



Committee: PHP
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #MultiUnit #Townhouse #AffordableHousing
#ReligiousAssembly #PrivateEducationalInstitution

AGENDA ITEM #1A
January 16, 2024
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 24-01, Household Living – Civic and Institutional Uses

Lead Sponsor: Councilmember Vice-President Stewart and Council President Friedson

Co-Sponsors: Councilmembers Fani-González, Glass, Sayles, Mink, Luedtke, Balcombe, Albornoz, Katz

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To introduce ZTA – no vote expected

DESCRIPTION/ISSUE

ZTA 24-01 would allow the Religious Assembly use and the Educational Institution (Private) use to build affordable townhouses and apartments in Residential Detached zones.

SUMMARY OF KEY DISCUSSION POINTS

- Under the current zoning ordinance, Multi-Unit Living is not permitted in Residential Detached zones. Townhouse Living is permitted under certain circumstances as either a limited use or conditional use, except for in the RE-2 zone.
- ZTA 24-01 will allow the construction of Multi-Unit Living and Townhouse Living in Residential Detached zones as a conditional use when associated with Religious Assembly or Educational Institution (Private).
- ZTA 24-01 will establish development standards for compatibility and require certain affordability thresholds for these projects.
- A public hearing is tentatively scheduled for February 27, 2024.

This report contains:

ZTA 24-01

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Ordinance No.: _____
Zoning Text Amendment No.: 24-01
Concerning: Household Living – Civic
and Institutional Uses
Revised: 1/10/2024 Draft No.: 1
Introduced: January 11, 2024
Public Hearing: _____
Adopted: _____
Effective: _____

**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 Sponsors: Council Vice-President Stewart and Council President Friedson
Co-Sponsors: Councilmembers Fani-González, Glass, Sayles, Mink, Luedtke,
Balcombe, Albornoz, and Katz

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) allow Multi-Unit Living and Townhouse Living on properties with a Religious Assembly or Educational Institution (Private) use in certain zones;
- (2) provide development standards for Multi-Unit Living and Townhouse Living on properties with a Religious Assembly or Educational Institution (Private) use; and
- (3) generally amend the provisions for Household Living when combined with certain Civic and Institutional or other uses.

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”

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:

DRAFT

1 **Sec. 1. DIVISION 59-3.1 is amended as follows:**

2 **Division 3.1. Use Table**

3 * * *

4 **Section 3.1.6. Use Table**

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

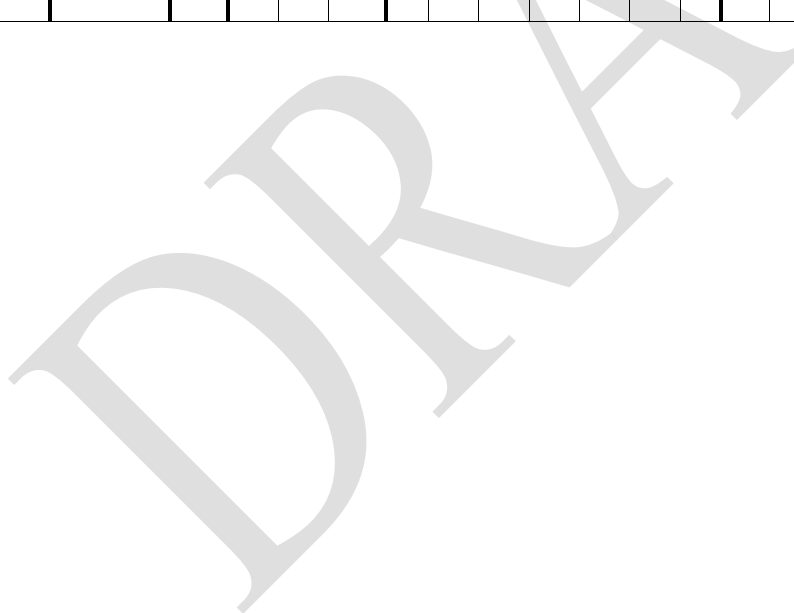
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USE OR USE GROUP	Definition s and Standards	Ag AR	Rural Residential			Residential												Commercial / Residential			Employment				Industrial		
						Residential Detached							Residential Townhouse			Residential Multi-Unit											
			R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM
* * *																											
RESIDENTIAL																											
HOUSEHOLD LIVING	3.3.1																										
* * *																											
Townhouse Living	3.3.1.D				P	<u>C</u>	L	L/C	L/C	L/C	L/C	L	P	P	P	P	P	P	P	P	P	P	P	P	L	L	L
Multi-Unit Living	3.3.1.E					<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					P	P	P	P	P	P	P	L	L	L	L
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Sec. 2. DIVISION 59-3.3 is amended as follows:

Division 3.3. Residential Uses

* * *

Section 3.3.1. Household Living

* * *

D. Townhouse Living

1. Defined

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

2. Use Standards

* * *

b. Where Townhouse Living is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

i. In the RE-1, R-200, R-90, and R-60 zones:

[i.](a) All buildings and structures must meet or exceed the Level II Accessibility Standards established by Section 52-106 and detailed in Section 52-107.

[ii.](b) Public bus service must be available on a road abutting the site.

[iii.](c) A Metro Station must be within 2 miles of the site.

[iv.](d) Public recreation or park facilities must be within 1,000 feet of the site.

[v.](e) A grading plan must demonstrate that the post-construction site will have a slope less than 5%.

[vi.](f) The minimum tract size is 2 acres.

35 [vii.](g) The density limitations and development
36 standards of the TMD zone under optional method
37 (Section 4.4.12.C) apply in spite of any other
38 limitation in this Chapter.

39 [viii.](h) Reducing the number of required parking spaces
40 through a parking waiver under Section 6.2.10 is
41 prohibited.

42 [ix.](i) A minimum of one parking space for each dwelling
43 unit must satisfy the dimensional standards for
44 handicapped-accessible vehicle parking and a
45 minimum 8-foot-wide access aisle required by the
46 State.

47 ii. In the RE-2 zone:

48 (a) Townhouse Living must be located on property
49 used for Section 3.4.10, Religious Assembly or
50 Section 3.4.5, Educational Institution (Private).
51 This may include contiguous properties that are
52 separated only by a public right-of-way.

53 (b) The maximum building height and principal
54 building setbacks of any building used for
55 Townhouse Living must meet the standard method
56 development standards of the townhouse building
57 type in the R-30 zone under Section 4.4.14.B.

58 (c) The minimum side setback is 20 feet to abutting lots
59 and parcels not included in the application.

60 (d) A minimum of 35% common open space is
61 required.

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- (e) The site must be served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.
- (f) The dwelling units must meet one of the following affordability thresholds:
 - (1) at least 50% of the units are built under a government regulation or binding agreement that limits the price charged for at least 30 years and affordable to households earning 60 percent or less of Area Median Income (AMI);
 - (2) at least 30% of the units built under a government regulation or binding agreement that limits the price charged for at least 30 years with at least 10% of the total units affordable to households earning 30% of Area Median Income (AMI) or below and at least 20% of the total units affordable to households earning incomes eligible for the MPDU program in Chapter 25A;
 - (3) at least 30% of the units built under a government regulation or binding agreement that limits the price charged for at least 30 years with at least 20% of the total units affordable to households earning 50% of Area Median Income (AMI) or below and at

89 least 10% of the total units affordable to
90 households earning incomes eligible for the
91 MPDU program in Chapter 25A; or

92 (4) the project receives an award of 9% Low-
93 Income Housing Tax Credits (LIHTC) from
94 the Maryland Department of Housing and
95 Community Development (DHCD).

96 (g) The maximum residential density is determined by
97 the Hearing Examiner under the development
98 standards of Section 3.3.1.D.2.b.ii. without regard
99 to any other limitation in this Chapter.

100 (h) Height, density, coverage, and parking standards
101 must be compatible with surrounding uses. The
102 Hearing Examiner may modify any development
103 standards to maximize the compatibility of the
104 building with the residential character of the
105 surrounding neighborhood.

106 **E. Multi-Unit Living**

107 **1. Defined**

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

111 **2. Use Standards**

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

- 114 [a]i. In the GR, NR, and EOF zones, the gross floor area of all
115 Household Living uses is limited to 30% of the gross floor
116 area on the subject site.
- 117 [b]ii. In the LSC zone all Household Living uses are limited to
118 30% of the maximum allowed FAR mapped on the subject
119 site.
- 120 b. Where Multi-Unit Living is allowed as a conditional use, it may
121 be permitted by the Hearing Examiner under Section 7.3.1,
122 Conditional Use, and the following standards:
- 123 i. Where allowed as a conditional use, Multi-Unit Living
124 must be located on property used for Section 3.4.10,
125 Religious Assembly or Section 3.4.5, Educational
126 Institution (Private). This may include contiguous
127 properties that are separated only by a public right-of-way.
- 128 ii. The maximum building height of any building used for
129 Multi-Unit Living is 60 feet.
- 130 iii. Principal building setbacks of any building used for Multi-
131 Unit Living must meet the standard method development
132 standards of the apartment building type in the R-30 zone
133 under Section 4.4.14.B.3.
- 134 iv. The minimum side setback is 20 feet to abutting lots and
135 parcels not included in the application.
- 136 v. A minimum of 35% common open space is required.
- 137 vi. In the RE-2, RE-2C, and RE-1 zones, the site must be
138 served by existing water and sewer infrastructure that will
139 not require either an upgrade to the service line or

140 installation of a pump station due to the proposed
141 development.

142 vii. The dwelling units must meet one of the following
143 affordability thresholds:

144 (a) at least 50% of the units are built under a
145 government regulation or binding agreement that
146 limits the price charged for at least 30 years and
147 affordable to households earning 60 percent or less
148 of Area Median Income (AMI);

149 (b) at least 30% of the units built under a government
150 regulation or binding agreement that limits the price
151 charged for at least 30 years with at least 10% of the
152 total units affordable to households earning 30% of
153 Area Median Income (AMI) or below and at least
154 20% of the total units affordable to households
155 earning incomes eligible for the MPDU program in
156 Chapter 25A;

157 (c) at least 30% of the units built under a government
158 regulation or binding agreement that limits the price
159 charged for at least 30 years with at least 20% of the
160 total units affordable to households earning 50% of
161 Area Median Income (AMI) or below and at least
162 10% of the total units affordable to households
163 earning incomes eligible for the MPDU program in
164 Chapter 25A; or

165 (d) the project receives an award of 9% Low-Income
166 Housing Tax Credits (LIHTC) from the Maryland

167 Department of Housing and Community
168 Development (DHCD).

169 viii. The maximum residential density is determined by the
170 Hearing Examiner under the development standards of
171 Section 3.3.1.E.2.b., without regard to any other limitation
172 in this Chapter.

173 ix. Height, density, coverage, and parking standards must be
174 compatible with surrounding uses. The Hearing Examiner
175 may modify any development standards to maximize the
176 compatibility of the building with the residential character
177 of the surrounding neighborhood.

178 * * *

179 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
180 date of District Council adoption.

181 **Sec. 4. Short Title.** This text amendment may be cited as the “FAITH
182 (Facilitating Affordable Inclusive Transformational Housing) zoning text
183 amendment (ZTA).”

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council