County Council, Senior Legislative Analyst

⁵ A lot less than 25,000 square feet in size that was created by a plat recorded before January 1, 1978; or by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978

Attachment 2



Committee PHED

Staff: Jeffrey L. Zyontz, Senior Legislative Analyst

Purpose: To introduce agenda item – no vote expected

Keywords: #R-60 zone, #Missing Middle

AGENDA ITEM 3C

December 8, 2020

Introduction

SUBJECT

ZTA 20-07, R-60 Zone – Uses and Standards

EXPECTED ATTENDEES

NA

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

NA

DESCRIPTION/ISSUE

ZTA 20-07 would allow owners of R-60 zoned property located within 1 mile of a Metrorail station to build duplexes, townhouses, and multi-family structures within the current R-60 lot coverage, building height, setbacks, minimum lot size, and minimum parking requirements. More flexibility would be allowed for projects constructed on R-60 zoned sites located within ½ mile of a Metrorail Station. Such sites would be excluded from infill lot coverage limits and the minimum parking requirements would be decreased.

SUMMARY OF KEY DISCUSSION POINTS

ZTA 20-07 is a small step that can result in some more affordable housing in advance of more comprehensive changes to the Zoning Code or a “Missing Middle Functional Plan” as suggested by the Planning Department. Councilmember Jawando believes that the shortage of more affordable housing is a crisis that should be addressed immediately.

This report contains:

Staff Memorandum

ZTA 20-07

Memorandum from Councilmember Jawando

Pages

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©1-14

©15-16

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Introduction

MEMORANDUM

December 3, 2020

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT: Zoning Text Amendment 20-07, R-60 Zone – Uses and Standards

PURPOSE: Introduction of ZTA 20-07

Zoning Text Amendment (ZTA) 20-07, lead sponsor Councilmember Jawando, is scheduled for introduction on December 8, 2020. ZTA 20-07 would allow owners of R-60 zoned property located within 1 mile of a Metrorail station to build duplexes, townhouses, and multi-family structures within the current R-60 lot coverage, building height, setbacks, minimum lot size, and minimum parking requirements. The number of units per acre would not be regulated; however, this flexibility provided under ZTA 20-07 would only be allowed for projects on 25,000 square feet of land area or less.

ZTA 20-07 would allow even more flexibility for R-60 sites within ½ mile of a Metrorail Station. It would exclude such sites from infill lot coverage limits for projects. In addition, the parking requirements for projects within ½-mile radius would be decreased.

ZTA 20-07 would allow the massing allowed for a single detached dwelling unit for multiple units. The result would be that the square footage of each unit is reduced. This would make the cost per unit for multiple units more affordable. Construction costs of smaller units are less than the costs for larger units, and the land costs associated with each unit are lower because they share a lot with other units.

The concept behind ZTA 20-07 is aligned with a concept in the planning literature called “Missing Middle Housing”.¹ ZTA 20-07 is a small step that can result in some more affordable housing in advance of more comprehensive changes to the zoning code or a “Missing Middle Functional Plan” as suggested by the Planning Department.² Councilmember Jawando believes that the shortage of affordable housing is a crisis that should be addressed immediately.

¹ “Missing Middle Housing: Thinking Big and Building Small to Respond to Today's Housing Crisis”, July 14, 2020, by Daniel G. Parolek. <https://islandpress.org/books/missing-middle-housing>.

² The Planning Department’s 2018 Missing Middle Housing Study highlighted strategies:

1. the creation of a Missing Middle Optional Method of Development near transit through a Zoning Text Amendment (ZTA);
2. the creation of a Missing Middle housing floating zone for specific locations in the County;

“Missing Middle Housing” (MMH) refers to a range of building types that are compatible in scale, form, and construction with single-unit detached homes, but include multiple housing units. MMH is typically a two- to four-story multi-unit housing. It includes a variety of structure types, such as smaller townhouses, duplexes, triplexes, quadraplexes, or small apartment buildings that are in walkable, transit-accessible neighborhoods.

Most zones that allow attached/multifamily units allow much bigger buildings (taller and wider). Those also typically encourage lot aggregation. The environments created by these zones are different from the environments created by the standards of the R-60 zone.

A public hearing concerning ZTA 20-07 is scheduled for February 9, 2021 at 1:30 p.m.

This packet contains

ZTA 20-07

©1-14

Memorandum from Councilmember Jawando

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-
3. the rezoning of transit-accessible neighborhoods to a CRN zone;
 4. the creation of a Missing Middle housing Functional Master Plan for the entire County that identifies ideal locations for this typology and results in a Sectional Map Amendment that would rezone appropriate areas;
 5. evaluation and suggestion of potential financial incentives for Missing Middle housing typologies.

Zoning Text Amendment No.: 20-07
Concerning: R-60 Zone – Use and Standards
Draft No. & Date: 4 – 11/25/2020
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 Sponsor: Councilmember Jawando

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow duplexes, townhouses, and apartments in the R-60 zone under certain circumstances;
- amend the density, infill development, and parking standards in the R-60 zone under certain circumstances; and
- generally amend the provisions for R-60 zoned property near Metrorail Stations

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

- Division 3.1. “Use Table”
- Section 3.1.6. “Use Table”
- Division 3.3. “Residential Uses”
- Section 3.3.1. “Household Living”
- Division 4.1. “Rules for All Zones”
- Section 4.1.4. “Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones”
- Division 4.4. “Residential Zones”
- Section 4.4.1. “Standard Method Development”
- Section 4.4.9. “Residential - 60 Zone (R-60)”
- Division 6.2. “Parking, Queuing, and Loading”
- Section 6.2.4. “Parking Requirements”

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:

1 **Sec. 1. Division 3.1. Use Table**

2 * * *

3 **Section 3.1.6. Use Table**

4 The following Use Table identifies uses allowed in each zone. Uses may be
5 modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	Residential							
		Residential Detached							
		RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	
* * *									
RESIDENTIAL									
Household Living	3.3.1								
Single-Unit Living	3.3.1.B	* * *	P	P	P	P	P	P	* * *
Two-Unit Living	3.3.1.C			L	L	L	L	P	
Townhouse Living	3.3.1.D			L	L/C	L/C	L/C	L	
Multi-Unit Living	3.3.1.E						<u>L</u>		

6 **Key:** P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

7 * * *

8 **Sec. 2. Division 3.3. Residential Uses**

9 **Section 3.3.1. Household Living**

10 A. Defined, In General

11 Household Living means the residential occupancy of a dwelling unit by a
12 household for 30 consecutive days or longer.

13 B. Single-Unit Living

14 1. Defined

15 Single-Unit Living means one dwelling unit contained in a detached
16 house building type.

17 2. Use standards

18 Where Single-Unit Living is allowed as a limited use, it must satisfy
19 the following standards:

- 20 a. In the GR, NR, and EOF zones, the gross floor area of all
21 Household Living uses is limited to 30% of the gross floor area
22 on the subject site.
- 23 b. In the LSC zone, all Household Living uses are limited to 30%
24 of the maximum allowed FAR mapped on the subject site.

25 C. Two-Unit Living

26 1. Defined

27 Two-Unit Living means 2 dwelling units contained in a duplex
28 building type.

29 2. Use Standards

30 Where Two-Unit Living is allowed as a limited use, it must satisfy the
31 following standards:

- 32 a. In the RE-2C and RE-1 zones, Two-Unit Living is permitted as
33 part of a development including optional method Moderately
34 Priced Dwelling Units (see Division 4.4) if it is:
 - 35 i. served by public sewer service; or
 - 36 ii. designated for sewer service in the applicable master
37 plan.
- 38 b. In the R-200 zone, Two-Unit Living is permitted as part of a
39 development including optional method Moderately Priced
40 Dwelling Units (see Division 4.4).
- 41 c. In the R-90 and R-60 zones, Two-Unit Living is permitted:
 - 42 i. as part of a development including optional method
43 Moderately Priced Dwelling Units or optional method
44 Cluster Development (see Division 4.4); and

- 45 ii. in the R-60 zone on a lot with an area of 25,000 square
46 feet or less, located within a 1-mile radius of an entrance
47 to a Metrorail station entrance.
- 48 d. In the GR, NR, and EOF zones, the gross floor area of all
49 Household Living uses is limited to 30% of the gross floor area
50 on the subject site.
- 51 e. In the LSC zone, all Household Living uses are limited to 30%
52 of the maximum allowed FAR mapped on the subject site.

53 D. Townhouse Living

54 1. Defined

55 Townhouse Living means 3 or more dwelling units in a townhouse
56 building type.

57 2. Use Standards

58 a. Where Townhouse Living is allowed as a limited use, it must
59 satisfy the following standards:

60 i. In the RE-2C and RE-1 zones, Townhouse Living is
61 permitted as part of a development including optional
62 method Moderately Priced Dwelling Units (see Division
63 4.4) if it is:

64 (a) served by public sewer service; or

65 (b) designated for sewer service in an applicable
66 master plan.

67 ii. In the R-200 and R-40 zones, Townhouse Living is
68 permitted as part of a development including optional
69 method Moderately Priced Dwelling Units (see Division
70 4.4).

- 71 iii. In the R-90 and R-60 zones, Townhouse Living is
72 permitted as part of the following:
73 (a) a development including optional method
74 Moderately Priced Dwelling Units (see Division
75 4.4);
76 (b) optional method cluster development (see Division
77 4.4) that is a minimum of 10 acres in size; [or]
78 (c) optional method cluster development (see Division
79 4.4) that is a minimum of 3 acres or more in size
80 and recommended in a master plan; or
81 (d) in the R-60 zone, a standard method development
82 on a lot with an area of 25,000 square feet or less,
83 located within a 1-mile radius of an entrance to a
84 Metrorail station entrance.
85 iv. In the GR, NR, and EOF zones, the gross floor area of all
86 Household Living uses is limited to 30% of the gross
87 floor area on the subject site.
88 v. In the LSC zone, all Household Living uses are limited to
89 30% of the maximum allowed FAR mapped on the
90 subject site.

91 * * *

92 E. Multi-Unit Living

93 1. Defined

94 Multi-Unit Living means dwelling units in an apartment or multi-use
95 building type. Multi-Unit Living includes ancillary offices to manage,
96 service, and maintain the development.

97 2. Use Standards

98 Where Multi-Unit Living is allowed as a limited use, it must satisfy
99 the following standards:

- 100 a. In the GR, NR, and EOF zones, the gross floor area of all
101 Household Living uses is limited to 30% of the gross floor area
102 on the subject site.
- 103 b. In the LSC zone, all Household Living uses are limited to 30%
104 of the maximum allowed FAR mapped on the subject site.
- 105 c. In the R-60 zone, an Apartment Building is permitted on a lot
106 with an area of 25,000 square feet or less, located within a 1-
107 mile radius of a Metrorail station entrance.

108 **Sec. 3. Division 4.1. Rules for All Zones**

109 * * *

110 **Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural**
111 **Residential, and Residential Zones**

112 In the Agricultural, Rural Residential, and Residential zones, building types are
113 allowed by zone as follows:

114

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex	Townhouse	Apartment Building
Agricultural Zone				
Agricultural Reserve (AR)	A	--	--	--
Rural Residential Zones				
Rural (R)	A	--	--	--
Rural Cluster (RC)	A	--	--	--
Rural Neighborhood Cluster (RNC)	A	A	A	--
Residential Detached Zones				
Residential Estate - 2 (RE-2)	A	TDR	TDR	TDR
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--
Residential - 200 (R-200)	A	MPDU, TDR	MPDU, TDR	TDR
Residential - 90 (R-90)	A	MPDU, CD, TDR	MPDU, CD, TDR	TDR
Residential - 60 (R-60)	A	<u>A</u> , MPDU, CD, TDR	<u>A</u> , MPDU, CD, TDR	<u>A</u> , TDR
Residential - 40 (R-40)	A	A	MPDU	--
Residential Townhouse Zones				
Townhouse Low Density (TLD)	A	A	A	--
Townhouse Medium Density (TMD)	A	A	A	--
Townhouse High Density (THD)	A	A	A	--
Residential Multi-Unit Zones				
Residential Multi-Unit Low Density - 30 (R-30)	A	A	A	A
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	A	A
Residential Multi-Unit High Density - 10 (R-10)	A	A	A	A

115 **KEY:** A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed CD = Allowed as
116 part of an optional method Cluster Development MPDU = Allowed as part of an optional method MPDU
117 Development TDR = Allowed in a TDR Overlay zone as part of optional method TDR Development under
118 Section 4.9.15.B

119 * * *

120 **Sec. 4. Division 4.4. Residential Zones**

121 **Section 4.4.1. Standard Method Development**

122 * * *

123 **B. Residential Infill Compatibility**

124 1. Applicability

125 [The] Except in the R-60 zone for the construction of duplexes,
126 townhouses, and multi-unit living within a ½-mile radius of a
127 Metrorail Station entrance, the standards in Section 4.4.1.B apply to
128 the R-200, R-90, R-60, and R-40 zones where:

129 a. the lot was created:

130 i. by a plat recorded before January 1, 1978; or

131 ii. by a plat of resubdivision that created fewer than 6 lots
132 from a lot previously created by a plat recorded before
133 January 1, 1978;

134 b. the lot is less than 25,000 square feet in area; and

135 c. the construction proposed is:

136 i. a new detached house;

137 ii. the demolition and reconstruction of more than 50% of
138 the floor area of an existing detached house; or

139 iii. the addition of more than 50% of the floor area of the
140 detached house.

141 * * *

142 **Section 4.4.9. Residential - 60 Zone (R-60)**

143 **A. Intent Statement**

144 The intent of the R-60 zone is to provide designated areas of the County for
145 moderate density residential uses. The predominant use is residential in a

146 detached house. [A limited number of other] Other building types may be
147 permitted [allowed under the optional method of development].

148 **B. R-60 Zone, Standard Method Development Standards**

149

1. Lot and Density	Detached House, Duplex, Townhouse, Apartment Building or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
Lot (min)	
Lot area	6,000 SF
Lot width at front building line	60'
Lot width at front lot line	25'
Frontage on street or open space	Required, except as exempt under Chapter 50
Density (max)	
Density (units/acre)	7.26
Coverage (max)	
Lot	35%
Specification for Lot and Density	
a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.	
b. Development with [a detached house] <u>any residential building</u> type may have to satisfy Section 4.4.1.B, Residential Infill Compatibility.	
c. The lot coverage maximum does not apply to Religious Assembly.	
d. The maximum density does not apply to a lot with an area of 25,000 square feet or less, located within a 1-mile radius of a Metrorail station entrance.	
2. Placement	
Principal Building Setbacks (min)	
Front setback	25'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'
Side setback	8'
Sum of side setbacks	18'
Rear setback	20'
Specification for Principal Building Setbacks	
a. Development may have to satisfy Section 4.4.1.A, Established Building Line.	

150

* * *

151

Sec. 5. Division 6.2. Parking, Queuing, and Loading

152 * * *

153 **Section 6.2.4. Parking Requirements**

154 **A. Using the Parking Tables**

155 Uses on the parking table match the allowed uses and use groups in
156 Article 59-3. The number of required spaces is based on a metric specific to
157 each use. If the proposed intensity of the use is less than the metric in the
158 tables in subsections B and C, the baseline minimum is calculated using a
159 fraction of that metric. The number of vehicle parking spaces required also
160 depends upon whether the property is located in or outside of a Parking Lot
161 District or Reduced Parking Area.

162 **B. Vehicle Parking Spaces**

USE or USE GROUP	Metric	Agricultural, Rural Residential, Residential, and Industrial Zones	
		Baseline Minimum	
AGRICULTURAL			
* * *			
RESIDENTIAL			
Household Living			
Single-Unit Living Two-Unit Living Townhouse Living	Dwelling Unit	2.00	
Multi-Unit Living	Efficiency Dwelling Unit	1.00	
	1 Bedroom Dwelling Unit	1.25	
	2 Bedroom Dwelling Unit	1.5	* * *
	3+ Bedroom Dwelling Unit	2.0	
<u>Household Living - R-60 zone within a ½-mile radius of a Metrorail Station entrance</u>			
<u>Single-Unit Living</u> <u>Two-Unit Living</u> <u>Townhouse Living</u>	<u>Dwelling Unit</u>	<u>2.00</u> <u>1.00</u> <u>1.00</u>	
<u>Multi-Unit Living</u>	<u>Efficiency Dwelling Unit</u>	<u>0.50</u>	
	<u>1+ Bedroom Dwelling Unit</u>	<u>1.00</u>	
* * *			

163

164 **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the
165 date of Council’s adoption.

166

167 This is a correct copy of Council action.

168

169

170 Selena Mendy Singleton, Esq.

171 Clerk of the Council



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

WILL JAWANDO
COUNCILMEMBER
AT-LARGE

December 3, 2020

TO: Councilmembers, Chiefs of Staff

FROM: Councilmember Will Jawando

RE: ZTA 20-07, R60 Zone Uses and Standard

Bill 52-20, Landlord-Tenant Relations, Protections Against Rent Gouging
Near Transit

On Tuesday, December 8th, I will be introducing two proposals to ensure we have “More Housing for More People.” ZTA 20-07 and Bill 52-20 will increase the overall housing stock in the county and preserve affordable housing near transit.

ZTA 20-07, R60 Zone Uses and Standard

This ZTA amends the Montgomery County Zoning Ordinance to:

- Allow duplexes, townhouses, and apartments in the R-60 zone under certain circumstances, within 1 mile of a Metrorail Transit entrance;
- Amend the density, infill development, and parking standards in the R-60 zone under certain circumstances
- Generally amend the provisions for R-60 zoned property near Metrorail Stations

Bill 52-20, Landlord-Tenant Relations, Protections Against Rent Gouging Near Transit

- Establishes protections against rent gouging for rental units within 1.0 mile of a Metrorail and Purple line transit station and within ½ mile of a bus rapid transit station;
- Sets the base rental amount for certain rental units;
- Provides for exemptions from the rent protection requirements;
- Requires each landlord to submit an annual report regarding rents; and
- Generally amends County law concerning rents and landlord-tenant relations.

PAGE 2

I chose to introduce these proposals together because if we are to meet the goal of adding ten thousand new housing units in Montgomery County by 2030 as part of the broader goal set by the Metropolitan Washington Council of Governments (COG), we must have an all hands on deck approach that includes multiple solutions.

Taken together this ZTA and legislation will help us accomplish several important shared goals:

1. more affordable housing near transit;
2. greater accessibility to employment opportunities for people who must rely on public transportation to get to work;
3. protection from rent gouging and reduced push out and gentrification for renters who currently live near transit;
4. positive impact on the environment due to fewer cars on the road and,
5. allow “Missing Middle” housing types such as duplexes, triplexes, and quadruplexes to be built helping to address the need for additional housing supply.

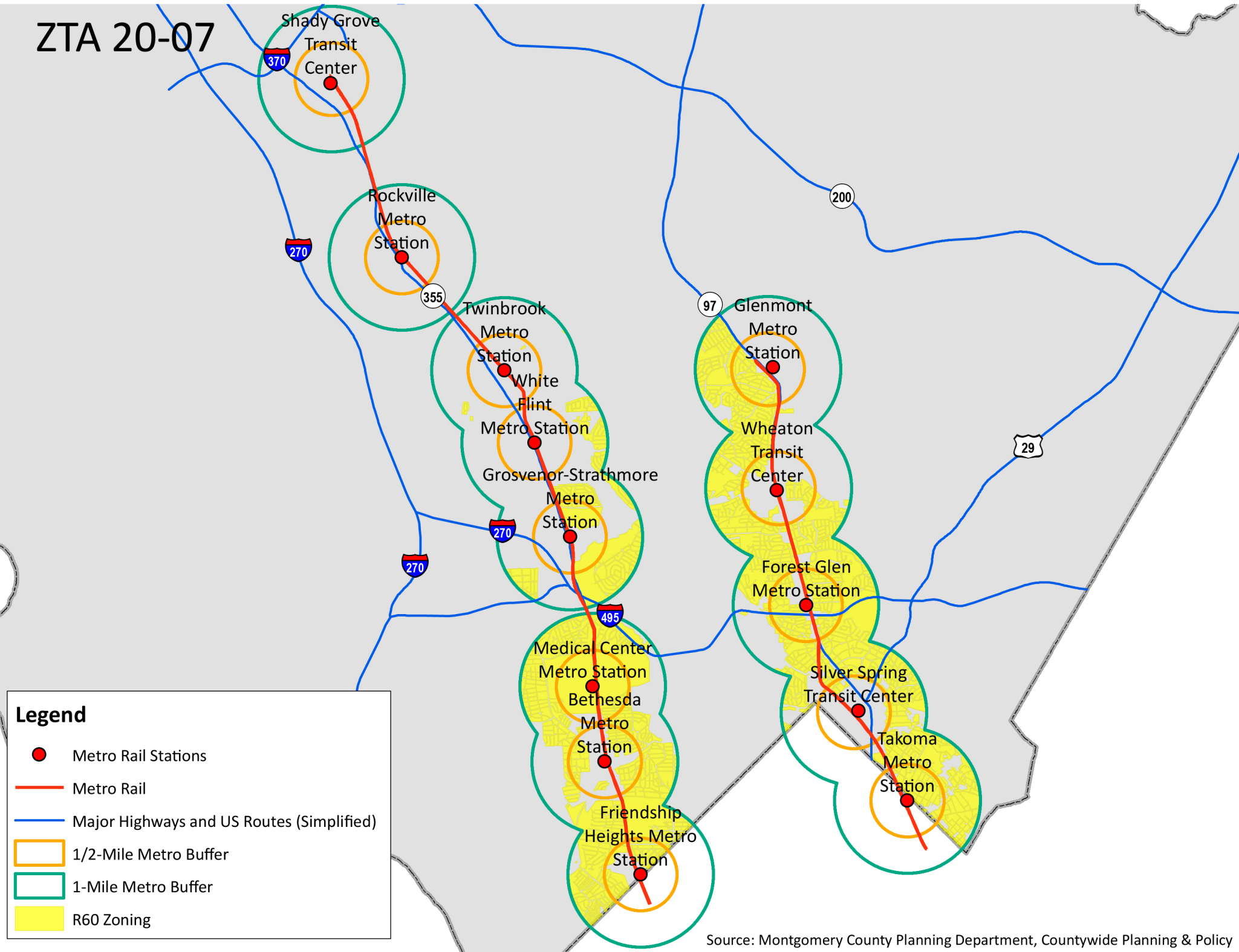
Increasing the amount of affordable housing stock that is needed within that number will require even more planning, however, the solutions must include reasonable protections while increasing housing supply.

The recent Preservation Housing study presented to the PHED Committee by the M-NCPPC Department of Planning, showed that one of the top risk factors in loss of both Deed Restricted Rental Housing and Naturally Occurring Affordable Housing in Montgomery County is proximity to transit. These proposals can provide a win-win situation for all: Transit oriented affordable housing can be accessible to everyone; landlords maintain the ability to reasonably increase rents up to the Voluntary Rent Guidelines each year and when needed to cover renovations or upgrades; Missing Middle housing can be built to increase housing stock in parts of the county without placing a mandate on the entire county.

I invite my Council colleagues to join me as co-sponsors of this legislation and ZTA. Should you have any questions, please feel free to contact Pamela Luckett in my office.

cc Christine Wellons
Jeff Zyontz
Marlene Michaelson
Selena Singleton
Linda McMillan

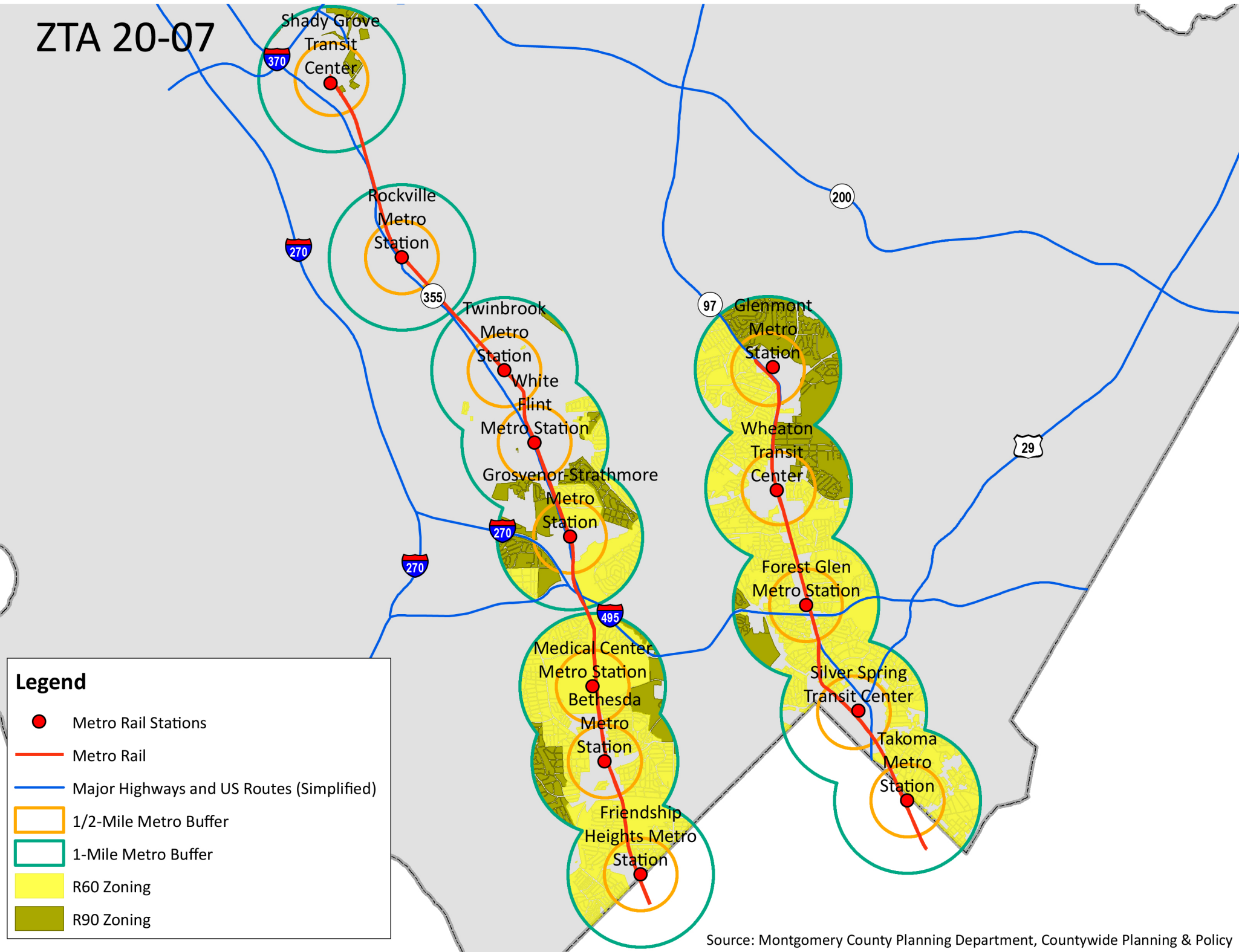
ZTA 20-07



Legend

- Metro Rail Stations
- Metro Rail
- Major Highways and US Routes (Simplified)
- 1/2-Mile Metro Buffer
- 1-Mile Metro Buffer
- R60 Zoning

ZTA 20-07



Legend

- Metro Rail Stations
- Metro Rail
- Major Highways and US Routes (Simplified)
- 1/2-Mile Metro Buffer
- 1-Mile Metro Buffer
- R60 Zoning
- R90 Zoning