



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

1-2

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Introduction

M E M O R A N D U M

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

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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:

Sec. 1. Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be 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	L	P		
Townhouse Living	3.3.1.D		L	L/C	L/C	L/C	L/C	L		
Multi-Unit Living	3.3.1.E						L			

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

* * *

Sec. 2. Division 3.3. Residential Uses

Section 3.3.1. Household Living

A. Defined, In General

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

B. Single-Unit Living

1. Defined

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

2. Use standards

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

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

C. Two-Unit Living

1. Defined

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

2. Use Standards

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

- a. In the RE-2C and RE-1 zones, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see Division 4.4) if it is:
 - i. served by public sewer service; or
 - ii. designated for sewer service in the applicable master plan.
- b. In the R-200 zone, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see Division 4.4).
- 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

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

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

- a. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.
- b. In the LSC zone, all Household Living uses are limited to 30% of the maximum allowed FAR mapped on the subject site.
- c. In the R-60 zone, an Apartment Building 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.

Sec. 3. Division 4.1. Rules for All Zones

* * *

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

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

	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

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

* * *

Sec. 4. Division 4.4. Residential Zones

Section 4.4.1. Standard Method Development

* * *

B. Residential Infill Compatibility

1. Applicability

[The] Except in the R-60 zone for the construction of duplexes, townhouses, and 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.

* * *

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

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

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