

M E M O R A N D U M

March 26, 2025

TO: Planning, Housing, and Parks (PHP) Committee

FROM: Livhu Ndou, Senior Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 25-02, Workforce Housing – Development Standards

PURPOSE: Worksession #1

EXPECTED ATTENDEES

- Artie Harris, Chair, Montgomery County Planning Board
- Jason Sartori, Director, Montgomery County Planning Department
- Robert Kronenberg, Deputy Director, Montgomery County Planning Department
- Lisa Govoni, Supervisor – Housing, Infrastructure, and Zoning Policy, Montgomery County Planning Department
- Benjamin Berbert, Planner III – Countywide Planning & Policy, Montgomery County Planning Department
- Scott Bruton, Director, Department of Housing and Community Affairs (DHCA)
- Somer Cross, Division Chief – Housing, DHCA
- Ehsan Motazedi, Deputy Director, Department of Permitting Services (DPS)
- Victor Salazar, Division Chief – Zoning and Code Compliance, DPS
- Mark Etheridge, Manager – Water Resources Plan Review, DPS

INTRODUCTION

Zoning Text Amendment (ZTA) 25-02, Workforce Housing – Development Standards, lead sponsors Councilmembers Friedson and Fani-González, co-sponsors Councilmember Luedtke, Council President Stewart, and Councilmembers Balcombe and Sayles, was introduced on February 4, 2025.

ZTA 25-02 will allow duplexes, triplexes, townhouses, and apartment buildings in the R-40, R-60, R-90, and R-200 zones if along the following road types: Boulevard, Downtown Boulevard, Downtown Street, Town Center Boulevard, or Controlled Major Highway. The front lot line, often indicated by the street address, must abut the applicable corridor and the corridor must be at least

100 feet wide and have 3 existing travel lanes. The maximum density will be 1.25 FAR and the maximum height is 40 feet. For affordability, 15% of the units, with a minimum of 1 workforce housing unit if an application has at least 3 units, must meet the requirements for workforce housing, which is defined as at or below 120% average median income (AMI) in the County Code. ZTA 25-02 will also establish development standards that intend to allow for flexible development while generally maintaining existing lot coverages. A term commonly used to describe the type of development intended is “infill development”, which generally refers to development or redevelopment on land in built-up areas of existing communities, where infrastructure is already in place.

ZTA 25-02 was introduced as part of the “More Housing N.O.W. (New Options for Workers)” package. The package includes: ZTA 25-02, Workforce Housing - Development Standards; ZTA 25-03, Expedited Approvals – Commercial to Residential Reconstruction; SRA 25-01, Administrative Subdivision – Expedited Approval Plan; and Expedited Bill 2-25, Taxation – Payments in Lieu of Taxes – Affordable Housing – Amendments. Each of these items has separate worksessions and staff reports. Please see the Council website for scheduling and staff reports on each item: <https://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>.

PUBLIC HEARING

Two public hearings were held on March 11, 2025. Over 100 speakers testified in both support and opposition to ZTA 25-02. The Council also received over 100 pieces of official written testimony.¹ Testimony was received from individuals, civic associations, homeowners’ associations, advocacy groups, and developers.

Testimony in support noted that the ZTA will help increase the amount of needed affordable housing for low- and moderate-income families within the County. Testimony in support noted that this ZTA would create opportunities for smaller families to find much needed housing. Additionally, supporters argued that the ZTA would help promote more balanced community development and reduce socioeconomic disparities in the County. Supporters also argued that the ZTA will provide economic benefits by attracting a more diverse workforce and bringing young talent back to the County.

Testimony in opposition expressed concerns about the strains the ZTA would create on the environment, infrastructure, overcrowded schools, and traffic. Testimony in opposition expressed concerns about changes to neighborhoods and gentrification. Testimony questioned the inclusion of public-owned parcels and asked why larger parcels such as in Potomac or the Agricultural Reserve are not included. Additionally, some expressed concern regarding property values, stating that they would be negatively impacted by new building types. Further concern regarding the challenges of implementation and a rushed process were raised by those in opposition.

Several amendments were proposed during the public hearing and via written testimony. Those in opposition asked for better environmental safeguards and clearer implementation guidelines.

¹ Written testimony can be found here:
<https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20250311/item4.html>.

Requests were made to increase both the percentage of workforce housing units and the affordability thresholds. Amendments to exclude service roads and include corner lots were also raised. Testimony asked that creation of through lots, referred to as “lot chaining”, not be allowed.

SUMMARY OF IMPACT STATEMENTS

PLANNING BOARD RECOMMENDATION

On March 6, 2025, the Planning Board unanimously recommended approval of ZTA 25-02 with amendments. The Board suggests that “[m]any of the projects anticipated through ZTA 25-02 are small and may not be financially or physically feasible without thoughtful relief of requirements including stormwater management, parking, Workforce Housing, and site plan review.” The Board therefore recommended exempting small optional method projects from site plan or establishing an administrative site plan process that both expedites the process and reduces the submittal and review requirements. Other specific amendments from the Board are incorporated throughout this staff report where relevant.

CLIMATE ASSESSMENT

The Planning Board reviewed the Climate Assessment and found that:

“Depending on the number, type, size, density, and location of new housing construction resulting from ZTA 25-02, mostly minor to moderate negative and positive local impacts are expected on greenhouse gas emissions and minor to moderate negative impacts on carbon sequestration considering transportation, building embodied emissions, energy, and land cover change and management-related factors. Minor to significant negative and positive local impacts are expected on community resilience and adaptive capacity considering exposure, sensitivity, and adaptive capacity-related factors.”

RESJ IMPACT STATEMENT

The Office of Legislative Oversight (OLO) provided a Racial Equity and Social Justice (RESJ) Impact Statement on March 4, 2025. OLO found that ZTA 25-02 could have:

“a small positive impact on racial equity and social justice (RESJ) in the County. Black and Latinx households could disproportionately benefit from the replacement of market rate units with workforce housing units in new developments. The actual RESJ impact of this ZTA will depend on measures that are taken to prevent the potential displacement of Black, Indigenous, and Latinx households in communities where developments utilizing this ZTA are located.”

OLO made two recommended amendments. First, to lower the AMI to “help offset the potential for displacement in BIPOC communities by bringing the price of new workforce housing units closer to the price of current units along impacted corridors”. Second, to increase the required number of workforce housing units to “help mitigate the potential loss of affordable housing

associated with new developments by creating workforce housing units that are closer to the price of current housing units than new market rate units.”

DISCUSSION

To address issues raised, this staff report is divided into the following sections:

1. General
2. Corridors
3. Consolidation
4. Affordability
5. Development Standards
6. State and Federal Law
7. Impacts
8. Technical and Other Amendments

Proposed amendments are raised within each relevant section, and noted in red, bold, and italics. Council Staff recommends the Committee go through the packet in order. In the event the entire staff report cannot be reviewed in 1 worksession, additional PHP Committee worksessions may be scheduled.

GENERAL

1. How much new housing supply is needed and based on what data?

The Metropolitan Washington Council of Governments (MWCOG) Board, at its September 2019 meeting, endorsed a set of regional targets for 2030.² At least 320,000 housing units were suggested between 2020 to 2030, with an additional 75,000 units beyond those already forecast. Original numbers have been recalculated, changing the region-wide household forecast from 422,300 to 416,600 by 2040 according to the Planning Department. With guidance from the PHP Committee, the Planning Department has worked to identify “an appropriate and achievable way to create local housing targets for each Planning Area.”³ Even with fluctuations in the precise number of units needed, 2040 remains a short timeline given the time it takes to approve, permit, and build housing.

2. How many additional units do these proposals assume will be needed in the next 10 years to meet demand? How many housing units at what approximate price level does the Council anticipate these policies will generate?

A ZTA amends the law to allow for more development but cannot guarantee how much will be built, since most of these units will be built by the private sector. However, there are approximately

² More information about the COG targets can be found here: <https://www.mwcog.org/community/planning-areas/housing-and-homelessness/regional-housing-initiative/>.

³ Staff reports for the Local Housing Targets Project can be found here: <https://montgomeryplanning.org/planning/housing/local-housing-targets-project/>.

200 single-family teardowns a year throughout the County. This means 200 demolition permits for single-family detached units a year, out of more than 180,000 single-family lots. How many actual units are built will depend on the market, financing, and other factors. A ZTA, or a package of housing legislation such as More Housing N.O.W., could generate an increase in needed units. The price level of these units will depend on the market and location of individual units, but ZTA 25-02 will require a portion of the units be affordable to those earning less than 120% of AMI. Currently, that is approximately \$148,000 for 2 persons or \$185,000 for a family of 4.

3. What is the development pipeline and why can it not achieve the County’s housing supply needs?

The “pipeline” refers to projects that have been approved by the Montgomery County Planning Board but not fully built. It typically tracks subdivision approvals; specifically, preliminary plans.⁴ The Board may only approve a preliminary plan when it finds that public facilities will be adequate to support and service the subdivision.⁵ Both preliminary plans and adequate public facilities have set timelines. What determines time in the pipeline is the validity period, which is the deadline to record a record plat. A record plat is the government-approved document that gets recorded in the County’s land records. A record plat must be recorded before any lots can be sold or building permits issued. Projects are removed from the pipeline once the final building permit is issued by DPS or the validity period expires. In addition, a site plan is the more detailed drawing that shows the development in relation to adjacent areas, including parking, buildings, landscaping, open space, etc. Some projects do not require site plan approval. For those that do, a certified site plan is required before a building permit will be issued.

The Planning Department’s evaluation of projects that have been in the pipeline since 2018 found that only 50% had been constructed six years later in 2024. At least 30% of current unbuilt pipeline units are associated with projects that received their original approval more than 10 years ago. And at least 85% of these unbuilt units are for large multi-family rental buildings. Typically, many of these units will never be built but will remain in the pipeline count until their approvals expire. Some of the reasons projects are in the pipeline include: prior to 1989 there was no validity period, so there may be projects in the pipeline that predate expiration dates; the validity periods range from a few years to over a decade depending on when the application was approved; applicants may request extensions; and forces outside County control, such as financing issues, a change in market conditions, and changes in property ownership. The Planning Department is currently working on an analysis of the development pipeline “to better understand project-specific impediments to getting these units built, including a deep dive into each project’s history through amendments.”⁶

⁴ A preliminary plan is defined as a drawing for a proposed subdivision submitted for approval before the preparation of a plat.

⁵ Public facilities and services to be examined for adequacy include roads and transportation facilities, sewer and water service, schools, police stations, firehouses, and health clinics.

⁶ Planning announced these efforts on its blog. The original post can be found here:

<https://montgomeryplanning.org/blog-design/2025/02/montgomery-countys-development-pipeline/>.

4. What is the zoning text amendment (ZTA) process?⁷

The ZTA process is as follows:

- 1) Only the District Council can introduce a ZTA, but the Planning Board and County Executive may request the District Council introduce a ZTA.
- 2) Council staff must forward all zoning text amendments to the Zoning Text Amendment Advisers before introduction by the Council. The “Advisers” include 1 staff representative each from: the Montgomery County Planning Board; the Office of the County Attorney; the Office of Zoning and Administrative Hearings; the Department of Permitting Services; the Board of Appeals; the People's Counsel; and the Office of the County Executive.
- 3) Within 5 days after introduction, ZTAs must be sent to the Planning Board and County Executive for review.
- 4) The Planning Board reviews all ZTAs after introduction, during its public hearings. The Planning Board must submit its recommendation before the public hearing. The Planning Board must submit a Climate Assessment 7 days before the public hearing.
- 5) OLO must provide a Racial Equity & Social Justice (RESJ) statement within 21 days after introduction.
- 6) A public hearing must be held 30-60 days after introduction. The requirements for public hearing notice are 2 newspapers of general circulation and posting on the Council website. Members of the public can sign up to speak or submit official written, audio, or video testimony via the Council website.
- 7) ZTAs are typically reviewed by the Planning, Housing, and Parks (PHP) Committee before review by the full District Council.
- 8) A ZTA takes effect 20 days after it is approved by the District Council.
- 9) A ZTA that is not acted on expires 2 years after the public hearing or at the expiration of the Council’s term, whichever is sooner.
- 10) In an election year, the District Council may not act on a ZTA from November 1 until the new Council has taken office.

For ZTA 25-02, a draft was sent to the ZTA Advisers before introduction, as required. Two public hearings were held within the required time frame. The Council received both the Racial Equity & Social Justice (RESJ) and Climate Assessments, as well as the Planning Board recommendation. No fiscal or economic impact statements are required for ZTAs.

5. Will notices be sent to effected property owners?

Public testimony argued there was a lack of public feedback and notice. However, the ZTA process requires both newspaper and website notice, and there were over 100 speakers at the public hearing, in addition to over 100 letters received. Notice to each resident is not sent for a ZTA; however, if there is an application filed, both Planning and DPS have notice requirements. This includes letters to impacted property owners as well as posting signs at the property. For site plan

⁷ The process may also be found on the Council website:
<https://www.montgomerycountymd.gov/council/landuse/index.html>.

applications, the notice list includes properties that are within 500 feet of the subject property as well as all homeowners' associations within a one-mile radius of the site.

A map and table have been provided which list eligible properties. The table is included in this staff report, and the map can be found here: mcatlas.org/housingnow. As noted in the disclaimer, the interactive map is not intended to show all properties that will be redeveloped. Rather, it shows properties that meet the criteria for ZTA 25-02, based on the type of corridor, road width, and number of travel lanes. Many of these properties are unlikely to be developed because they are public properties such as schools or libraries, or because of other development standards such as setback requirements, parking, height, and density. In addition, any application will need Planning Board approval and compliance with existing zoning laws and other regulations, such as water sewer, subdivision, forest conservation, and easements. No part of the More Housing N.O.W. package would trigger a taking or eminent domain. The County will not force any property owner that meets the criteria of this ZTA to sell, vacate, or redevelop their property. A property will only go through workforce housing optional method development if the property owner submits an application to do so.

6. How will this ZTA be enforced?

The Zoning Ordinance is enforced by the Department of Permitting Services (DPS). The Zoning and Code Compliance Division investigates and responds to constituent complaints to ensure property owners maintain compliance with zoning requirements. In addition, the Planning Board has the authority to suspend or revoke site plan approvals that are not in compliance with the certified site plan. The Department of Housing and Community Affairs (DHCA) enforces the workforce housing requirements of Chapter 25B of the County Code.

7. What is the difference between a master plan and a ZTA, and why are these changes being made through a ZTA?

A master plan (also called an "area master plan") provides detailed recommendations for a particular area of the County. While the geographic areas may vary in size, they provide the specific recommendations for land use within one area. A Zoning Text Amendment (ZTA) is a change to the Zoning Ordinance. The Zoning Ordinance contains all the allowable uses in the County, and the Use Table identifies which uses are allowed in each zone. Unlike master or sector plans, a ZTA can change elements of a specific zone or zones. Zones, sometimes called zoning districts, are stretches of land that are established based on the desired use of that land. The benefit of a ZTA is that changes to a particular zone or zones can be applied across the County. Consistent with the Land Use Article, a ZTA does not discuss ownership versus rentals because the zoning ordinance is about what can and cannot be done with property, not who owns it. There are equitable reasons for this distinction.

CORRIDORS

8. Which corridors are included?

ZTA 25-02 requires the front lot line of the subject property to abut a Boulevard, Downtown Boulevard, Downtown Street, Town Center Boulevard, or Controlled Major Highway, as defined by Chapter 49. These road types have the following definitions under Chapter 49:

- A Boulevard is a road that typically connects employment and entertainment centers, civic, commercial, and institutional land uses, and may also provide cross-county and regional connections. Pedestrian, bicycle, and transit users are to be accommodated. Some access to abutting properties is expected. These roads were previously classified as major highways and arterials.
- A Downtown Boulevard is a road in a downtown area that serves a high volume of vehicles, pedestrians, bicyclists, or transit users. Access to abutting properties is allowed but not preferable. These roads were previously classified as major highways and arterials.
- A Downtown Street is a road in a downtown area that serves a large share of pedestrians, bicyclists, or transit users. This road type is meant for circulation in commercial and mixed-use zones. Access to abutting properties is expected. These roads were previously classified as business streets.
- A Town Center Boulevard is a road in a town center area that serves a moderate to high volume of vehicles, pedestrians, bicyclists, or transit users. Access to abutting properties is allowed but generally not preferable. These roads were previously classified as major highways and arterials.
- A Controlled Major Highway is a road meant exclusively for through movement of vehicles at a lower speed than a Freeway. Access must be limited to grade-separated interchanges or at-grade intersections with public roads.

Attached to this staff report is a table that generally lists the applicable road segments throughout the County. The table is intended to provide a list of the roadway segments that are included in ZTA 25-02, Workforce Housing – Development Standards, as introduced on February 4, 2025. The table strives to accurately reflect the roadways subject to the ZTA, and any errors in the omission or inclusion of any small number of road segments is inadvertent. There is also a map that identifies parcels that may be subject to the ZTA: mcatlas.org/housingnow. Of note, the Zoning Ordinance does not apply to the following municipalities: Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove.

9. Should Controlled Highways be removed?

A Controlled Major Highway is a road meant exclusively for through movement of vehicles at a lower speed than a Freeway. Access must be limited to grade-separated interchanges or at-grade intersections with public roads. Under the requirements of ZTA 25-02, this would include the following:

Street Name	From	To	CSDG Classification	# of Existing Lanes	Planned Right-of-Way Width
Columbia Pike (US 29)	Sandy Spring Rd (MD 198)	Greencastle Rd	Controlled Major Highway	6	200
Columbia Pike (US 29)	Greencastle Rd	Musgrove Rd	Controlled Major Highway	6	200
Columbia Pike (US 29)	Musgrove Rd	East Randolph Rd	Controlled Major Highway	6	200
Father Hurley Blvd	Crystal Rock Dr	CSX Tracks	Controlled Major Highway	4	120
Father Hurley Blvd	CSX Tracks	Hopkins Rd	Boulevard	4	120
Frederick Rd (MD 355)	Milestone Manor Ln	Ridge Rd	Controlled Major Highway	4	250
Frederick Rd (MD 355)	Ridge Rd	Shakespeare Blvd	Controlled Major Highway	4	250
Frederick Rd (MD 355)	Shakespeare Blvd	Germantown Road (MD 118)	Controlled Major Highway	4	250
Frederick Rd (MD 355)	Germantown Rd (MD 118)	Middlebrook Rd	Controlled Major Highway	4	250
Frederick Rd (MD 355)	Middlebrook Rd	Game Preserve Rd	Controlled Major Highway	6	250
Great Seneca Hwy (MD 119)	Middlebrook Rd	CSX Railroad Bridge	Controlled Major Highway	4	150
Great Seneca Hwy (MD 119)	Great Seneca Creek	Longdraft Rd (Gaithersburg City Limits)	Controlled Major Highway	4	150
Ridge Rd (MD 27)	I-270	Frederick Rd (MD 355)	Controlled Major Highway	6	150
Sam Eig Hwy	Great Seneca Hwy (MD 119)	I-270	Controlled Major Highway	6	150

Proposed Amendment: The Planning Board recommends removing Controlled Major Highways. According to the Planning Staff report,

“The description and key features in the Complete Streets Design Guide state these roadways are limited access roadways designed primarily for vehicle mobility and are generally intended for no or low-intensity development set back from the road []. Examples of Controlled Major Highways include Great Seneca Highway, Father Hurley Boulevard, or US 29 north of White Oak. These roadway types are not conducive for new moderate density residential developments and do not have the same form or function as the other major roadways. There are only 27 out of 2,472 parcels located along a Controlled Major Highway, mostly in Germantown along a small portion of MD 355.”

Controlled Major Highways were included to capture more State roads. Planning Board review would be required for all applications, which will help determine the appropriateness of the proposed residential development. However, as noted by Planning, there are only 27 parcels

impacted by this change. The Committee should consider whether the location of these parcels and the small number warrant removal or should remain options for development.

10. Will the applicable corridors be affected by the proposed changes to the Master Plan of Highways and Transitways?

The Planning Board is currently reviewing a [Technical Update to the Master Plan of Highways and Transitways](#). The Master Plan of Highways and Transitways (MPOHT) is a functional master plan that includes provisions for transportation in the County, including “preserving rights-of-way to accommodate future transportation systems, identifying street classification, number of planned general purpose lanes and transit lanes, and designating target speeds for individual roadways.” This functional plan will most likely be reviewed by the Transportation & Environment (TE) Committee later this year. Based on the public hearing draft, the biggest effect this functional plan will have on ZTA 25-02 is it proposes adding a “Growth Corridor” area type and a “Growth Corridor Boulevard” street type.

Proposed Amendment: To accommodate this potential change, Council Staff recommends referring to the entire category of Boulevard instead of specific Boulevard types. Under Chapter 49, the Boulevard classifications include Boulevard, Town Center Boulevard, and Downtown Boulevard, which are all included in ZTA 25-02.

11. What does “fronting” on a corridor mean?

“Fronting” on a corridor means the property’s front lot line is on one of the applicable corridors. To determine the front lot line, DPS first determines the rear yard location. Generally, whichever side has enough room for the rear yard, the opposite lot line becomes the front yard. There are instances where both sides have enough room, in which case the owner may decide which is the rear. While the front lot line is often where the front door is, that is not always the case. While DPS does not keep a database of front-yard designations by property owner, anyone may submit a request to DPS for a wall check survey or permit application from a previous owner when the front lot line was designated. A “wall check” confirms the location of the foundation walls, in relation to the property lines, consistent with issued building permits.

12. Should corner lots be included?

ZTA 25-02 would only apply to a corner lot whose front lot line was on an applicable corridor.

Proposed Amendment: The Committee should consider whether to allow corner lots whose side lot line is on an applicable corridor. Even if not fronting on an applicable corridor, a corner lot is located along the applicable corridor. These lots are often larger, making them more suitable for infill development. Further, additional curb cuts may not be necessary for corner lots.

13. Are service roads included?

Service roads do front on the applicable corridor, so will usually be subject to ZTA 25-02. However, service roads are not considered vehicle travel lanes, so will not count in the 3+ lanes required to be eligible. Whether the width of the service road is counted in the width of the master-

planned right-of-way depends on the corridor. For example, service roads are included in the master-planned ROW for Veirs Mill Road, but not for Connecticut Avenue. Some service roads have street centerlines. When there is a centerline, the centerline may be the name of the main road or the service road. For example, River Road versus Olney Laytonsville Service Road.

While testimony was received regarding traffic and parking on service roads, ZTA 25-02 does not reduce existing parking requirements. Prior analysis shows that approximately 2,470 parcels are eligible for ZTA 25-02. Of that number, approximately 630 are along service roads, which is about 25%.

Proposed Amendment: As introduced, the ZTA includes service roads. While Council Staff does not recommend excluding service roads, given they are designed for residential use, if the Committee wishes to exclude service roads an amendment would be necessary.

14. How are the vehicle lanes counted?

Under ZTA 25-02, the width of the master-planned right-of-way must be greater than 100 feet and the right-of-way must have at least 3 existing vehicle travel lanes. This means 3 total vehicle travel lanes in either direction. “Vehicle travel lanes” is intended to include bus lanes, but not bicycle lanes or turning lanes.

15. Will the number of designated corridors be allowed to increase over time; and if so, how?

The number of corridors will change if the designation of roads is changed. The roadway classifications and the width of the rights-of-way are typically assigned during the master plan process. The classifications of roads possible is contained in the Master Plan of Highways and Transitways (MPOHT), which will be received by the Council later this year for a technical update. The corridors that are subject to the ZTA would need to be changed in a new ZTA. The number of existing travel lanes would change if a lane is added or removed, which is done through the Capital Improvements Program (CIP) process or Local Area Transportation Review (LATR) but is rare. One benefit to optional method development is that if the State Highway Administration changes the configuration of a right-of-way or is proposing to, the Planning Board could take that into account during site plan review.⁸

CONSOLIDATION

Several questions were asked about consolidation. Since they all relate to the process and requirements, this staff report provides a consolidated list of those questions, and then provides an overview of the process and requirements:

⁸ The Office of Legislative Oversight (OLO) is expected to release report 2025-5, “Street Classification and the Master Planning Process”, on March 25, 2025. It can be found here after release: <https://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOReports.html>.

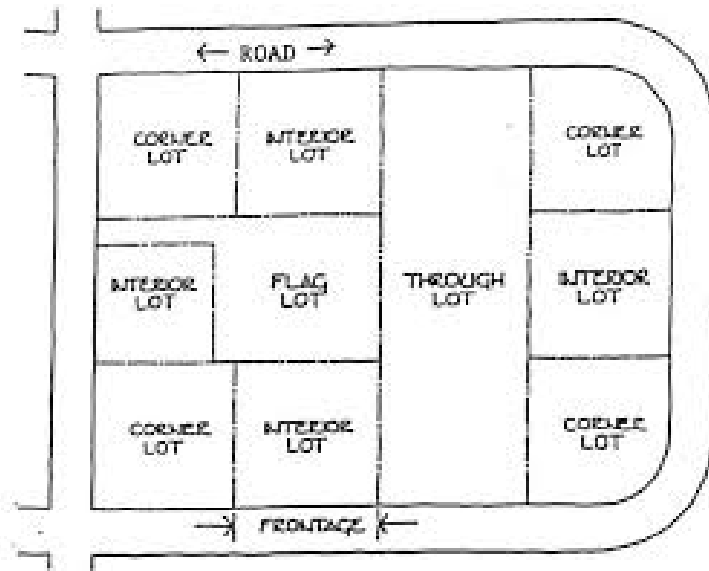
16. **If a lot abuts a corridor, can adjoining lots be added or consolidated if they individually do not abut a corridor?**
17. **Are there any size restrictions with regard to depth or length of consolidated lots?**
18. **Can lots be consolidated that are in a contiguous line of properties that also touch a corridor?**
19. **Can lots behind the parcel that touch a corridor be consolidated?**
20. **Did previous rules require consolidation of lots with the same zoning category or require a rezoning process that is not now required?**
21. **Can consolidation occur on lots where a road is between the lots?**
22. **How will the development standards work with consolidation? If consolidated, are development standards per structure or prior lot?**
23. **Are existing through lots eligible for the ZTA?**
24. **Will the resulting buildings be “condo-ized” so that individuals can own single units?**

Chapter 50 of the Zoning Ordinance contains the requirements for subdivision. ZTA 25-02 does not make any changes to existing subdivision requirements, as changes to the subdivision process would require a subdivision regulation amendment (SRA). Chapter 50 contains the following relevant provisions:

- Section 2.2. Definitions – “*Subdivision (v.)*: The division or assemblage of a lot, tract, or parcel of land into one or more lots or parcels or other divisions for the purpose, whether immediate or future, of sale or development. The definition of subdivision does not include a bona fide division of exclusively agricultural land not for development purposes. A resubdivision is a subdivision.”
- Section 2.2. Definitions – “*Resubdivision*: A change to any lot line created by a previously recorded record plat. Resubdivision includes the assembly of recorded lots or parts of previously recorded lots. A resubdivision is a subdivision.”
- Section 4.3. Technical Review – “Lot size, width, shape, and orientation must be appropriate for the location of the subdivision and for the type of development or use contemplated, considering the recommendations of the master plan and the applicable requirements of Chapter 59. The dimensions of a lot must be able to accommodate any proposed building and other infrastructure deemed necessary to serve the lot, including but not limited to any accessory structure, stormwater management, parking, access drive, and off-street service.”
- Section 4.3. Technical Review – “The Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and the Board determines that appropriate separation between building envelopes can be achieved.”
- Section 4.3. Technical Review – “Except as specified below, every lot must abut on a public or private road. A public road must be dedicated or donated to public use or have acquired the status of a public road under Chapter 49. A private road must be shown on a record plat.”

- Section 4.3. Technical Review – “The Board must not approve lots that do not abut a public or private road, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide, and the Board determines that appropriate separation between building envelopes will be achieved.”
- Section 4.3. Technical Review – “The Board must not approve through lots, except where unusual topography, orientation, or the size of the subdivision permit no other feasible way to subdivide.”

The below image shows an example of a corner lot, interior lot, flag lot, and through lot:⁹



Based on the provisions of Chapter 50:

- Adjoining lots can be consolidated if they both front on the corridor.
- If one lot fronts on the corridor and the lot behind it fronts on a neighborhood street, this would create a through lot (also known as a “double frontage lot” in some jurisdictions). Through lots can only be approved under unique circumstances. For example, they have been approved in instances where a property owner was building a pool and needed to subdivide to meet the accessory setback standards, or when the rear lot is an undeveloped or vacant lot. However, it is very unlikely that consolidating to create a through lot for the workforce housing optional method would be approved, since it does not rise to the level of “unusual topography, orientation, or size”. The development standards were drafted to allow development on a single lot without subdivision. In addition, even if a through lot were allowed, because the front setbacks would be required on the “rear” lot line as well as compatibility findings and other development standards, it would be difficult to include a parking pad or get a sufficient number of units to make subdivision worthwhile.

⁹ Example provided from Oconee County, GA development code, with no bias towards Georgia other than an appreciation for a simple diagram demonstrating all scenarios.

- Similar to through lots, flag lots can only be approved where the Board finds that due to unusual topography, environmental conditions, or the position of the tract there is no other feasible way to subdivide. In addition, to create a flag lot, Chapter 50 requires the separation of at least 80 feet between the building envelope of the proposed lot and the adjacent rear lot and the adjacent lot that fronts on the street. Given the other development standards, development under ZTA 25-02 on a flag lot would be highly unlikely.
- If one lot fronts on the corridor and a neighboring lot does not, for example a corner lot, then under the provisions of Chapter 50 these lots could be consolidated. The resulting lot would then be eligible for ZTA 25-02.
- Whether individual units are subdivided so that individuals can own single units will be up to the developer. The Zoning Ordinance does not address ownership, but the property owner may choose to subdivide to create individual ownership units.
- Consolidation does not occur on lots with a right-of-way between them.
- Where subdivision is the result of consolidation, the development standards apply to the new, larger lot. This means that while there is a larger building area, the same front, side, and rear setbacks will apply, as well as the height restrictions and FAR.
- If subdivision results in smaller lot sizes, the new, smaller lots must still meet the development standards provided under ZTA 25-02.

Proposed Amendment: The Committee should consider whether consolidation should be limited to properties that are individually eligible for workforce housing optional method development.

AFFORDABILITY

25. What are the workforce housing requirements, and how are they enforced?

ZTA 25-02 requires at least 15% workforce housing units, with a minimum of 1 workforce housing unit for construction of 3 or more units. The workforce housing provisions are found in Article IV of Chapter 25B, Housing Policy. This section of the Code is administered and enforced by the Department of Housing and Community Affairs (DHCA). A workforce housing unit must be affordable to households with incomes at or below 120% of the area-wide median income (AMI). The intent of the program is to provide housing for public employees and employees who cannot support the high cost of housing located near places of employment. This program is a complement to, but separate from, the moderately-priced dwelling unit (MPDU) program under Chapter 25A. The County Executive issues regulations under Method (1) to administer the program. Method (1) regulations require County Council approval. An annual report is required in March of each year.

The income levels (effective April 5, 2024) are as follows:

Household Size	Maximum Income
1	\$130,000
2	\$148,500
3	\$167,000
4	\$185,500

5	\$200,500
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DPS must not issue a building permit where workforce housing units are approved until an agreement between the property owner and DHCA has been executed. The agreements use record covenants, which are binding agreements that “run with the land.” This means the covenant is enforceable even if the property owner changes. Any violation of the workforce housing Chapter is a Class A violation, which is a \$500 maximum penalty for an initial offense and \$750 for a repeat offense. Class A is the highest violation under County Code. In addition, the DHCA Director has the authority to take legal action to stop or cancel any transfer of a workforce housing unit if it does not comply with the Code, including recovering funds improperly obtained from the sale or rental of a workforce housing unit.

Proposed Amendment: In its RESJ Impact Statement, OLO recommended lowering the AMI to “help offset the potential for displacement in BIPOC communities by bringing the price of new workforce housing units closer to the price of current units along impacted corridors”. OLO also recommended increasing the required number of workforce housing units to “help mitigate the potential loss of affordable housing associated with new developments by creating workforce housing units that are closer to the price of current housing units than new market rate units.” Public testimony echoed these recommendations. The lead sponsors’ original intent was to target this middle-class income bracket. Since many of the resulting projects will be at a smaller scale, Council Staff recommends the Committee balance any change in the affordability requirements with feasibility analyses, so that resulting projects are both affordable to residents but buildable by developers.

26. How does workforce housing compare to moderately-priced dwelling units (MPDUs)?

The below table summarizes the differences between the 2 programs:

	Workforce Housing	MPDU
Income Thresholds	At or below 120% AMI	At or below 60-70% AMI depending on building type
Control period	20 years for new and resale homes	30 years, renewed each time MPDU is sold

Requirements	<p>Must be primary residence, recertified annually</p> <p>Must not refinance for more than controlled resale price</p> <p>If need to sell during control period, cannot sell for more than max resale price through program, and only to another eligible household</p> <p>After resale, half of excess profit must go to HIF</p>	<p>Must be primary residence</p> <p>Applies to all projects of 20 or more units</p> <p>Must be first-time homebuyer</p> <p>County has right-of-first-refusal when sold</p> <p>Specific building requirements such as: number of bedrooms and bathrooms, kitchen appliance requirements, HVAC systems, and location in building</p>
Application process	<p>Attend workforce housing orientation</p> <p>Mortgage pre-qualification letter</p>	<p>Attend orientation and first-time homebuyer class</p>
Priority	<p>Priority given to certain applicants based on “priority points” system</p> <p>Extra points if County or local government employee, employer-sponsored housing, or moving from MPDU</p>	<p>Priority given to those who live or work in the County</p>

DHCA is currently working on updates to both workforce housing and the MPDU program. The updates will address issues such as the difference in price between market-rate and workforce housing units, sales versus rentals, available Housing Initiative Funds (HIF), and staffing issues. These proposed changes are expected to be presented to the Committee this summer. Any changes will require additional legislation. Council Staff recommends keeping the reference to Chapter 25B in ZTA 25-02, since any future changes to the programs will likely require a ZTA to update references throughout the Zoning Ordinance.

27. Is the workforce housing requirement in addition to, or combined with, the MPDU requirement?

The MPDU requirement is triggered at 20 units. If a project under ZTA 25-02 provided more than 20 units, then the applicant must provide both 15% workforce housing units and an additional 12.5-15% MPDUs. Of note, it is unlikely that a development would be able to provide more than 19 units without subdivision, given the size of the lots and the development standards, which will be discussed later in this staff report.

28. How much naturally-occurring affordable housing (NOAH) exists along corridors compared to the rest of the county? How have home sale prices been along corridors compared to comparable properties not on the corridors?

“NOAH” refers to “naturally-occurring affordable housing.” This is housing that is not currently deed-restricted. The County has many ongoing efforts to acquire and preserve NOAH. The Nonprofit Preservation Fund (NPF) provides low-interest loans to nonprofit developers and local housing authorities to acquire and preserve affordable housing. The NPF restricts rental rate increases. The Right of First Refusal (ROFR) law requires an owner to offer the opportunity to buy rental housing property to the County, the Housing Opportunities Commission (HOC),¹⁰ and any certified tenant organization, in that order. Planning Staff has provided the following data regarding sales of NOAH properties in the last year:

Sales prices for the applicable ZTA 25-02 parcels classified as single-family detached:

48 sold in 2024

Average sold price = \$827,100

Median = \$700,000

Non-applicable single-family detached properties:

Average sold price = \$1,011,571

Median = \$808,000

This data suggests that the sales prices for homes along corridors have been somewhat lower, based on the median.¹¹

29. Will these units be eligible for short-term residential rental?

ZTA 25-02 does not prohibit the use of a property as a short-term residential rental. However, the County has strict short-term residential rental requirements that would be applied. Short-Term Residential Rental means the residential occupancy of a dwelling unit for a fee for less than 30 consecutive days. Under the Zoning Ordinance, a short-term residential rental must be the property owner’s primary residence, regardless of dwelling unit type, which ensures these units contribute to long-term housing availability. If not present, a property owner may only use the property as a short-term residential rental for 120 days in a calendar year. One off-street parking space must be provided for each rental contract unless the listing indicates vehicle parking is prohibited. Because short-term residential rentals can help make housing more affordable and require the property to

¹⁰ HOC is a quasi-governmental County agency that provides affordable and supportive housing services to low- and moderate-income families and individuals. It is the County’s designated public housing authority and housing finance agency.

¹¹ There are multi-family buildings on the applicable parcels, but many of them are conditional use senior affordable housing.

be the owner's primary residence, Council Staff does not recommend and amendments regarding short-term residential rentals.

DEVELOPMENT STANDARDS

30. Which zones are included and why?

ZTA 25-02 applies to all zones that currently allow predominantly single-family dwelling units and are not rural or residential estate zones. The selection of these zones is also intended to promote development along growth corridors.

31. What is optional method?

When projects are referred to as being allowed "by right", it typically means a permitted or limited use that is not subject to Planning Board approval and can go directly to DPS. Optional method projects go to the Planning Board for approval and allow the applicant to gain more density and greater flexibility in development. The Board reviews the application in a public session with opportunity for public feedback.

Optional method development requires site plan approval. Under Section 7.3.4.E of the Zoning Ordinance, the Planning Board has a list of findings that it must make to approve an application. The application must:

- meet the requirements of Chapter 59, Zoning Ordinance; Chapter 19, Erosion, Sediment Control, and Stormwater Management; and Chapter 22A, Forest Conservation;
- provide safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;
- substantially conform with the recommendations of the applicable master plan;
- be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities; and
- be compatible with the character of the residential neighborhood, or existing and approved or pending adjacent development.

Proposed Amendment: The Planning Board recommends creating an administrative site plan approval process for duplexes and triplexes. The Board noted that the existing site plan approval process may be onerous for duplexes and triplexes. The Board recommended an administrative site plan process that has an expedited timeline and the potential for approval by the Planning Director. However, Council Staff notes the importance of the public process for these applications. An alternative process that still includes public participation could take many forms. For example, an objection process where notice is provided, and if no objection is received, then the Director may approve the application. If an objection is filed, then the application would proceed through the regular site plan approval process. In the meantime, Council Staff alternatively recommends Planning provide a reduced fee for duplexes and triplexes, to ease the burden of their approval.

32. What are development standards?

Development standards are the tables throughout the zoning ordinance that determine setbacks, height, lot sizes, and other development criteria. The development standards for ZTA 25-02 were intended to provide flexibility for other building types, while generally maintaining lot coverage so that resulting projects will be compatible with the existing surrounding neighborhoods.

The development standards include the following terms:

- *Tract* – A tract is a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title.
- *Usable area* – The area upon which the density of development is calculated in optional method projects. If more than 50% of the tract is within environmental buffers, usable area is calculated by deducting from the tract the incremental area of the environmental buffer that exceeds 50%.
- *Site coverage* – A site is an area of land including all existing and proposed lots and parcels in one application, except proposed and previous dedications and rights-of-way. Site coverage is the total area covered by structures.
- *Lot area* – A lot is a contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued. The lot area is the geographic extent defined by lot boundaries.
- *Lot width* – The lot width at the front lot line is measured between the side lot lines, at the front lot line, along a straight line; however, if the front lot line is curved, lot width at the front lot line is measured along the chord of the front lot line. The lot width at the front setback line is measured between the side lot lines, at the front setback line, along a straight line. The lot width at the front building line is measured between the side lot lines, at the front edge of the building, along a straight line.
- *Density* – Density limits are expressed in units per acre, lots per acre, or FAR, as indicated in each zone. For ZTA 25-03, density is in FAR.
- *Coverage* – Coverage is the area of a lot or site occupied by a building, including an accessory building, structured parking, or other roofed structure such as a porch, patio, deck, or steps. Coverage does not include paved areas such as a driveway, a pedestrian walkway, a bay window measuring 10 feet in width or less and 3 feet in depth or less, an uncovered porch or patio, deck, a swimming pool, or roof overhang.
- *Setback* – A structure setback is the minimum distance that a principal building or accessory structure must be located from a specified lot line or right-of-way.
- *Height* – Building height is measured from the average grade either to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface, regardless of roof type.

Proposed Amendment: The Planning Board recommends reducing the minimum lot size for a Townhouse to 1,000 square feet. As introduced, the minimum lot size for a townhouse in the R-200 zone would be 2,000 square feet, in the R-90 zone would be 1,200 square feet, and in the R-60 and R-40 zones would be 1,000 square feet. Planning Staff believes a 2,000-square foot minimum lot size for a townhouse will be larger than needed, since it would be a 20-foot-wide townhouse on a 100-foot-deep lot. The largest minimum lot size for a townhouse not under this ZTA is 1,250 square feet in the Townhouse Low Density (TLD) zone. The Planning Board also

recommends making the lot area per unit, a per unit “average.” Council Staff agrees with the per unit “average” amendment. For the minimum lot size, Council Staff recommends reducing the minimum lot size in the R-200 zone to 1,500 square feet, given the larger lots in the R-200 zone.

33. Will the compatibility standards apply?

Section 4.1.8. has compatibility requirements for certain zones. Specifically:

Section 4.1.8. Compatibility Requirements

A. Setback Compatibility

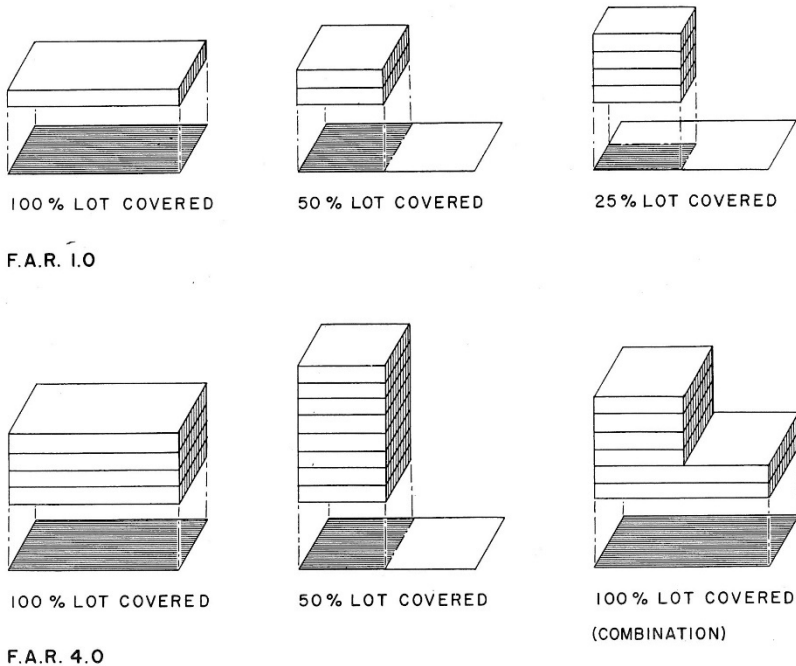
1. Applicability

- a. Section 4.1.8.A.2 applies to a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone that:
 - i. abuts a property in an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use; and
 - ii. proposes development of an apartment, multi use, or general building type.
- b. On a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone for which Section 4.1.8.A.1.a does not apply, the minimum side and rear setbacks are equal to the setbacks required for “Side setback, abutting all other zones” and “Rear setback, abutting all other zones” in the applicable standard method development standards tables in Division 4.4 through Division 4.8.

This language does not apply to ZTA 25-02, since the R-40, R-60, R-90, and R-200 zones are not in the “Residential Multi-Unit” family of zones, which includes R-30, R-20, and R-10. Council Staff does not recommend this language apply, because as noted earlier in this staff report, the development standards for Workforce Housing Optional Method are intended to allow limited increases in the number of units, as infill development, and while generally preserving lot coverages. Therefore, this language should not be needed.

34. How many units will be allowed per zone? Should the FAR be increased?

Floor area ratio (FAR) is the ratio between the gross floor area of all buildings on a tract divided by the area of the tract. For example, a 5,000 square foot lot with an FAR of 2.0 could have a building with a total floor area of 10,000 square feet. Combined with height and setbacks, the FAR can determine the bulk of a building. The below diagram from the American Planning Association illustrates the concept:



Based on the development standards, Council Staff anticipates the below number of units would be the maximum per zone, assuming no subdivision. The below numbers are based on the lot sizes in these zones, a maximum height of 40 feet, and an FAR of 1.25. Please note that these are approximations and could vary based on the uniqueness of individual parcels. In addition, the number of units could be lower based on the off-street parking requirements, discussed later in this staff report.

- R-40 = 4 units
- R-60 = 7 units
- R-90 = 11 units
- R-200 = 14 units

Proposed Amendment: The Planning Board recommends revisiting this FAR, to make it proportional to the underlying zone’s development standards, after determining that the maximum FAR a project could achieve is approximately 1.0 FAR in R-200, 1.2 FAR in R-90, 1.4 FAR in R-60, and 1.6 FAR in R-40.¹² Council Staff does not recommend any changes to the FAR. Development standards never guarantee maximum density. And Council Staff anticipates some property owners will consolidate lots, which would make a higher FAR achievable. Lastly, 1.25 FAR is enough to allow development but prevent projects that are incompatible with the surrounding single-family neighborhood. If the FAR is increased, then the Committee may wish to create a cap on units like other jurisdictions.

¹² Further, FAR is usually in .25 increments.

35. Will increased density and mixed-use bonuses apply?

The development standards do not include the “specifications for density” that allow for additional density for providing MPDUs. Incentive zoning does not apply to the applicable zones under this ZTA, so public benefits for additional density will not apply either. In addition, language in the ZTA clarifies that a multi-use building would not be allowed, since the intent was not to allow mixed-use.¹³

36. Is a triplex new?

ZTA 25-02 adds a definition for triplex. That definition is “a building containing 3 dwelling units where each dwelling unit is separated vertically or horizontally by a party wall.” While the definition is new, triplexes were always allowed under the Zoning Ordinance but folded into the definition of a townhouse. A townhouse was previously defined as “a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall.” ZTA 25-02 amends this definition so that a Townhouse begins at 4 dwelling units.

Proposed Amendment: The Planning Board recommended adding a separate column for triplexes, for all zones. Council Staff believes this change is unnecessary, since the standards would be the same. ZTA 25-02 added a triplex column for the zones where workforce housing optional method is applicable, and combined triplex and townhouse for other zones since the standards are the same. This was an important change because it grandfathers existing triplexes.

37. What are the parking requirements?

ZTA 25-02 does not reduce any existing parking requirements. Section 6.2.4.B. of the Zoning Ordinance requires 2 off-street parking spaces per dwelling unit for Single-Unit Living, Two-Unit Living, and Townhouse Living. For Multi-Unit Living, 1 space is required for an efficiency (otherwise known as a “studio”), 1.25 spaces are required for a 1-bedroom dwelling unit, 1.5 spaces are required for a 2-bedroom dwelling unit, and 2 spaces are required for a 3-or-more bedroom dwelling unit. Under Section 6.2.3.I., the parking minimum for a workforce housing unit may be reduced by multiplying the baseline minimum by .5. Under Section 6.2.3.A. of the Zoning Ordinance, a fractional space must be rounded up to the nearest whole number. So, for example, a triplex with three 3-bedroom dwelling units, 1 of which is a workforce housing unit, would be required to provide 5 off-street parking spaces.

Of note, last year the Council enacted ZTA 23-10, Parking, Queuing and Loading – Calculation of Required Parking, which exempted parking requirements within a half-mile radius of a Metro or Purple Line station, and quarter-mile radius of an existing Bus Rapid Transit (BRT) Station or a BRT Station that is funded for construction in the current Capital Improvements Program. That ZTA would apply to any properties that are both eligible for ZTA 25-02 and near transit.

¹³ See Lines 50-55 of ZTA 25-02, which clarify that only “In the R-30, R-20, R-10, Commercial/Residential, and Employment zones, an [An] apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a [multi use] multi-use building.” 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.

Proposed Amendment: Council Staff recommends adding Triplex to parking Table 6.2.4.B. Planning Board concurs with this recommendation. Council Staff recommends the parking requirements for a Triplex be the same as for Townhouse Living.

38. Will parking be surface parking or garages?

Both surface parking and garages are counted in the site and lot area. However, while a garage counts towards lot coverage, surface parking does not. This is because under Section 4.1.7.B.:

- “Coverage is the area of a lot or site occupied by a building, including an accessory building, structured parking, or other roofed structure such as a porch, patio, deck, or steps.”
- “Coverage does not include paved areas such as a driveway, a pedestrian walkway, a bay window measuring 10 feet in width or less and 3 feet in depth or less, an uncovered porch or patio, deck, a swimming pool, or roof overhang.”

A detached garage must also comply with the requirements for an accessory structure, including setbacks and height. Surface parking is not subject to the development standards setbacks. However, surface parking is subject to Section 6.2.5.M., which has additional requirements for surface parking in the R-200, R-90, R-60, and R-40 zones, such as maximum square footage for parking, heavy commercial vehicle restrictions, and placement of vehicles. The Zoning Ordinance also has requirements for size of spaces, access, and drainage. In other words, ZTA 25-02 does not change any of the design standards for off-street parking in these zones. And a developer may choose whether to provide surface parking or a garage, if the other development standards are met. This might mean providing an attached garage so that a 3-story townhouse has only 2-stories of living space, but in exchange has more green rear yard.

ZTA 25-02 does limit driveway access to 1 driveway per street frontage unless additional driveway access is approved by an appropriate agency with jurisdiction over the right-of-way. In addition, for design reasons off-street parking must be located behind the front building line.

39. How do the parking requirements align with stormwater management requirements and tree canopy?

Council Staff notes that in the R-40 and R-60 zones it may be difficult to create more than a duplex – without subdivision – and still be able to meet the parking requirements if a developer chooses surface parking. As noted above, an experienced developer may be able to create a design where the units or parking are stacked. This would likely result in more, but smaller, units. Because surface parking requirements may reduce the amount of rear yard available, there could also be less space to meet the stormwater management requirements. DPS may grant a variance from the stormwater management requirements in Chapter 19, Erosion, Sediment Control and Stormwater Management, when strict adherence will result in exceptional hardship and not achieve the purposes of the Chapter. It is useful to keep in mind that even if a property owner must provide 60% of the required stormwater management, this may still be more than what was provided by the previous existing building on site, and in older neighborhoods, more than the remaining homes on the street. In other words, a partial waiver could still result in a net positive increase for the

neighborhood. Additional units do not necessarily result in more stormwater if the buildable area remains the same, which is the intent of the development standards.

Chapter 55, Tree Canopy, requires an applicant for a sediment control permit to plant shade trees on the affected property or, if the applicant opts not to plant the required number of trees, pay a fee. The number of shade trees is based on the square footage of the area in the limits of disturbance – in other words, the total square footage that is subject to potential disturbance during construction. The fee is at least \$470 per tree. A sediment control permit is required for land-disturbing activities of 5,000 square feet or more, or 100 cubic yards or more of earth movement.

Proposed Amendment: The Planning Board recommends creating a parking standard of 1 space per dwelling, or setting parking based on the number of bedrooms, similar to Multi-Unit Living. This could incentivize smaller, more price-attainable dwellings. However, public feedback has been sensitive to the issue of already constrained parking in neighborhoods. Council Staff proposes a creative solution to balance the need for multiple waivers. Since it may be difficult on some lots to meet the off-street parking, stormwater management, and tree canopy requirements while still providing more than 2 units, the Committee could consider allowing an applicant to apply for *one* waiver. This would allow the applicant to choose whether they will request a waiver from parking, stormwater management, or tree planting, but not allow a waiver of all three. The Committee could determine how flexible those waivers should be or leave it to Planning Board and DPS discretion.

40. What are the requirements for in-home childcare centers?

Family Day Care (Up to 12 Persons) is permitted by right in the zones applicable to ZTA 25-02. The off-street parking requirement for this use is 1 space per non-resident employee, not including the already required residential spaces. The spaces may be on the street abutting the site.

41. Would accessory dwelling units be permitted?

Both attached and detached accessory dwelling units (ADUs) are allowed as a limited use in the R-200, R-90, and R-60 zone. They are not allowed in the R-40 zone. Only one ADU is permitted per lot. An ADU must comply with the setback, height, and building lot coverage standards of an accessory structure in the underlying zone. An ADU is only allowed as part of a single-family detached house building type. Therefore, an ADU would not be permitted for the denser building types allowed under this ZTA.

42. How do the development standards work with Overlay Zones and master plans?

ZTA 25-02 applies countywide. An Overlay Zone will only supersede this ZTA if it specifically prohibits housing that is not single-family. Council Staff has not found any such overlay zone language. For existing master plans, ZTA 25-02 would take precedence. Most master plans recommend residential zones, although there may be site-specific considerations since the Planning Board must still find substantial conformance with master plans. More likely, the ZTA is consistent with Thrive 2050, which supersedes all pre-existing master plans.

43. How will this impact historic districts?

An Historic Area Work Permit (HAWP) is required for any alterations within designated historic districts and for designated historic sites. ZTA 25-02 does not change that requirement. The Historic Preservation Commission (HPC) reviews proposals for construction, additions, modifications, grading, and tree removal, using existing adopted design guidelines for the properties within the districts. Their meetings are conducted in public and the public can provide feedback.

44. Will there be a Pattern Book?

The Attainable Housing Strategies Initiative originally proposed by the Planning Board to allow more building types in residential zones included a recommendation to create a Pattern Book. This is because it included adding building types by-right, and therefore objective standards to be applied by DPS were necessary. ZTA 25-02 does not require or intend to produce a Pattern Book because all applications will go through optional method development, a more discretionary process. However, ZTA 25-02 does include development standards that allow flexibility but closely maintain existing lot coverages.

STATE, FEDERAL, AND MUNICIPAL LAWS

45. How does this ZTA effect HOAs?

Homeowners' associations (HOAs) typically have covenants. These covenants are private contracts between the HOA and the property owner. They may contain restrictions against having more than 1 unit on a property. HOA covenants are not enforceable by the County, and therefore must be disputed in court. They cannot override the County's zoning authority but can have stricter conditions.

46. How does this ZTA effect municipalities?

Under Section 1.3.2., the Zoning Ordinance does not apply to the following municipalities: Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove. Under the state Land Use Article, other municipalities are subject to zoning but may impose stricter building requirements. These building requirements may regulate the construction, repair, or remodeling of single-family residential houses, buildings, or other structures on land zoned for single-family residential use as it relates to, among other things: residential parking; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces.

47. How is this ZTA impacted by pending State legislation?

The 2025 session of the Maryland General Assembly adjourns on April 7, 2025. A bill to clarify the municipal authority to regulate structures passed the Montgomery County House and Senate delegation favorably. A bill on ADUs was withdrawn. Updates on specific bills can be found on

the General Assembly’s website:

<https://www.montgomerycountydelegation.com/legislation.html>.

48. What are the effects of the Governor’s Housing packages, including the Housing Expansion and Affordability Act of 2024?

As noted on the Planning Department’s website and confirmed by Council Staff:

“Among other things, the Housing Affordability and Expansion Act of 2024 provides a density bonus for certain qualified projects including those on 1) properties within a three-quarter mile distance of a rail station, 2) properties that used to be owned by the state or the federal government, or 3) properties owned or controlled by a nonprofit organization. The Maryland Department of Housing and Community Development has confirmed that the rail station density bonus does not apply to any residential zones in Montgomery County. This is because Section 7-503 of the legislation exempts areas that are zoned for single-family residential use as of January 1, 2024, from the rail station bonus density provisions. As all of Montgomery County’s zones allow for single-family residential uses, except for industrial zones, the vast majority of Montgomery County is exempt from the rail station bonus density provision. The other qualified project provisions, including projects located on campuses that used to be owned by the state or the federal government, and projects controlled by a nonprofit or located on land owned by a nonprofit, are applicable to the county.”

IMPACTS

Similar to questions about consolidation, several questions have been asked about the impact of this ZTA on infrastructure, the environment, stormwater, transportation, and schools. Council Staff summarizes those questions below, and then provides an overview of how these issues will be addressed.

- 49. What is the process of review for impacts on neighborhoods and infrastructure?**
- 50. How will the proposed ZTAs address the need for new housing units to be sustainable, environmentally sound, and of sufficient quality of materials and construction to ensure longevity?**
- 51. How will the proposed ZTAs also ensure that new housing is attractively designed and provides for integrated green spaces?**
- 52. Are schools, stormwater systems, and transportation networks prepared for increased density?**

Montgomery County has a Growth and Infrastructure Policy (GIP). This policy provides guidelines for administering Montgomery County’s adequate public facility (APF) requirements. These policies, which include the Annual Schools Test and Utilization Premium Payments for schools the Local Area Transportation Review for transportation, are intended to mitigate the effects of new development on the surrounding infrastructure. The GIP must be updated every 4 years. The Council most recently updated the Growth and Infrastructure Policy (GIP) in November

2024. The Ten-Year Comprehensive Water Supply and Sewerage Systems Plan helps ensure that existing and future water supply and wastewater disposal needs are met. More information about this ZTA and stormwater management can be found in the “Development Standards” section above. It is expected that much of the development under ZTA 25-02 will be infill development, replacing existing structures, as the number of vacant parcels in these zones is limited. The Council recently passed a resolution to form an Infrastructure Funding Workgroup.¹⁴ The workgroup will determine and assess the County’s schools, transportation, and parks infrastructure needs and provide recommendations on how funding for those needs can be generated in an equitable and sustainable way. The workgroup is expected to begin its work this summer.

53. How will this ZTA effect property taxes?

The State Department of Assessment and Taxation (SDAT) has responded that: “If a property were to be redeveloped to create a multi-family unit on the parcel, the immediate change would only directly impact that particular parcel. However, if properties are acquired at lower or higher purchase prices over time and the comparable sales warrant a decrease or increase in the assessed value of those similar properties upon the next reassessment cycle, it may indirectly impact the assessments for similar properties in that market rate area.” In the world of land use, there is rarely a clear answer on whether development increases or decreases property values, since it depends on many factors. It is easy to find data and studies that prove both increases and decreases in property values. The effect of multi-family development, including duplexes and triplexes, on neighboring properties’ assessments will depend on the quantity and quality of the development, the neighborhood itself, and market conditions.

TECHNICAL AMENDMENTS¹⁵

Council Staff proposes additional technical amendments noted in the Planning Board recommended amendments document. Some of these amendments include:

- Update the building types in the Commercial/Residential, Employment, and Industrial zones to reflect that there is now a triplex building type.
- Add the triplex parking requirement to the parking requirement table.
- Add Triplex to the building types.
- Clarify the front lot line for all lots or parcels included in an application’s tract must abut the specified roadway.
- Expanding site coverage to duplex and triplex.

¹⁴ The staff report and resolution can be found here:

https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=&event_id=16429&meta_id=191374.

¹⁵ The Committee authorizes Council Attorneys to make non-substantive technical corrections necessary to fix any typographical, stylistic, formatting, or grammatical errors in the ZTA.

This packet contains:

ZTA 25-02, as introduced	© 1
Designated Roadway Segments Table	© 26
Letter from Lead Sponsors	© 35
Racial Equity & Social Justice (RESJ) Impact Statement	© 40
Climate Assessment	© 47
Planning Board Recommendation	© 49
Planning Board Proposed Amendments	© 51
Planning Staff Memorandum	© 55

Ordinance No.: _____
Zoning Text Amendment No.: 25-02
Concerning: Workforce Housing –
Development Standards
Revised: 1/29/2025 Draft No.: 1
Introduced: February 4, 2025
Public Hearing: March 11, 2025
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 Sponsor: Councilmembers Friedson and Fani-González
Co-Sponsors: Councilmembers Luedtke, Council President Stewart and
Councilmembers Balcombe and Sayles

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) allow additional residential building types in certain residential zones along certain road typologies;
- (2) create optional method workforce housing development standards; and
- (3) amend the development standards and general development requirements for certain residential zones.

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

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 4.1.	“Rules for All Zones”
Section 4.1.3.	“Building Types in the Agricultural, Rural Residential, and Residential Zones”
Section 4.1.4.	“Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones”
Division 4.3.	“Rural Residential Zones”
Section 4.3.5.	“Rural Neighborhood Cluster Zone (RNC)”
Division 4.4.	“Residential Zones”
Section 4.4.2.	“Optional Method Development”
Section 4.4.5.	“Residential Estate - 2C Zone (RE-2C)”

Section 4.4.6.	“Residential Estate - 1 Zone (RE-1)”
Section 4.4.7.	“Residential - 200 Zone (R-200)”
Section 4.4.8.	“Residential - 90 Zone (R-90)”
Section 4.4.9.	“Residential - 60 Zone (R-60)”
Section 4.4.10.	“Residential - 40 Zone (R-40)”
Section 4.4.11.	“Townhouse Low Density Zone (TLD)”
Section 4.4.12.	“Townhouse Medium Density Zone (TMD)”
Section 4.4.13.	“Townhouse High Density Zone (THD)”
Section 4.4.14.	“Residential Multi-Unit Low Density - 30 Zone (R-30)”
Section 4.4.15.	“Residential Multi-Unit Medium Density - 20 Zone (R-20)”
Section 4.4.16.	“Residential Multi-Unit High Density - 10 Zone (R-10)”
Division 4.5.	“Commercial/Residential Zones”
Section 4.5.3.	“Standard Method Development”
Division 4.6.	“Employment Zones”
Section 4.6.3.	“Standard Method Development”

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 59-1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

In this Chapter, terms that are not specifically defined have their ordinary meaning. The following words and phrases have the meanings indicated.

* * *

Base Density: The maximum FAR or number of dwelling units per acre permitted by the zoning classification of a property without the use of optional method Cluster Development, optional method MPDU Development, optional method Workforce Housing Development, or TDR density increase or application of a Floating zone.

* * *

Triplex: See Section 4.1.3.C.

* * *

Usable Area: The area upon which the density of development is calculated in optional method MPDU₂ [and] Cluster Development₂ and Workforce Housing projects. If more than 50% of the tract is within environmental buffers, usable area is calculated by deducting from the tract the incremental area of the environmental buffer that exceeds 50%.

* * *

Sec. 2. DIVISION 59-3.1 is amended as follows:

Division 3.1. Use Table

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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.

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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																										
Single-Unit Living	3.3.1.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	L	L	L	L
Two-Unit Living	3.3.1.C.				P		L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	L	L	L	L	
Townhouse Living	3.3.1.D.				P	C	L/C	L/C	L/C	L/C	L/C	L/C	P	P	P	P	P	P	P	P	P	P	L	L	L	L	
Multi-Unit Living	3.3.1.E.					C	C	C	[C] L/C	[C] L/C	[C] L/C	[C] L/C				P	P	P	P	P	P	P	L	L	L	L	
* * *																											

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Sec. 3. DIVISION 59-4.1 is amended as follows:

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Division 4.1. Rules for All Zones

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Section 4.1.3. Building Types in the Agricultural, Rural Residential, and

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Residential Zones

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* * *

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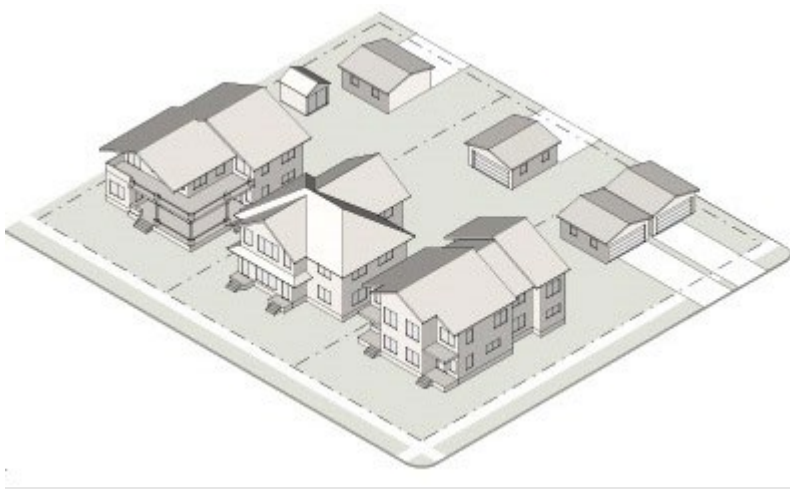
B. Duplex

37

A duplex is a building containing 2 principal dwelling units that may contain

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ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



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C. Triplex

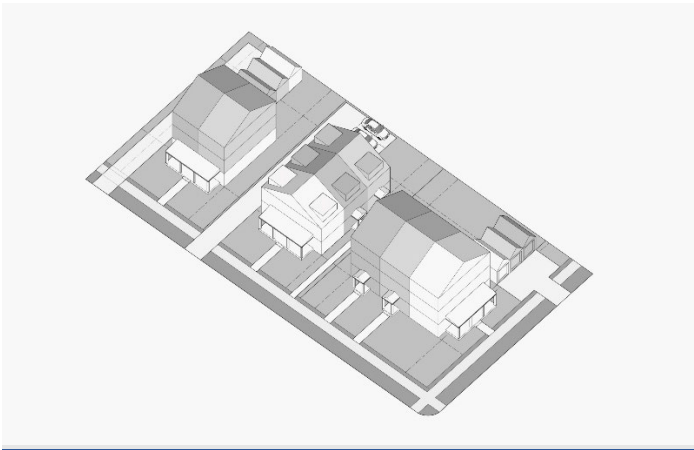
41

A triplex is a building containing 3 dwelling units where each dwelling unit is

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separated vertically or horizontally by a party wall. A triplex may contain ancillary

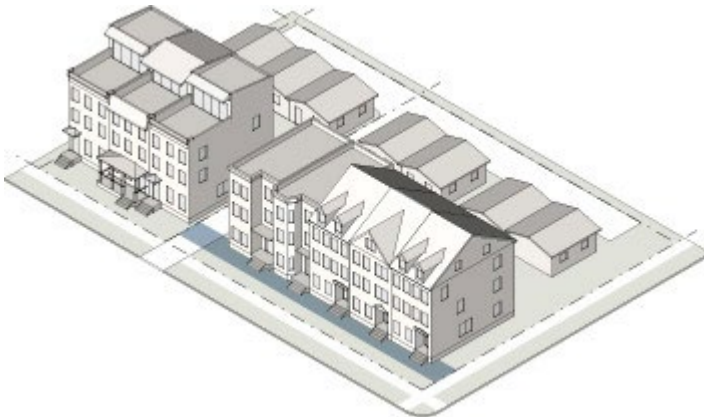
43 nonresidential uses, such as a Home Occupation or Family Day Care.



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45 **[C]D. Townhouse**

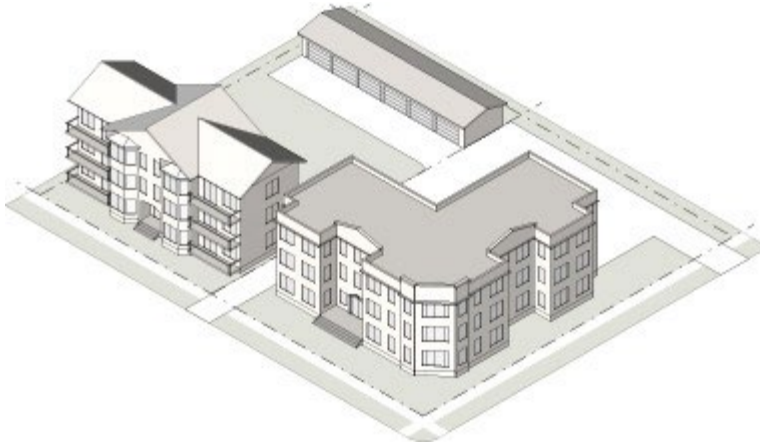
46 A townhouse is a building containing [3] 4 or more dwelling units where each
47 dwelling unit is separated vertically by a party wall. A townhouse may contain
48 ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



49

50 **[D]E. Apartment Building**

51 An apartment building is a building containing [3] 4 or more dwelling units
52 vertically and horizontally arranged. In the R-30, R-20, R-10,
53 Commercial/Residential, and Employment zones, an [An] apartment may contain up
54 to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a
55 [multi use] multi-use building.





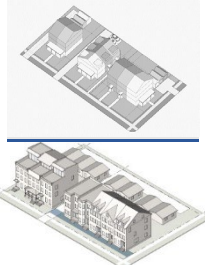
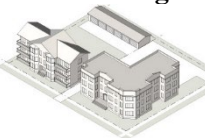
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58 **Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural**
 59 **Residential, and Residential Zones**

60 In the Agricultural, Rural Residential, and Residential zones, building types are
 61 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 	<u>Triplex or Townhouse</u> 	Apartment Building 
* * *				
Residential Detached Zones				
* * *				
Residential - 200 (R-200)	A	MPDU, TDR ₂ , <u>WFH</u>	MPDU, TDR ₂ , <u>WFH</u>	TDR, <u>WFH</u>
Residential - 90 (R-90)	A	MPDU, CD, TDR ₂ , <u>WFH</u>	MPDU, CD, TDR ₂ , <u>WFH</u>	TDR, <u>WFH</u>
Residential - 60 (R-60)	A	MPDU, CD, TDR ₂ , <u>WFH</u>	MPDU, CD, TDR ₂ , <u>WFH</u>	TDR, <u>WFH</u>
Residential - 40 (R-40)	A	A	MPDU, <u>WFH</u>	[--] <u>WFH</u>
* * *				

62

63 **KEY[]:** A = Allowed to accommodate permitted, limited, and conditional uses

64 -- = Not allowed

65 CD = Allowed as part of an optional method Cluster Development

66 MPDU = Allowed as part of an optional method MPDU Development

67 TDR = Allowed in a TDR Overlay zone as part of optional method TDR

68 Development under Section 4.9.15.B

69 WFH = Allowed as part of an optional method Workforce Housing Development

70 * * *

71 **Sec. 4. DIVISION 59-4.3 is amended as follows:**

72 **Division 4.3. Rural Residential Zones**

73 * * *

74 **Section 4.3.5. Rural Neighborhood Cluster Zone (RNC)**

75 * * *

76 **C. RNC Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	<u>Triplex or Townhouse</u>
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77 * * *

78 **E. RNC Zone, Optional Method Development Standards**

	MPDU Development		
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>

79 * * *

80 **Sec. 5. DIVISION 59-4.4 is amended as follows:**

81 **Division 4.4. Residential Zones**

82 * * *

83 **Section 4.4.2. Optional Method Development**

84 The RE-2C, RE-1, R-200, R-90, and R-60 zone allow development under optional
 85 method MPDU Development and optional method Cluster Development. The R-40,
 86 TLD, TMD, THD, R-30, R-20, and R-10 zone allow development under optional
 87 method MPDU Development. The R-200, R-90, R-60, and R-40 zone allow
 88 development under optional method Workforce Housing Development.

89 * * *

90 **C. Optional Method Workforce Housing Development**

91 This optional method of development is permitted where workforce housing units
 92 that satisfy Chapter 25B are included. Optional method Workforce Housing
 93 Development allows additional building types and provides more flexibility in lot
 94 layout.

95 **1. Development Approval Procedure**

96 Site plan approval under Section 7.3.4 is required.

97 **2. Workforce Housing Development Across Different Zones**

98 Optional method Workforce Housing Development may occur across
 99 different zones under the following limitations:

- 100 a. The differently zoned areas must be contiguous;
- 101 b. Uses and building types are governed by the zone;
- 102 c. The site requirements in the optional method tables apply;
 103 density and open space must be calculated as if each area were
 104 developed individually; and
- 105 d. The allowed number of units and required open space may be
 106 located without regard to the limits in the underlying zone.

107 **3. Density and Usable Area**

- 108 a. The maximum total residential FAR is 1.25.
- 109 b. Density is calculated on usable area within the tract.

110 **4. Development Standards for Workforce Housing Projects**

- 111 a. An applicant must provide at least 15% workforce housing units
- 112 that satisfy Chapter 25B, with a minimum of one workforce
- 113 housing unit for construction of 3 or more units.
- 114 b. The maximum height for all buildings is 40 feet.
- 115 c. The minimum site size is the minimum lot size in the underlying
- 116 zone.
- 117 d. Off-street parking must be located behind the front building line.
- 118 e. Driveway access is limited to one driveway per street frontage
- 119 unless additional driveway access is approved by an appropriate
- 120 agency with jurisdiction over the right-of-way.

121 **5. Applicable Corridors**

- 122 a. The front lot line must abut a Boulevard, Downtown Boulevard,
- 123 Downtown Street, Town Center Boulevard, or Controlled Major
- 124 Highway, as defined by Chapter 49.
- 125 b. The width of the master-planned right-of-way must be greater
- 126 than 100 feet.
- 127 c. The right-of-way must have at least 3 existing vehicle travel
- 128 lanes.

129 **6. Dedicated Land**

130 Land dedicated to public use for a school or park site may be included in the

131 calculation of the density of development if development of the remaining

132 land satisfies Section 4.4.2.C and the optional method Workforce Housing

133 Development standards.

134 **7. Community Water and Sewer**

135 Development under this method is prohibited unless the resulting

136 development will be connected to community water supply and sewerage

137 systems.

138 * * *

139 **Section 4.4.5. Residential Estate - 2C Zone (RE-2C)**

140 * * *

141 **D. RE-2C Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>	Detached House

142 * * *

143 **Section 4.4.6. Residential Estate - 1 Zone (RE-1)**

144 * * *

145 **D. RE-1 Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>	Detached House

146 * * *

147 **Section 4.4.7. Residential - 200 Zone (R-200)**

148 * * *

149 **C. R-200 Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>	Detached House

150 **D. R-200 Zone, Workforce Housing Development Standards**

	<u>Duplex</u>	<u>Triplex</u>	<u>Townhouse</u>	<u>Apartment</u>
1. Site				
<u>Dimensions (min)</u>				
<u>Usable area</u>	16,000 SF	16,000 SF	16,000 SF	16,000 SF
<u>Site coverage (max)</u>	n/a	n/a	25%	25%
2. <u>Lot and Density</u>				
<u>Lot (min)</u>				
<u>Lot area (per unit)</u>	8,000 SF	5,000 SF	2,000 SF	n/a
<u>Lot width at front building line</u>	<u>Determined at site plan</u>	<u>Determined at site plan</u>	<u>Determined at site plan</u>	<u>Determined at site plan</u>
<u>Lot width at front lot line</u>	15'	<u>Determined at site plan</u>	<u>Determined at site plan</u>	n/a

<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>
Density (max)				
The density allowed for any application is 1.25 FAR.				
Coverage (max)				
Lot	25%	25%	n/a	n/a
Specification for Lot and Density				
Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.				
3. Placement				
Principal Building Setbacks (min)				
Front setback	40'	40'	40'	40'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	40'	40'	40'	40'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'	15'
Side setback, including end unit	12'	12'	12'	12'
Rear setback	30'	30'	30'	30'
Specification for Principal Building Setbacks				
Development may have to satisfy Section 4.4.1.A, Established Building Line.				
Accessory Structure Setbacks (min)				
Front setback	65'	65'	65'	65'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	40'	40'	40'	40'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'	15'
Side setback	12'	12'	12'	12'
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	12'	12'	12'	12'
Rear setback, if not otherwise addressed	7'	7'	7'	7'
Specification for Accessory Structure Setbacks				

a. Where the principal building on a lot is a duplex or triplex, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.				
b. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.				
4. Height				
Height (max)				
Principal building, measured to highest point of any roof	40'	40'	40'	40'
Accessory structure	35'	35'	35'	35'
5. Form				
Allowed Building Elements				
Gallery/Awning	n/a	n/a	n/a	n/a
Porch/Stoop	yes	yes	yes	yes
Balcony	yes	yes	yes	yes
6. Buildings used for Agriculture Associated with Farming				
Specification for Buildings used for Agriculture Associated with Farming				
A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 40'.				

151 **Section 4.4.8. Residential - 90 Zone (R-90)**

152 * * *

153 **C. R-90 Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development		
1. Site	Detached House	Duplex	Triplex or Townhouse	Detached House	Duplex	Triplex or Townhouse

154 **D. R-90 Zone, Workforce Housing Development Standards**

	Duplex	Triplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	9,000 SF	9,000 SF	9,000 SF	9,000 SF
Site coverage (max)	n/a	n/a	30%	30%
2. Lot & Density				
Dimensions (min)				
Lot area (per unit)	4,500 SF	3,000 SF	1,200 SF	n/a
Lot width at front building line	35'	Determined at site plan	Determined at site plan	n/a
Lot width at front lot line	15'	Determined at site plan	Determined at site plan	n/a
Frontage on street or open space	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50

Density (max)				
The density allowed for any application is 1.25 FAR.				
Coverage (max)				
Lot	30%	30%	n/a	n/a
Specification for Lot and Density				
Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.				
3. Placement				
Principal Building Setbacks (min)				
Front setback	30'	20'	20'	20'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30'	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	10'	10'	10'
Side setback, including end unit	8'	6'	6'	6'
Rear setback	25'	20'	20'	20'
Specification for Principal Building Setbacks				
Development may have to satisfy Section 4.4.1.A, Established Building Line.				
Accessory Structure Setbacks (min)				
Front setback, behind the front building line	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30'	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	10'	10'	10'
Side setback, including end unit	5'	5'	5'	5'
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	10'	10'	10'	10'
Rear setback, if not otherwise addressed	5'	5'	5'	5'
Specification for Accessory Structure Setbacks				
<p>a. For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15.</p> <p>b. For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.</p>				

<u>c. Where the principal building on a lot is a duplex or triplex, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</u>				
<u>d. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.</u>				
4. Height				
Height (max)				
Principal building, measured to highest point of any roof	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'
5. Form				
Allowed Building Elements				
Gallery/Awning	n/a	n/a	n/a	n/a
Porch/Stoop	yes	yes	yes	yes
Balcony	yes	yes	yes	yes
6. Buildings used for Agriculture Associated with Farming				
Specification for Buildings used for Agriculture Associated with Farming				
<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 40'.</u>				

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

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157 **C. R-60 Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development		
1. Site	Detached House	Duplex	Triplex or Townhouse	Detached House	Duplex	Triplex or Townhouse

158 **D. R-60 Zone, Workforce Housing Development Standards**

	Duplex	Triplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	6,000 SF	6,000 SF	6,000 SF	6,000 SF
Site coverage (max)	n/a	n/a	35%	35%
2. Lot				
Dimensions (min)				
Lot area (per unit)	3,000 SF	2,000 SF	1,000 SF	n/a
Lot width at front building line	30'	Determined at site plan	Determined at site plan	n/a
Lot width at front lot line	15'	Determined at site plan	Determined at site plan	n/a
Frontage on street or open space	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50

Density (max)				
The density allowed for any application is 1.25 FAR.				
Coverage (max)				
Lot	35%	35%	n/a	n/a
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. The lot coverage maximum does not apply to Religious Assembly.				
3. Placement				
Principal Building Setbacks (min)				
Front setback	25'	20'	20'	20'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	10'	10'	10'
Side setback, including end unit	8'	6'	6'	6'
Rear setback	20'	20'	20'	20'
Specification for Principal Building Setbacks				
Development may have to satisfy Section 4.4.1.A, Established Building Line.				
Accessory Structure Setbacks (min)				
Front setback, behind the front building line	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	10'	10'	10'
Side setback, including end unit	5'	5'	5'	5'
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	10'	10'	10'	10'
Rear setback, if not otherwise addressed	5'	5'	5'	5'
Specification for Accessory Structure Setbacks				
a. For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15.				
b. For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.				

<u>c. Where the principal building on a lot is a duplex or triplex, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</u>				
<u>d. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.</u>				
4. Height				
Height (max)				
Principal building, measured to highest point of any roof	40'	40'	40'	40'
Accessory structure	20'	20'	20'	20'
5. Form				
Allowed Building Elements				
Gallery/Awning	n/a	n/a	n/a	n/a
Porch/Stoop	yes	yes	yes	yes
Balcony	yes	yes	yes	yes
6. Buildings used for Agriculture Associated with Farming				
Specification for Buildings used for Agriculture Associated with Farming				
<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 40'.</u>				

159 **Section 4.4.10. Residential - 40 Zone (R-40)**

160 * * *

161 **C. R-40 Zone, Optional Method Development Standards**

	MPDU Development		
1. Site	Detached House	Duplex	Triplex or Townhouse

162 **D. R-40 Zone, Workforce Housing Development Standards**

	Duplex	Triplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	6,000 SF	6,000 SF	6,000 SF	6,000 SF
Site coverage (max)	n/a	n/a	40%	40%
2. Lot & Density				
Dimensions (min)				
Lot area (per unit)	3,000 SF	2,000 SF	1,000 SF	n/a
Lot width at front building line	30'	Determined at site plan	Determined at site plan	n/a
Lot width at front lot line	15'	Determined at site plan	Determined at site plan	n/a
Frontage on street or open space	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50
Density (max)				
The density allowed for any application is 1.25 FAR.				

Coverage (max)				
Lot	40%	40%	n/a	n/a
Specification for Lot and Density				
Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.				
3. Placement				
Principal Building Setbacks (min)				
Front setback	25'	20'	20'	20'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	10'	10'	10'
Side setback, including end unit	8'	6'	6'	6'
Rear setback	20'	15'	15'	15'
Specification for Principal Building Setbacks				
Development may have to satisfy Section 4.4.1.A, Established Building Line.				
Accessory Structure Setbacks (min)				
Front setback, behind the front building line	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	10'	10'	10'
Side setback	5'	5'	5'	5'
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	10'	10'	10'	10'
Rear setback, if not otherwise addressed	5'	5'	5'	5'

Specification for Accessory Structure Setbacks				
a. For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15.				
b. For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.				
c. Where the principal building on a lot is a duplex or triplex, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.				
d. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.				
4. Height				
Height (max)				
Principal building, measured to highest point of any roof	40'	40'	40'	40'
Accessory structure	20'	20'	20'	20'
5. Form				
Allowed Building Elements				
Gallery/Awning	n/a	n/a	n/a	n/a
Porch/Stoop	yes	yes	yes	yes
Balcony	yes	yes	yes	yes
6. Buildings used for Agriculture Associated with Farming				
Specification for Buildings used for Agriculture Associated with Farming				
A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 40'.				

163

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164

Section 4.4.11. Townhouse Low Density Zone (TLD)

165

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166

B. TLD Zone, Standard Method Development Standards

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	<u>Triplex or Townhouse</u>
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167

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168

C. TLD Zone, Optional Method Development Standards

	MPDU Development		
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>

169

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170 **Section 4.4.12. Townhouse Medium Density Zone (TMD)**

171 * * *

172 **B. TMD Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	<u>Triplex or Townhouse</u>
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173 * * *

174 **C. TMD Zone, Optional Method Development Standards**

	MPDU Development		
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>

175 * * *

176 **Section 4.4.13. Townhouse High Density Zone (THD)**

177 * * *

178 **B. THD Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	<u>Triplex or Townhouse</u>
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179 * * *

180 * * *

181 **C. THD Zone, Optional Method Development Standards**

	MPDU Development		
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>

182 * * *

183 **Section 4.4.14. Residential Multi-Unit Low Density - 30 Zone (R-30)**

184 * * *

185 **B. R-30 Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a	Duplex - Side	Duplex - Over	<u>Triplex or Townhouse</u>	Apartment
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	Conditional Use allowed in the zone				
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186 * * *

187 **C. R-30 Zone, Optional Method Development Standards**

	MPDU Development				
1. Site	Detached House	Duplex	<u>Triplex or</u> Townhouse	Apartment	

188 * * *

189 **Section 4.4.15. Residential Multi-Unit Medium Density - 20 Zone (R-20)**

190 * * *

191 **B. R-20 Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment
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192 * * *

193 **C. R-20 Zone, Optional Method Development Standards**

	MPDU Development				
1. Site	Detached House	Duplex	<u>Triplex or</u> Townhouse	Apartment	

194 * * *

195 **Section 4.4.16. Residential Multi-Unit High Density - 10 Zone (R-10)**

196 * * *

197 **B. R-10 Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment
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198 * * *

199 **C. R-10 Zone, Optional Method Development Standards**

	MPDU Development				
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1. Site	Detached House	Duplex	<u>Triplex or</u> Townhouse	Apartment
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200

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201

Sec. 6. DIVISION 59-4.5 is amended as follows:

202

Division 4.5. Commercial/Residential Zones

203

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204

Section 4.5.3. Standard Method Development

205

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206

C. CRN, CRT, and CR Zones, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment	Multi Use	General
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207

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208

Sec. 7. DIVISION 59-4.6 is amended as follows:

209

Division 4.6. Employment Zones

210

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211

Section 4.6.3. Standard Method Development

212

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213

C. GR and NR Zones, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment	Multi Use	General
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214

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215

D. LSC Zone, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment	Multi Use	General
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216

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217

D. EOF Zone, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment	Multi Use	General
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218

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This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council

**ZTA 25-02 Workforce Housing - Development Standards
Designated Roadway Segments**

Disclaimer: This table is intended to provide a list of the roadway segments that are included in [ZTA 25-02, Workforce Housing – Development Standards](#), as introduced on February 4, 2025. This table strives to accurately reflect the roadways subject to the ZTA, and any errors in the omission or inclusion of any small number of road segments is inadvertent. Please refer to the following map to identify what specific parcels may be subject to the ZTA: mcatlas.org/housingnow. An application for development would require Planning Board approval and compliance with existing zoning laws and other regulations, such as water sewer, subdivision, forest conservation, and easements. Further, the [Zoning Ordinance](#) does not apply to the following municipalities: Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove.

Street Name	From	To	CSDG Classification	# of Existing Lanes	Planned Right-of-Way
16th St (MD 390)	2nd Ave	630' South of Lyttonsville Road	Town Center Boulevard	6	120
16th St (MD 390)	630' South of Lyttonsville Road	Downtown Silver Spring Boundary	Town Center Boulevard	6	120
Adelphi Rd	New Hampshire Ave	Prince George's County Line	Boulevard	4	120
Bradley Blvd (MD 191)	Goldsboro Rd	Glenbrook Rd	Boulevard	4	120
Bradley Blvd (MD 191)	Glenbrook Rd	Fairfax Rd	Boulevard	6	120
Bradley Blvd (MD 191)	Fairfax Rd	Leland St	Downtown Boulevard	6	120
Bradley Blvd (MD 191)	Leland St	Wisconsin Ave	Downtown Boulevard	4	120
Clarksburg Rd (MD 121)	Gosnell Farm Dr	Cabin Branch Town Center Boundary	Town Center Boulevard	5	150
Clopper Rd (MD 117)	Steeple Rd	Eternity Rd	Boulevard	4	150
Clopper Rd (MD 117)	Kingsview Rd	Germantown Rd	Boulevard	4	150
Clopper Rd (MD 117)	Germantown Road	Great Seneca Hwy	Boulevard	5	150
Colesville Rd (US 29)	Northwest Branch Stream Valley	Southwood Ave	Boulevard	6	122
Colesville Rd (US 29)	Southwood Ave	Timberwood Ave	Boulevard	6	120
Colesville Rd (US 29)	Timberwood Ave	Four Corners Town Center Boundary	Town Center Boulevard	6	120
Colesville Rd (US 29)	Four Corners Town Center Boundary	Sligo Creek Pkwy	Boulevard	6	120
Colesville Rd (US 29)	Sligo Creek Pkwy	Noyes Dr	Boulevard	5-6	120

**ZTA 25-02 Workforce Housing - Development Standards
Designated Roadway Segments**

Colesville Rd (US 29)	Noyes Dr	Fenton St	Downtown Boulevard	5-6	120
Columbia Pike (US 29)	Lockwood Dr	Lockwood Dr	Town Center Boulevard	6	122
Columbia Pike (US 29)	Sandy Spring Rd (MD 198)	Greencastle Rd	Controlled Major Highway	6	200
Columbia Pike (US 29)	Greencastle Rd	Musgrove Rd	Controlled Major Highway	6	200
Columbia Pike (US 29)	Musgrove Rd	East Randolph Rd	Controlled Major Highway	6	200
Columbia Pike (US 29)	New Hampshire Ave (MD 650)	Burnt Mills Town Center Boundary	Boulevard	6	122
Connecticut Ave (MD 185)	Georgia Ave (MD 97)	Turkey Branch (Matthew Henson State Park)	Town Center Boulevard	6	150
Connecticut Ave (MD 185)	Turkey Branch (Matthew Henson State Park)	Randolph Rd	Boulevard	6	120
Connecticut Ave (MD 185)	Randolph Rd	Veirs Mill Corridor Master Plan Southern Boundary	Boulevard	6	160
Connecticut Ave (MD 185)	Veirs Mill Corridor Master Plan Southern Boundary	Lawrence Ave	Boulevard	6	120
Connecticut Ave (MD 185)	Lawrence Ave	Kensington Town Center Boundary	Boulevard	6	120
Connecticut Ave (MD 185)	Knowles Ave	Warner St	Town Center Boulevard	6	120
Connecticut Ave (MD 185)	Warner St	230' south of Washington St	Boulevard	6	120
Connecticut Ave (MD 185)	Dresden St	Capital Beltway (I-495)	Boulevard	6	120
Connecticut Ave (MD 185)	Capital Beltway (I-495)	Jones Bridge Rd	Boulevard	6	120
Connecticut Ave (MD 185)	Jones Bridge Rd	Manor Rd	Boulevard	6	120
Connecticut Ave (MD 185)	1330' north of East-West Hwy	East-West Hwy	Boulevard	6	120
Connecticut Ave (MD 185)	East-West Hwy (MD 410)	Western Ave (D.C. Line)	Boulevard	6	120
Crystal Rock Dr	Father Hurley Blvd	Aircraft Dr	Town Center Boulevard	4	120
Darnestown Rd (MD 28)	Riffle Ford Rd	Briar Rock Dr	Boulevard	4	120
Darnestown Rd (MD 28)	Briar Rock Dr	Quince Orchard Rd	Boulevard	4	120
Darnestown Rd (MD 28)	Quince Orchard Rd	Blackberry Dr	Boulevard	4	120
Darnestown Rd (MD 28)	Blackberry Dr	Muddy Branch Rd	Boulevard	4	120
Darnestown Rd (MD 28)	Muddy Branch Rd	Key West Ave (MD 28)	Town Center Boulevard	6	130
Democracy Blvd	Seven Locks Rd	Bells Mill Rd	Boulevard	6	150
Democracy Blvd	I-270	Old Georgetown Rd (MD 187)	Downtown Boulevard	6	120
E Gude Dr	Gude Dr Rec Park [Northern Planning Boundary]	Suburban Boundary	Boulevard	4	150

**ZTA 25-02 Workforce Housing - Development Standards
Designated Roadway Segments**

East Randolph Rd	Columbia Pike (US 29)	Serpentine Way	Downtown Boulevard	4	120
East-West Hwy (MD 410)	Pearl St	Pearl District Connector	Downtown Boulevard	3	120
East-West Hwy (MD 410)	Montgomery Ave	Georgetown Branch ROW	Downtown Boulevard	4	120
East-West Hwy (MD 410)	Georgetown Branch ROW	Connecticut Ave	Boulevard	4	120
East-West Hwy (MD 410)	Connecticut Ave	Jones Mill Rd / Beach Dr	Boulevard	4	120
East-West Hwy (MD 410)	Jones Mill Rd / Beach Dr	Grubb Rd	Boulevard	4	120
East-West Hwy (MD 410)	Grubb Rd	102' east of Grubb	Boulevard	4	120
East-West Hwy (MD 410)	102' east of Grubb	16th Street Station Town Center Boundary	Boulevard	4	120
East-West Hwy (MD 410)	16th Street Station Town Center Boundary	16th St (MD 390)	Town Center Boulevard	4	120
Father Hurley Blvd	Crystal Rock Dr	CSX Tracks	Controlled Major Highway	4	120
Father Hurley Blvd	CSX Tracks	Hopkins Rd	Boulevard	4	120
Frederick Rd (MD 355)	Milestone Manor Ln	Ridge Rd	Controlled Major Highway	4	250
Frederick Rd (MD 355)	Ridge Rd	Shakespeare Blvd	Controlled Major Highway	4	250
Frederick Rd (MD 355)	Shakespeare Blvd	Germantown Road (MD 118)	Controlled Major Highway	4	250
Frederick Rd (MD 355)	Germantown Rd (MD 118)	Middlebrook Rd	Controlled Major Highway	4	250
Frederick Rd (MD 355)	Middlebrook Rd	Game Preserve Rd	Controlled Major Highway	6	250
Georgia Ave (MD 97)	Spartan Rd	Olney Town Center Boundary	Town Center Boulevard	4	150
Georgia Ave (MD 97)	Olney Town Center Boundary	Old Baltimore Rd	Boulevard	4	150
Georgia Ave (MD 97)	Old Baltimore Rd	Emory Church Rd	Boulevard	4	150
Georgia Ave (MD 97)	Emory Church Rd	Emory Ln	Boulevard	5	150
Georgia Ave (MD 97)	MD 200	Norbeck Rd (MD 28)	Boulevard	6	150
Georgia Ave (MD 97)	Norbeck Rd (MD 28)	Aspen Hill Town Center Boundary	Boulevard	6	150
Georgia Ave (MD 97)	Aspen Hill Town Center Boundary	Aspen Hill Rd	Town Center Boulevard	6	150
Georgia Ave (MD 97)	Aspen Hill Rd	Turkey Branch (Matthew Henson State Park)	Boulevard	6	150
Georgia Ave (MD 97)	Turkey Branch (Matthew Henson State Park)	Weller Rd	Boulevard	6	130

**ZTA 25-02 Workforce Housing - Development Standards
Designated Roadway Segments**

Georgia Ave (MD 97)	Weller Rd	Denley Rd	Boulevard	6	135
Georgia Ave (MD 97)	Denley Rd	Layhill Rd	Town Center Boulevard	6	145
Georgia Ave (MD 97)	Glenmont Town Center Boundary	Mason St	Boulevard	6	124
Georgia Ave (MD 97)	Mason St	Downtown Wheaton Boundary	Boulevard	6	120
Georgia Ave (MD 97)	Downtown Wheaton Boundary	400' north of Blueridge Ave	Downtown Boulevard	6	120
Georgia Ave (MD 97)	Windham Ln	Dennis Ave	Boulevard	6	120
Georgia Ave (MD 97)	Dennis Ave	Forest Glen Town Center Boundary	Boulevard	6	110
Georgia Ave (MD 97)	Forest Glen Town Center Boundary	Tilton Drive	Town Center Boulevard	6	110
Georgia Ave (MD 97)	Tilton Dr	Capital Beltway (I-495)	Town Center Boulevard	6	110
Georgia Ave (MD 97)	Capital Beltway (I-495)	16th Street (MD 390)	Town Center Boulevard	7	120
Georgia Ave (MD 97)	16th St	Spring St	Boulevard	6	122
Georgia Ave (US 29)	Blair Mill Rd	Eastern Ave (D.C. Line)	Downtown Boulevard	6	125
Germantown Rd (MD 118)	Clopper Rd	CSX Railroad Tracks	Boulevard	6	150
Germantown Rd (MD 118)	CSX Railroad Tracks	Dawson Farm Rd	Town Center Boulevard	6	150
Germantown Rd (MD 118)	Middlebrook Rd	Germantown Town Center Boundary	Town Center Boulevard	6	150
Germantown Rd (MD 118)	Observation Dr	Frederick Rd (MD 355)	Boulevard	5	150
Great Seneca Hwy (MD 119)	Middlebrook Rd	CSX Railroad Bridge	Controlled Major Highway	4	150
Great Seneca Hwy (MD 119)	Dawson Farm Rd	Great Seneca Creek	Boulevard	4	120
Great Seneca Hwy (MD 119)	Great Seneca Creek	Longdraft Rd (Gaithersburg City Limits)	Controlled Major Highway	4	150
Great Seneca Hwy (MD 119)	Decoverly Dr	Sam Eig Hwy	Boulevard	4	150-200
Layhill Rd (MD 182)	230' north of Park Vista Dr	Ballows Way	Boulevard	4	150
Layhill Rd (MD 182)	Ballows Way	450 ft south of Queensguard Rd	Town Center Boulevard	4	150
Layhill Rd (MD 182)	450 ft south of Queensguard Rd	Approx. 380' north of Middlevale Ln	Boulevard	4	150
Layhill Rd (MD 182)	Approx. 380' north of Middlevale Ln	Hathaway Dr	Boulevard	4	120
Layhill Rd (MD 182)	Hathaway Dr	80' north of Briggs Rd	Boulevard	4	120
Layhill Rd (MD 182)	80' north of Briggs Rd	New Street (Winexburg Manor)	Boulevard	4	120
Layhill Rd (MD 182)	New Street (Winexburg Manor)	Glenallan Ave	Town Center Boulevard	4	120
Little Seneca Pkwy	Frederick Rd	Midcounty Hwy	Boulevard	4	120
Massachusetts Ave (MD 396)	Western Ave (D.C. Line)	Sangamore Rd	Boulevard	4	120
Metro Access Road	Intercounty Connector	Shady Grove Town Center Boundary	Boulevard	4	150

**ZTA 25-02 Workforce Housing - Development Standards
Designated Roadway Segments**

Mid County Hwy (MD 124)	Shady Grove Rd	Goshen Rd	Boulevard	4	150
Mid County Hwy (MD 124)	Goshen Rd	Montgomery Village Ave	Town Center Boulevard	4	150
Middlebrook Rd	Father Hurley Blvd	Germantown Rd	Town Center Boulevard	4	120
Middlebrook Rd	Germantown Rd	Great Seneca Hwy	Town Center Boulevard	5	150
Middlebrook Rd	Great Seneca Hwy	Foxchapel Town Center Boundary	Boulevard	6	150
Middlebrook Rd	Observation Dr	Frederick Rd (MD 355)	Town Center Boulevard	6	150
Montgomery Village Ave (MD 124)	Gaithersburg City Limits (830' south of Lost Knife Rd)	Mid County Hwy	Town Center Boulevard	6	120-140
Montrose Rd (MD 927)	Seven Locks Rd	I-270	Boulevard	6	300
Montrose Rd (MD 927)	I-270	Tower Oaks Blvd	Boulevard	4	300
Montrose Rd (MD 927)	Tower Oaks Blvd	Old Bridge Rd	Boulevard	6	300
Muddy Branch Rd	W Deer Park Rd	Great Seneca Hwy (MD 119)	Boulevard	4	150
New Hampshire Ave (MD 650)	Norwood Rd	Intercounty Connector (MD 200)	Boulevard	4	125
New Hampshire Ave (MD 650)	Intercounty Connector (MD 200)	Colesville Park & Ride	Boulevard	6	120
New Hampshire Ave (MD 650)	Colesville Town Center Boundary	685' north of Lockwood Dr	Boulevard	6	120
New Hampshire Ave (MD 650)	Suburban Boundary	Cresthaven Dr	Boulevard	7	130
New Hampshire Ave (MD 650)	Cresthaven Dr	Oaklawn Dr	Boulevard	6	130*
New Hampshire Ave (MD 650)	Oaklawn Dr	280' south Overlook Dr	Boulevard	6	120-130
New Hampshire Ave (MD 650)	280' south Overlook Dr	Powder Mill Rd	Town Center Boulevard	6	120-130
New Hampshire Ave (MD 650)	University Blvd (MD 193)	Erskine St	Town Center Boulevard	6-8	150
New Hampshire Ave (MD 650)	Erskine St	Approx. 380' south of Sligo Creek Pkwy	Boulevard	6-8	150
New Hampshire Ave (MD 650)	Approx. 380' south of Sligo Creek Pkwy	Kentland Ave	Boulevard	6-8	150
New Hampshire Ave (MD 650)	Kentland Ave	Ethan Allen Avenue Gateway Town Center Boundary	Town Center Boulevard	6-8	150
New Hampshire Ave (MD 650)	Ethan Allen Avenue Gateway Town Center Boundary	Maryland Gateway Town Center Boundary	Boulevard	6-8	150

**ZTA 25-02 Workforce Housing - Development Standards
Designated Roadway Segments**

New Hampshire Ave (MD 650)	Capital Beltway (I-495)	Northampton Dr	Boulevard	6	150
Norbeck Rd (MD 28)	Rockville City Limits	Layhill Rd	Boulevard	4	150
Observation Dr	Woodcutter Dr	Dorsey Mill Rd	Boulevard	4	150
Observation Dr	Dorsey Mill Rd	Ridge Rd	Town Center Boulevard	4	150
Observation Dr	Shakespeare Blvd/Seneca Meadows Pkwy	Boland Farm Rd	Town Center Boulevard	4	150
Observation Dr	Boland Farm Rd	Germantown Rd	Boulevard	4	150
Old Georgetown Rd (MD 187)	830' north of Nicholson Ln / Market St	Nicholson Ln	Downtown Boulevard	4	150
Old Georgetown Rd (MD 187)	Nicholson Ln	Tuckerman Ln	Boulevard	4	126
Old Georgetown Rd (MD 187)	Tuckerman Ln	I-270	Boulevard	6	130
Old Georgetown Rd (MD 187)	I-270	Rock Spring Dr	Downtown Boulevard	5	150
Old Georgetown Rd (MD 187)	Rock Spring Dr	Cheshire Dr	Downtown Boulevard	4	120
Old Georgetown Rd (MD 187)	Grosvenor Ln	West Cedar Ln	Boulevard	4	130
Old Georgetown Rd (MD 187)	West Cedar Ln	Lincoln Dr	Boulevard	6	130
Old Georgetown Rd (MD 187)	Lincoln Dr	McKinley St	Boulevard	5	130
Old Georgetown Rd (MD 187)	McKinley St	140' west of Battery Ln	Boulevard	4	130
Olney-Laytonsville Rd (MD 108)	Approx. 250' north of Olney Mill Rd	Olney Town Center Boundary	Boulevard	4	150
Olney-Laytonsville Rd (MD 108)	Olney Town Center Boundary	Georgia Ave (MD 97)	Town Center Boulevard	4	150
Olney-Sandy Spring Rd (MD 108)	Spartan Rd	Prince Phillip Dr	Boulevard	4	150
Olney-Sandy Spring Rd (MD 108)	Prince Philip Dr	Doctor Bird Rd	Boulevard	4	150
Piney Branch Rd (MD 320)	Arliss St	University Blvd	Town Center Boulevard	4	112
Quince Orchard Rd (MD 124)	Darnestown Rd	Longdraft Rd	Boulevard	4	150

**ZTA 25-02 Workforce Housing - Development Standards
Designated Roadway Segments**

Randolph Rd	Dewey Rd	Selfridge Rd	Boulevard	6	120
Randolph Rd	Selfridge Rd	Veirs Mill Rd	Town Center Boulevard	6	120
Randolph Rd	Veirs Mill Rd	Bushey Dr	Town Center Boulevard	6	120
Randolph Rd	Bushey Dr	Lindell St/Denley Rd	Boulevard	6	120
Randolph Rd	Lindell St/Denley Rd	Judson Rd	Boulevard	6	120
Randolph Rd	Judson Rd	Georgia Ave (MD 97)	Boulevard	6	140
Randolph Rd	Glenallan Ave	Glenmont Town Center Boundary	Town Center Boulevard	6	120
Randolph Rd	Glenmont Town Center Boundary	Middlevale Rd	Boulevard	6	120
Randolph Rd	Middlevale Rd	Colesville Town Center Boundary	Boulevard	6	120
Randolph Rd	New Hampshire Ave	200 ft east of Clifton Rd	Town Center Boulevard	6	120
Randolph Rd	Colesville Town Center Boundary	Fairland Rd/E Randolph Rd	Boulevard	6	120
Ridge Rd (MD 27)	I-270	Frederick Rd (MD 355)	Controlled Major Highway	6	150
Ridge Rd (MD 27)	Frederick Rd (MD 355)	Milestone Town Center Boundary	Town Center Boulevard	6	150
Ridge Rd (MD 27)	Milestone Town Center Boundary	Brink Rd	Boulevard	6	150
River Rd (MD 190)	Capital Beltway (I-495)	Ridgefield Rd	Boulevard	4-6	150
River Rd (MD 190)	Ridgefield Rd	Little Falls Pkwy	Town Center Boulevard	4	110
Rockville Pike (MD 355)	Hillery Way	Flanders Ave	Downtown Boulevard	6	150
Rockville Pike (MD 355)	Flanders Ave	Strathmore Ave	Boulevard	6	150
Rockville Pike (MD 355)	Strathmore Ave (MD 547)	600' north of Tuckerman Ln	Boulevard	6	150
Rockville Pike (MD 355)	600' north of Tuckerman Ln	Grosvenor Ln	Boulevard	6	150
Rockville Pike (MD 355)	Grosvenor Ln	Capital Beltway (I-495)	Boulevard	6	200
Rockville Pike (MD 355)	Capital Beltway (I-495)	635' south of the Capital Beltway	Boulevard	6	120
Rockville Pike (MD 355)	635' south of the Capital Beltway	Cedar Ln	Boulevard	6	120
Rockville Pike (MD 355)	Cedar Ln	Woodmont Ave	Boulevard	6	123
Sam Eig Hwy	Great Seneca Hwy (MD 119)	I-270	Controlled Major Highway	6	150
Sandy Spring Rd (MD 198)	Suburban Boundary	Prince George's County Boundary	Boulevard	4	120
Shady Grove Rd	Shady Grove Minor Amendment Western Plan Boundary	I-370 Access Ramps	Town Center Boulevard	6	150
Shady Grove Rd	I-370 Access Ramps	I-370	Boulevard	6	120
Shady Grove Rd	I-370	Mid County Hwy	Boulevard	6	120
Shady Grove Rd	Mid County Hwy	Muncaster Mill Rd	Boulevard	4-6	120-150
Shakespeare Blvd	Observation Dr	Frederick Rd (MD 355)	Town Center Boulevard	4	123

**ZTA 25-02 Workforce Housing - Development Standards
Designated Roadway Segments**

Shawnee Ln	Gateway Center Dr	Observation Dr	Boulevard	4	120
Shawnee Ln	Observation Dr	Frederick Rd	Boulevard	4	120
Snowden Farm Pkwy	Ridge Rd	Stringtown Rd	Boulevard	4	120-140
Stringtown Rd (MD 121)	I-270	Gateway Center Dr	Boulevard	4	120
Stringtown Rd	Gateway Center Dr	Frederick Rd (MD 355)	Town Center Boulevard	4	120-140
Stringtown Rd	Frederick Rd	Overlook Park Dr	Town Center Boulevard	4	120-140
Stringtown Rd	Overlook Park Dr	Snowden Farm Pkwy	Town Center Boulevard	4	120-140
University Blvd (MD 193)	Connecticut Ave	Saint Paul St	Town Center Boulevard	6	120
University Blvd (MD 193)	St. Paul St	Hillsdale Dr / Drumm Ave	Town Center Boulevard	6	120
University Blvd (MD 193)	Hillsdale Dr / Drumm Ave	Amherst Ave	Downtown Boulevard	6	120
University Blvd (MD 193)	Amherst Ave	Downtown Wheaton Boundary	Boulevard	6	150
University Blvd (MD 193)	Downtown Wheaton Boundary	Dayton St	Downtown Boulevard	6	150
University Blvd (MD 193)	Dayton St	Easecrest Dr (Wheaton CBD Plan Boundary)	Boulevard	6	124
University Blvd (MD 193)	Easecrest Dr (Wheaton CBD Sector Plan Boundary)	Sligo Creek Pkwy	Boulevard	6	124
University Blvd (MD 193)	Sligo Creek Pkwy	Dennis Ave	Boulevard	6	124
University Blvd (MD 193)	Dennis Ave	Lorain Ave	Boulevard	6	124
University Blvd (MD 193)	Lorain Ave	Colesville Rd	Town Center Boulevard	6	120
University Blvd (MD 193)	Colesville Rd	Lexington Dr	Town Center Boulevard	6	120
University Blvd (MD 193)	Lexington Dr	Williamsburg Dr	Boulevard	6	120
University Blvd (MD 193)	Williamsburg Dr	Langley Dr	Boulevard	6	124
University Blvd (MD 193)	Langley Dr	Long Branch Town Center Boundary	Boulevard	6	124
University Blvd (MD 193)	Long Branch Town Center Boundary	Piney Branch Rd	Town Center Boulevard	6	124
University Blvd (MD 193)	Gilbert St	Seek Ln	Town Center Boulevard	6	150
University Blvd (MD 193)	Seek Ln	Bayfield St	Town Center Boulevard	6	141
University Blvd (MD 193)	Bayfield St	Carroll Ave	Town Center Boulevard	6	142
University Blvd (MD 193)	Carroll Ave	Prince George's County Line	Town Center Boulevard	6	120
Veirs Mill Rd (MD 586)	Robindale Dr	Turkey Branch	Boulevard	4-6	140-175
Veirs Mill Rd (MD 586)	Turkey Branch Pkwy	Havard St	Boulevard	4-6	160
Veirs Mill Rd (MD 586)	Havard St	Bushey Dr	Town Center Boulevard	4-6	160
Veirs Mill Rd (MD 586)	Bushey Dr	Ferrara Ave	Boulevard	4-6	160

**ZTA 25-02 Workforce Housing - Development Standards
Designated Roadway Segments**

Veirs Mill Rd (MD 586)	Ferrara Ave	Connecticut Ave (MD 185)	Boulevard	5	140
Veirs Mill Rd (MD 586)	Connecticut Ave (MD 185)	Gail St	Boulevard	5	110
Veirs Mill Rd (MD 586)	Gail St	Pendelton Dr	Boulevard	5	150
Veirs Mill Rd (MD 586)	Newport Mill Rd	College View Dr	Boulevard	4	133
Veirs Mill Rd (MD 586)	College View Dr	Galt Ave	Downtown Boulevard	4	120
Wisconsin Ave (MD 355)	Woodmont Ave	Bethesda Downtown Plan Boundary (approx 114' N of Chestnut St)	Boulevard	6	120
Wisconsin Ave (MD 355)	Bradley Blvd (MD 191)	Nottingham Drive	Boulevard	6	122
Wisconsin Ave (MD 355)	Nottingham Drive	Oliver St	Boulevard	6	120
Wisconsin Ave (MD 355)	Oliver St	Western Ave	Downtown Boulevard	6	122
Woodfield Rd (MD 124)	Hadley Farms/Fieldcrest Rd	Pompano Ter	Boulevard	5	120
Woodfield Rd (MD 124)	Pompano Ter	Suburban Boundary	Boulevard	6	120
Woodfield Rd (MD 124)	Airpark Rd	Suburban Boundary	Boulevard	4	120
Woodfield Rd (MD 124)	Suburban Boundary	Snouffer School Rd	Boulevard	4	120
Woodfield Rd (MD 124)	Snouffer School Rd	Emory Grove Rd	Boulevard	3	120



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

January 28, 2025

Colleagues:

For your consideration, we are enclosing the details of an ambitious workforce housing package which takes five steps to increase the supply of housing, drive down costs, and increase pathways to homeownership for the hard-working residents of Montgomery County.

With the high cost of housing squeezing families and holding back our economy, the **More Housing N.O.W. (*New Options for Workers*)** package helps build more homes that are affordable to teachers, firefighters, police officers, biotech and healthcare workers, and everyone in, or striving to be in, the middle class.

Homes are too expensive in Montgomery County. We all know it. Consider the following figures:

- Not only are we starting from a high level, but it's getting increasingly expensive. Housing price increases have outpaced inflation and income growth since the mid-1990s.
- Between 2023 and 2024, the average sold price across all unit types increased by 6.5%, while wages have only increased by 1.5%
- In 2024, the average sale price for a single family detached home was \$1.02 million. To afford this house, a couple would need a combined income of approximately \$340,000, far exceeding Montgomery County's area median income for a couple at \$123,800. Townhomes, which are on average smaller than detached units, sold for an average of \$583,000. A couple would need a combined income of \$197,000 to afford this house.

Working families and young professionals are feeling the squeeze. According to the [Comptroller of Maryland's 2024 State of the Economy Report](#), housing affordability and availability is hurting efforts to attract new residents who could fill job vacancies, noting “prospective businesses turning down potential location plans to Maryland due to insufficient workforce housing.” Similarly, a recent supply/demand analysis by the Montgomery Planning Department, we are facing a deficit of over 12,000 rental units that are affordable to incomes at 70-120% of area median income (AMI). This forces these workers to swallow exorbitant housing costs *or* compete with residents at lower income bands for less expensive options. Both are bad outcomes.

The status quo is unsustainable and makes our County less attractive to families, workers, entrepreneurs, and businesses.

To address this crisis, we must act boldly. Now.

The More Housing N.O.W. package takes five bold steps to increase housing supply, reduce costs, and expand pathways to homeownership for hardworking Montgomery County residents:

Building More Workforce Housing

1. **Workforce Housing ZTA:** Allow more residential building types along corridors with a workforce housing requirement
 - a. Allow more residential building types through optional method development along corridors with a 15% workforce housing requirement in the R-200, R-90, R-60, and R-40 zones.
 - b. Corridors included are Boulevards, Downtown Boulevards, Downtown Streets, Controlled Major Highways, and Town Center Boulevards that have a master planned width greater than 100 feet and 3+ existing travel lanes
 - c. Density capped at 1.25 FAR
 - d. Maximum height is 40 feet
 - e. Require 15% of units satisfy the definition of workforce housing, with a minimum of 1 workforce housing unit for structures that have 3 or more units
 - f. Maintain existing workforce housing definition of 120% AMI, which is currently approximately \$148,000 for 2 persons or \$185,000 for a family of four
2. **Workforce Housing Opportunity Fund:** New countywide fund to incentivize the construction of workforce units
 - a. \$4 million in initial funding

- b. Eligible projects must provide at least 30% workforce units
- c. Workforce units must be affordable to 80% AMI (area median income), on average

Converting Highly Vacant Office to Housing

- 3. **Office to Housing ZTA:** Create an expedited approval process for projects that convert high-vacancy commercial properties to residential use
 - a. Applies to the Commercial-Residential, NR, and EOF zones
 - b. Retail or office building that is at least 50% vacant
 - c. Remove residential restriction on FAR, so that total commercial-residential FAR can be used for residential
 - d. In red policy areas, must be for the apartment-building type; may include townhomes outside of the red policy area
 - e. Must pull a building permit within 2 years of approval
- 4. **Office to Housing PILOT Bill:** Establish a payment in lieu of taxes (PILOT) for conversion of high-vacancy commercial properties to residential use
 - a. Retail or office building that is at least 50% vacant
 - b. 100% tax abatement for 25 years for qualifying projects
 - c. Minimum 15% MPDU requirement

Pathways to Homeownership

- 5. **Budget:** Double the County's investment in the Homeowner Assistance Program from \$4 million to \$8 million in the FY26 Housing Initiative Fund (HIF)
 - a. Funds may be used in partnership with the State's Maryland Mortgage Program (which allows the household to receive both down payment assistance and lower rate mortgage) and through the Housing Opportunities Commission's Montgomery County Homeownership Assistance Fund (McHAF).
 - b. Up to \$25,000 may be granted to a first-time buyer thus providing support for up to 160 qualified applicants. Up to \$1.0 million is reserved for County and MCPS employees under the Montgomery Employee Down Payment Assistance Loan (MEDPAL)

Many thanks to Council President Kate Stewart, Councilmembers Dawn Luedtke, Marilyn Balcombe, and Laurie-Anne Sayles who have already signed on as co-sponsors as well as the many community advocates and housing experts for their strong support of this package which we will be unveiling today at noon. We would welcome additional

cosponsors prior to introduction of the legislative aspects of the package, scheduled for February 4.

We have appended the zoning text amendments, legislation, and some supporting materials to assist your review of the proposal. We appreciate your thoughtful consideration of this package and hope to earn your support for it in the coming weeks and months.

Our housing crisis is a serious and urgent matter. There is no time to wait.

Sincerely,



Andrew Friedson
Councilmember, District 1



Natali Fani-González
Councilmember, District 6

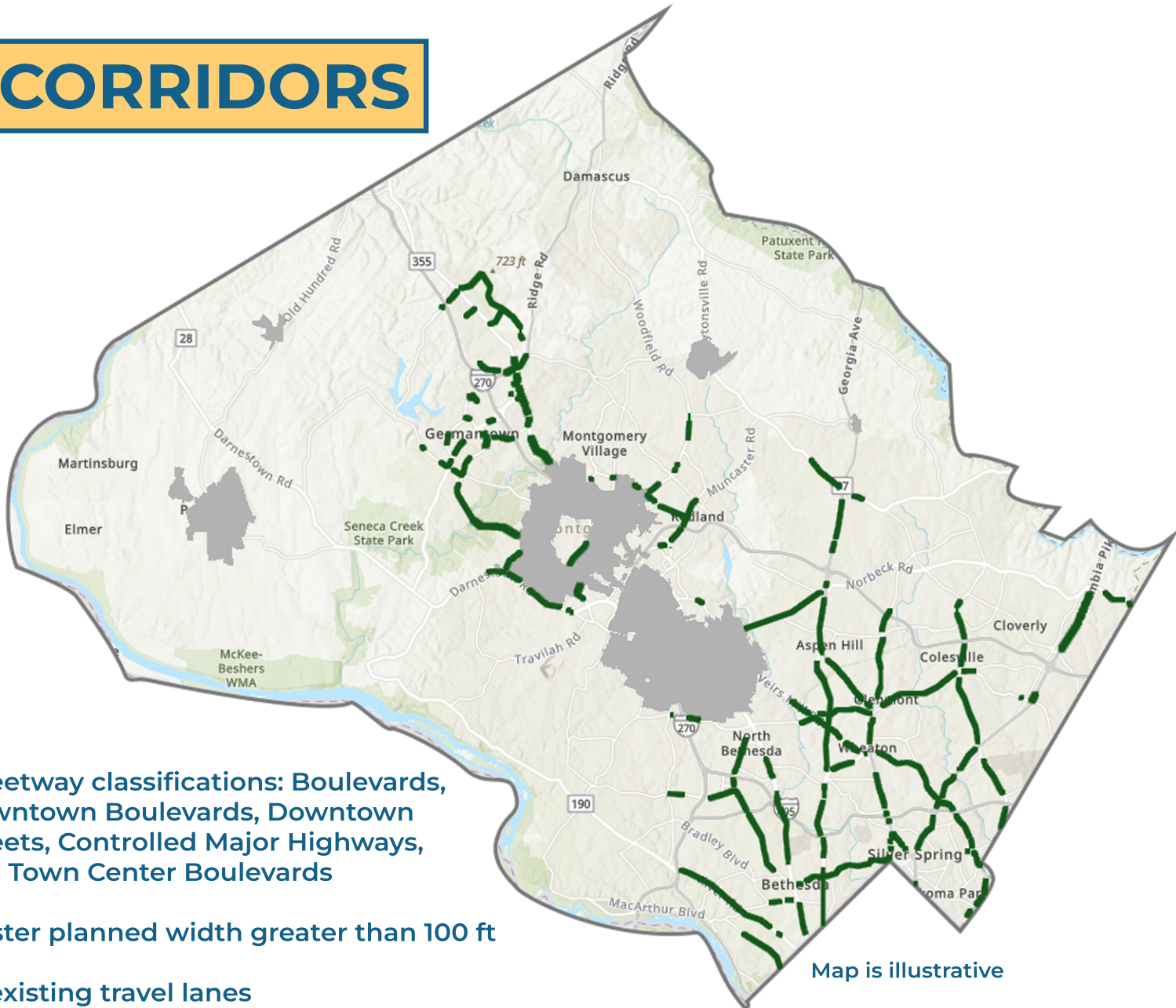
Attachments:

1. Workforce Housing ZTA Corridors Map
2. Workforce Housing ZTA
3. Office to Housing ZTA
4. Office to Housing Pilot Bill

More Housing N.O.W.

New Options for Workers

CORRIDORS



Racial Equity and Social Justice Impact Statement for Zoning Text Amendment

Office of Legislative Oversight

ZTA 25-02: WORKFORCE HOUSING - DEVELOPMENT STANDARDS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Zoning Text Amendment (ZTA) 25-02 could have a small positive impact on racial equity and social justice (RESJ) in the County. Black and Latinx households could disproportionately benefit from the replacement of market rate units with workforce housing units in new developments. The actual RESJ impact of this ZTA will depend on measures that are taken to prevent the potential displacement of Black, Indigenous, and Latinx households in communities where developments utilizing this ZTA are located. Two policy options for increasing the favorable RESJ impact of this ZTA are offered for Council consideration.

PURPOSE OF RESJ STATEMENTS

RESJ impact statements (RESJIS) for zoning text amendments (ZTAs) evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other people of color (BIPOC) and communities with low incomes with a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF ZTA 25-02

The purpose of ZTA 25-02 is to allow higher building densities among residential detached zones up to a half-acre in size along certain corridors if they set aside 15 percent of their dwelling units for workforce housing.³ Workforce housing refers to housing aimed at households that earn too much to qualify for traditional affordable housing subsidies but not enough to afford a home.⁴ Households with incomes between 70 and 120 percent of area median income (AMI) are eligible for workforce housing in Montgomery County.⁵

If enacted, ZTA 25-02 will allow duplexes, triplexes, townhouses, and apartment buildings in eligible residential detached zones that are located along the following road types: Boulevard, Downtown Boulevard, Downtown Street, Town Center Boulevard, or Controlled Major Highway (Appendix A). ZTA 25-02 will also create optional method workforce housing development standards and amends the development standards and general development requirements for certain residential zones.⁶ Further, ZTA 25-02 introduces housing standards for triplexes as a housing type in the Zoning Ordinance. Currently, there are no standards for this housing type in the Ordinance.

The Council introduced ZTA 25-02, Workforce Housing – Development Standards, on February 4, 2025.

This RESJ impact statement (RESJIS) builds on three OLO RESJIS's completed for:

- ZTA 22-07, Residential Multi-Unit Low Density, R-30 Optional Method Development;⁷
- ZTA 23-02, Regulatory Approvals - Mixed-Income Housing Community;⁸ and
- ZTA 24-01, Household Living–Civic and Institutional Uses.⁹

RESJ Impact Statement

Zoning Text Amendment 25-02

For background on residential segregation and racial inequities in housing security, affordability, and development in Montgomery County, please refer to these RESJISs.

BACKGROUND

To understand the anticipated RESJ Impact of ZTA 25-02, it is helpful to understand racial and ethnic disparities in median income and the potential risk of displacement due to locating developments with workforce housing near existing affordable housing.

- **Median Income.** White and Asian households' higher median incomes observed in Table 1 (Appendix A) suggest they would benefit the most from the expansion of workforce housing units incentivized by ZTA 25-02. As noted, households earning up to 120 percent of AMI are eligible for workforce housing. This equates to \$154,480, although the actual threshold for workforce housing varies by household size.¹⁰ This income threshold of 120 percent AMI for workforce housing is:
 - Slightly less than the median income of White households \$159,895;
 - Slightly more than the median income of Asian households at \$144,493;
 - 31 percent more than the median income of Native American and Alaska Native households at \$105,952;
 - 39 percent more than the median income of Latinx households at \$94,619; and
 - 41 percent more than the median income of Black households at \$89,362.

As such, a smaller share of Black, Latinx, and Indigenous households will be eligible for workforce housing based on a 120 percent AMI threshold as compared to Asian and White households.

- **Affordable Housing.** Several of the corridors targeted for development inclusive of workforce housing are located near affordable housing. As noted in the Montgomery County Preservation Study, the County risks losing affordable housing units, particularly near public transit hubs.¹¹ The study notes that 2,085 deed-restricted units set to expire in the 2020's and 2030's are located within one mile of existing and planned transit stations.¹² Many of these units are clustered around the Silver Spring, Bethesda, and Wheaton Metrorail stations. They also estimate that the County could lose another 7,500 – 11,000 naturally occurring affordable housing units and approximately 2,300 of these units are at risk of becoming unaffordable for households earning up to 80 percent of AMI.

A review of American Community Survey data on homeownership and housing burden shows a greater need for affordable housing among Black and Latinx households in Montgomery County. More specifically, in 2023:

- 74 percent of White and 75 percent of Asian households resided in owner-occupied units compared to 49 percent of Latinx households and 44 percent of Black households.
- 28 to 39 percent of Black, Asian, and Latinx mortgage holders in the County were housing cost-burdened (expending more than 30 percent of income on housing) compared to 22 percent of White peers.
- 56 percent of Black and 51 percent Latinx households resided in rentals compared to 25 percent of Asian households and 26 percent of White households.
- 58 percent of Black and 60 percent of Latinx renters were housing cost-burdened compared to 50 percent of White renters and 41 percent of Asian renters.

RESJ Impact Statement

Zoning Text Amendment 25-02

If development incentivized by ZTA 25-02 exacerbates the existing affordable housing shortage or triggers gentrification, current residents could be displaced, particularly BIPOC households. As observed in the OLO Racial Equity and Social Justice Policy Handbook for Land Use, Housing, and Economic Development: “If re-development makes affordable communities attractive to higher-wealth households - which given the racial wealth gap will disproportionately be White and Asian, then residents in BIPOC neighborhoods, especially renters, could be displaced as housing costs rise from an influx of wealthier households moving into redeveloping communities.”¹³

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 25-02 on RESJ, OLO considers two related questions:

- Who would primarily benefit or be burdened by this ZTA?
- What racial and social inequities could the passage of this ZTA weaken or strengthen?

In response to these questions, OLO considered who would benefit from converting market-rate units in new developments to workforce housing units. Although available data suggests that more White and Asian households would be eligible for workforce housing than Black and Latinx households based on median incomes, more Black and Latinx households would be eligible for workforce housing than market rate housing. This marginal benefit of increased eligibility among Black and Latinx householders for housing built because of ZTA 25-02 could advance RESJ in the County.

OLO also considered the potential negative impact of ZTA 25-02 on the supply of affordable housing in the County and its impact on residents, particularly, Black and Latinx households in the County. If development incentivized by ZTA 25-02 exacerbates the existing affordable housing shortage or triggers gentrification, current residents could be displaced, particularly BIPOC households. This could worsen housing disparities by race, ethnicity, and income.

Taken together, OLO anticipates that ZTA 25-02 could have a small positive impact on racial equity and social justice (RESJ) in the County as Black and Latinx households could disproportionately benefit from the replacement of market rate units with workforce housing units in new developments. The actual RESJ impact of this ZTA, however, will depend on measures that are taken to prevent the potential displacement of Black, Indigenous, and Latinx households in communities where developments utilizing this ZTA are located.

RECOMMENDED AMENDMENTS

Bill 44-20 amending the County’s Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to zoning text amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹⁴ Since OLO anticipates ZTA 25-02 could have a positive impact on RESJ, this statement does not offer recommended amendments. However, to enhance the RESJ impact of ZTA 25-02, OLO offers two policy options for the Council’s consideration.

- **Use a lower AMI for workforce housing eligibility for ZTA 25-02.** Based on disparities in median income, fewer Black, Latinx, and Indigenous households are eligible for workforce housing based on 120 percent of AMI than White and Asian households. To help reduce racial and ethnic disparities in homeownership and housing burden, ZTA 25-02 could be amended to reduce the AMI eligible for workforce housing from 120 to 90 percent AMI for the 15 percent set aside for workforce housing, or some portion of it (e.g., half or 7.5 percent). Reducing the AMI threshold could also help offset the potential for displacement in BIPOC communities by bringing the price of new workforce housing units closer to the price of current units along impacted corridors.

RESJ Impact Statement

Zoning Text Amendment 25-02

- **Increase workforce housing set-aside for new developments for ZTA 25-02.** Another option for enhancing the RESJ impact of this ZTA is to increase the share of new units set-aside for workforce housing from 15 percent to 20 percent or a higher threshold. Like the lower AMI option, this policy option could help mitigate the potential loss of affordable housing associated with new developments by creating workforce housing units that are closer to the price of current housing units than new market rate units.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.

RESJ Impact Statement

Zoning Text Amendment 25-02

Appendix A

**Table 1 Median Income in 2023 Inflation-Adjusted Dollars, 2023: ACS 5-Year Estimates
Montgomery County**

Household Income by Race and Hispanic or Latino Origin of Householder Montgomery County, Maryland			
	Households Estimate	Percent Distribution Estimate	Median Income Estimate
Households	387,881	387,881	\$128,733
White	197,299	50.9%	\$159,895
Black or African American	72,470	18.7%	\$89,362
American Indian and Alaska Native	1,704	0.4%	\$105,952
Asian	55,770	14.4%	\$144,493
Native Hawaiian and Other Pacific Islander	229	0.1%	\$142,589
Some other race	30,667	7.9%	\$83,317
Two or more races	29,742	7.7%	\$118,278
Hispanic or Latino origin (of any race)	59,110	15.2%	\$94,619

Source: United States Census (2023: ACS 5--year Estimates Subject Tables): S1903: Median Income in the Past 12 Months (in 2023 Inflation-Adjusted Dollars), modified by OLO for ZTA-25-02 analysis. The number of household figures have various levels of margin of error, ranging between ± 96 and $\pm 1,927$. The percent distribution also has margin of error ranging between ± 0.1 and ± 0.5

RESJ Impact Statement

Zoning Text Amendment 25-02

Appendix B

Corridors Identified for implementation of ZTA -25-02



Source: Attachment to Staff Report, Montgomery County Council introduction, ZTA 25-02, February 4, 2025

RESJ Impact Statement

Zoning Text Amendment 25-02

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.racialequitytools.org/glossary>

² Ibid.

³ In Montgomery County, Workforce Housing is housing program under Chapter 25B, Article V of the Montgomery County Code. The program provides affordable housing available for rent and purchase to households who live and work in the County with incomes (Between 70-120% of the Area Median Income (AMI)) too high to participate in the County's Moderately Priced Dwelling Units (MPDU) program.

⁴ Ford, Tiffany N. and Jenny Schuetz. Workforce housing and middle-income housing subsidies: A primer. Brookings. October 29, 2019.

<https://www.brookings.edu/articles/workforce-housing-and-middle-income-housing-subsidies-a-primer/>

⁵ Montgomery County Department of Housing and Community Affairs (DHCA). Workforce Housing Program. April 5, 2024.

<https://www.montgomerycountymd.gov/DHCA/housing/singlefamily/workforce/index.html>

⁶ Article 59-4, development Standards for Euclidean Zones specifies: Applicants can choose to develop using the standard method or, in certain zones and circumstances, choose the optional method. The optional method may allow greater density and flexibility but requires more discretionary review. The optional methods of development include requirements for the zones in which the method is allowed. An optional method of development is allowed in the following zones: RC, RNC, RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, R-10, CRT, CR, LSC, and EOF.

https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md_zone2014/0-0-0-2471

⁷ OLO RESJ Impact Statement for ZTA 22-07. Office of Legislative Oversight, August 15, 2022.

<https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/ZTA/2022/ZTA22-07.pdf>

⁸ OLO RESJ Impact Statement for ZTA 23-02. Regulatory Approvals - Mixed-Use Housing Community. Office of Legislative Oversight, August 15, 2022. <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/ZTA/2023/ZTA23-02.pdf>

⁹ OLO RESJ Impact Statement Zoning Text Amendment 24-01: Household Living–Civic and Institutional Uses. Office of Legislative Oversight. February 23, 2025.

<https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/ZTA/2024/ZTA24-01.pdf>

¹⁰ Montgomery County Department of Housing and Community Affairs (DHCA). Workforce Housing Program. April 5, 2024

<https://www.montgomerycountymd.gov/DHCA/housing/singlefamily/workforce/index.html>

¹¹ OLO RESJ Impact Statement Zoning Text Amendment 24-01

¹² Ibid

¹³ OLO Report Number 2024-11. Racial Equity and Social Justice Policy Handbook: Land Use, Housing, and Economic Development. Page 27. June 18, 2024.

https://www.montgomerycountymd.gov/OLO/Resources/Files/2024_reports/OLORReport%202024-11.pdf

¹⁴ Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.

https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682_1_12149_Bill_44-20_Signed_20201211.pdf

March 4, 2025

To: The Honorable Kate Stewart
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Climate Assessment – Zoning Text Amendment 25-02

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on February 27, 2025, and by a vote of 5:0 agreed to transmit the Climate Assessment prepared by Planning Staff for ZTA 25-02. This Climate Assessment evaluates the impact ZTA 25-02 may have on greenhouse gas emissions and carbon sequestration, adaptive capacity, and community resilience and identifies potential amendments to the ZTA and other policy changes that could offset the negative climate impacts of ZTA 25-02. In addition, it identifies relationships between the ZTA and actions in the Climate Action Plan.

The Planning Board's assessment of climate impacts is separate from the in-depth planning analysis of ZTA 25-02, which will follow. The Board may, based on its review of ZTA 25-02 in greater detail on March 6, offer additional recommendations pertaining to the Climate Assessment through its transmittal of comments on the ZTA.

The Climate Assessment for ZTA 25-02 anticipates minor to moderate negative and positive impacts on greenhouse gas emissions and sequestration efforts based on identified factors and minor to significant negative and positive impacts on community resilience and adaptive capacity. The scale and direction of change is difficult to assess because it is largely contingent on the number, type, size, density, and location of any optional method workforce housing developments. Factors such as vehicle miles traveled, transit use, embodied building emissions, and building energy factors all may impact greenhouse gas emissions. Projects closer to existing high-quality transit or commercial activity would likely lead to the most positive outcomes. Embodied emissions and energy factors are more closely tied to the type of construction, with renovations leading to better embodied emissions outcomes but worse energy outcomes, and the inverse for new construction. Given the eligible location of applicable properties, increase exposure to noise, heat, and a loss of tree canopy cover are likely negative factors. Impacts from urban flooding are also a consideration depending on surrounding conditions. Potential access to transit and community amenities along corridors are positive factors.

The Climate Assessment identifies potential amendments and other actions the Council could consider to reduce negative impacts from the ZTA. These include:

- Reducing on-site parking requirements for optional method workforce housing developments to minimize impervious cover and increase opportunities for green areas
- Using available flood hazard information to evaluate techniques for mitigating the impacts on new development
- Requiring control of site-to-site runoff for new development types similar to the requirements for detached houses
- Creating new standards for stormwater management waivers
- Reducing tree spacing and site sizing requirements for planting trees

The Planning Board appreciates its role in providing the Climate Assessment for ZTA 25-02. The Board hopes the Council will consider the assessment, in conjunction with any forthcoming recommendations on the ZTA as it deliberates. As always, Planning Staff are available to answer any questions or provide further guidance as the ZTA is considered by the Council.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, February 27, 2025.



Artie L. Harris

Chair

Attachments:

A – Planning Board Staff Report

B – Climate Assessment for ZTA 25-02



March 10, 2025

To: The Honorable Kate Stewart
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Zoning Text Amendment 25-02, Workforce Housing – Development Standards
Zoning Text Amendment 25-03, Expedited Approvals – Commercial to Residential Reconstruction
Subdivision Regulation Amendment 25-01, Administrative Subdivision – Expedited Approval Plan
Bill 2-25, Payment In Lieu of Taxes – Affordable Housing

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on March 6, 2025, and by a vote of 5:0 supported Zoning Text Amendment (ZTA) 25-02 with amendments, and by a vote of 4:0 (Commissioner Bartley absent) supported ZTA 25-03 with amendments, Subdivision Regulation Amendment (SRA) 25-01 with amendments, and Bill 2-25 with amendments. This package of legislation, also known as More Housing N.O.W. (New Options for Workers), aims to create more housing supply for the county's middle class by allowing new housing types, expanding the Workforce Housing program, and facilitating the redevelopment of underutilized commercial land.

The Planning Board is very appreciative of the county's efforts in tackling our housing crisis through various means, and the More Housing N.O.W. package is another set of tools to address this crisis. The Board supports the policy directions set forth in the legislation and has included a more detailed list of specific recommendations to strengthen the initiatives (Attachment C).

ZTA 25-02 provides select corridor fronting locations the opportunity for targeted infill development of single-family neighborhood compatible developments of duplexes, triplexes, townhouses and small apartments that include new Workforce Housing Units. This ZTA sets a framework of expected development standards and review procedures through a new optional method of development. Many of the projects anticipated through ZTA 25-02 are small and may not be financially or physically feasible without thoughtful relief of requirements including stormwater management, parking, Workforce Housing, and site plan review. We recommend expanding the ZTA to give special consideration to exempting small optional method projects from site plan or establish an administrative-type site plan process that both expedites and reduces the submittal and review requirements.

The intent of ZTA 25-03, to renovate or redevelop existing commercial spaces for residential uses, is also well supported by the Planning Board. This ZTA creates a new use for Commercial to Residential Reconstruction and expedites the review and permitting process for qualifying applications. This ZTA also modifies the Employment Zones to encourage more housing options in our largely single-use commercial areas. The Planning Board's recommended technical adjustments are included in Attachment C.


SRA 25-01 creates a new Administrative Subdivision for Commercial to Residential Reconstruction. The Planning Board's main recommendation to the SRA is to consolidate some of the existing Administrative Subdivisions into a single expedited approval Administrative Subdivision, similar to the Expedited Approval Plan effort in ZTA 25-03.

Bill 2-25 expands the county's Payment In Lieu of Taxes (PILOT) program to qualifying residential reconstructions that provide at least 15% of units affordable to households below 60% AMI. The Planning Board recommends the council should allow the PILOT for both rental and for sale projects, since many current office to residential conversions in the county were for condominium projects.

The Planning Board is appreciative of its opportunity to review and provide comments on the More Housing N.O.W. package and looks forward to helping implement some of these new development options in the future. As always, Planning Staff are available to answer any questions or assist as these items work through the deliberative process.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, March 6, 2025.



Artie L. Harris

Chair

Attachments:

A – Planning Board Staff Report

B – Staff Report Attachments

C – Planning Board recommended modifications

ZTA 25-02 Workforce Housing - Development Standards

- Modify Section 1.4.2 (Line 13) – definition of Triplex - to include reference Section 4.1.5.C. building types in the C/R and Employment zones.

Triplex: See Section 4.1.3.C. and Section 4.1.5.C

- As there is no household living use that would occupy a Triplex Building type, either:
 - Modify Section 59-3.3.1. to create a new use for Three-Unit Living:

3.3.1.D. Three-Unit Living means 3 dwellings contained in a Triplex building type.

and including appropriate use standards and amend the Use Table in Section 3.1.6. to add Three-Unit Living with permitted and limited uses mimicking those of Townhouse Living,

or

- Modify Section 59-3.3.1.E the definition of Multi-Unit Living to include Triplex buildings,

3.3.1.E. Multi-Unit Living means dwelling units in a [[n]] triplex, apartment or multi use building type.

and amend the limited use standards for multi-unit living in Section 3.3.1.E.2.a. to allow multi-unit living in a Triplex building type in all the zones/methods of development that allow Townhouse Living, and update the use table to ensure Multi-Unit Living is shown as a limited use in all the zones that currently permit Townhouse Living as a limited or permitted use.

- Modify Section 4.1.3 (Line 53) to remove reference to “Commercial/Residential, and Employment”.

[D]E. Apartment Building

An apartment building is a building containing [3] 4 or more dwelling units vertically and horizontally arranged. In the R-30, R-20, or R-10, [[Commercial/Residential, and Employment]] zones, an [An] apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a [multi use] multi-use building.

- Modify Section 4.1.4 table (Line 61) to add a separate column for the Triplex building type rather than combining it with the Townhouse building type.

- Modify the ZTA to add Section 4.1.5 Building Types in the Commercial/Residential, Employment, and Industrial Zones to add a Triplex building based on the definition in 4.1.3.C.

C. Triplex: A Triplex is a building type containing 3 dwelling units where each dwelling unit is separated vertically or horizontally by a party wall. A triplex may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.

[[C]]D. Townhouse: A townhouse is a building containing [[3]] 4 or more dwellings...

[[D]]E. Apartment Building: An apartment building is a building containing [[3]] 4 or more dwelling units...

Planning Board Recommendations for More Housing N.O.W.

- Modify the ZTA to add Section 4.1.6 Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones to add Triplex as allowed in the C/R and Employment zones.
- Consider an exemption of very small (single lot) applications for OMWH or consider a follow-up ZTA to establish an administrative site plan approval process for smaller developments that expedite the review process and reduce the submittal requirements to only that necessary.
- Relocate the FAR density standard on line 108 to each OMWH development standard table in the R-200, R-90, R-60, and R-40 zones.
- Revisit the density for OMWH setting the allowed FAR based on the underlying zone's other limitations on lot coverage, setbacks, and height.
- Modify 4.4.2.C.4 (Lines 111-113) in the Development Standards for all OMWH, clarify that an applicant must provide at least 15% workforce housing units.
 - a. An applicant must provide at least 15% workforce housing units that satisfy Chapter 25B[, with a minimum of one workforce housing unit for construction of] for any development constructing 3 or more units.
- Modify 4.4.2.C.4.b (Lines 114) and 4.4.2.C.4.c (Lines 115-116) to remove maximum building heights and minimum lot size standards, which are already located in the development standards tables for each zone.
- Modify 4.4.2.C.5 (Line 122) to clarify the front lot line for all lots or parcels included in an application's tract must abut the specified roadway.
 - a. The front lot line of all lots or parcels included in an application's tract must abut...
- Modify 4.4.2.C.5 (Line 122-124) to remove Controlled Major Highway from the list of applicable roadway types and reword the remaining street types to combine all three Boulevard types to say 'any Boulevard'
 - a. ...must abut a [Boulevard, Downtown Boulevard,] Downtown Street[,Town Center Boulevard, or Controlled Major Highway] or any Boulevard street type, as defined by Chapter 49.
- Update the ZTA to include the parking table Section 6.2.4.B. to include Three-Unit Living, and set the parking minimum at 2 spaces per dwelling consistent with duplex and townhouse.
- Set a Parking Development Standard for OMWH at 1 space per dwelling (preferred), or base parking on the number of bedrooms similar to Multi-Unit living (after line 120).
- In all OMWH development standards tables:
 - expand the applicability of site coverage to all building types (and remove lot coverage for duplex and triplex).
 - Reduce the minimum lot size for Townhouse in the OMWH to 1,200 square feet.
 - Modify lot area (per unit) to either reflect (per unit average) or delete entirely and utilize a site area per unit standard under section 1.

Planning Board Recommendations for More Housing N.O.W.

ZTA 25-03 Expedited Approvals – Commercial to Residential Reconstruction

- Modify 3.3.2.B.2 (Lines 43-46 and 52-55) to clarify the “approval of an Expedited approval Plan for” a Commercial to Residential Reconstruction.
 - a. A sketch plan and site plan are not required for a Commercial to Residential Reconstruction if the Planning Board approves an [\[\[Commercial to Residential Reconstruction\]\]](#) expedited approval plan under Section 7.3.5.
 - c. After an [\[\[Commercial to Residential Reconstruction\]\] expedited approval](#) plan is approved, subsequent additions or expansions of the Commercial to Residential Reconstruction, in any size or amount, will be processed under Section 7.3.5 as amendments.
- Modify 3.3.2.B.3. (Lines 65-68) to require the use to satisfy Townhouse Building and Apartment Building rather than Townhouse Living and Multi-Unit Living.
 - c. If not in a red policy area, Commercial to Residential Construction must be in a [\[\[building type that satisfies\]\]](#) Townhouse building [\[\[Living\]\]](#) under Section [\[\[3.3.1.D.\]\] 4.1.3.C](#) or [\[\[Multi-Unit Living\]\] Apartment Building](#) under Section [\[\[3.3.1.E.\]\] 4.1.3.D](#).
- Revisit the intent statements for the Employment Zones under Section 4.6.1. to encourage more housing to create mixed-use rather than employment-focused districts.
- Modify 4.6.2.A (Line 245) to add GR to the list of eligible zones for converting commercial FAR to residential FAR.
 - 5. In the NR, [GR](#), and EOF zones, ...
- Modify the ZTA to remove the Specification for Density sections in tables 4.6.3.C and 4.6.3.E.

SRA 25-01 Administrative Subdivisions – Expedited Approval Plan

- Reorganize Section 50.6.1 to either:
 - Consolidate sections E. Biohealth Priority Campus, F. Biohealth Priority Campus, and G. Mixed-Income Housing Community into a single Administrative Plan type that is available to any of the above uses, plus the Commercial to Residential Reconstruct:
 - E. Subdivision application for property to be used as Signature Business Headquarters under Section 3.5.8.D, [a Biohealth Priority Campus under Section 3.5.8.E](#), [a Mixed-Income Housing Community under Section 3.3.4](#), or [a Commercial to Residential Reconstruction under section 3.3.2](#), of the Zoning Ordinance. A lot or lots created for [\[\[a Signature Business Headquarters\]\]](#) any applicable use above may be approved if:
 - or**
 - Update the applicable plan type section references in E., F., and G. to all reference the Board approving an Expedited Approval Plan under Section 59-7.3.5.

Planning Board Recommendations for More Housing N.O.W.

Bill 2-25 Payment In Lieu of Taxes – Affordable Housing

- Expand the PILOT to also allow the option for for-sale units. Current language only references control of rent.

**MORE HOUSING N.O.W.
(NEW OPTIONS FOR WORKERS PACKAGE)**



Description

The More Housing N.O.W. (New Options for Workers) is a package of two zoning text amendments, a subdivision regulation amendment, a bill, and an investment in a Workforce Housing Opportunity Fund that together aim to create more housing opportunities for the middle class. The goals include building more workforce housing, converting vacant commercial spaces into housing opportunities, and establishing new pathways to homeownership.



ZTA 25-02
 ZTA 25-03
 SRA 25-01
 Bill 2-25

Completed: 02--27

MCPB
 Item No. 5
 03-06-2025

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Summary

ZTA SPONSORS

Lead Sponsors:

Councilmembers Friedson and Fani-Gonzalez

Cosponsors:

Council President Stewart, and Councilmembers Luedtke, Balcombe, and Sayles

INTRODUCTION DATE

February 4, 2025

COUNCIL PUBLIC HEARING DATE

March 11, 2025

REVIEW BASIS

Chapters 50 & 59

- ZTA 25-02 Workforce Housing – Development Standards would allow additional types of residential dwelling units along select transportation corridors through a new Optional Method Workforce Housing development in the R-200, R-90, R-60 and R-40 zones.
- ZTA 25-03 Expedited Approvals – Commercial to Residential Reconstruction creates a new Commercial to Residential Reconstruct use and establishes a new expedited review process.
- SRA 25-01 Administrative Subdivisions – Expedited Approval Plan creates a new administrative subdivision for the new use Commercial to Residential Reconstruct.
- Bill 2-25 Payment in Lieu of Taxes – Affordable Housing would establish a new Payment in Lieu of Taxes (PILOT) opportunity for development applications that provide a substantial investment in affordable housing.

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SECTION 1 – BACKGROUND

More Housing N.O.W.

The More Housing N.O.W. (New Options for Workers) is a package of two zoning text amendments, a subdivision regulation amendment, a bill, and an increase in funding through an opportunity fund and an assistance program that are aimed at creating more housing for the middle class. The package is designed to increase new housing supply, reduce housing costs, and expand pathways to homeownership.

[ZTA 25-02 Workforce Housing – Development Standards](#)

ZTA 25-02 (Attachment A) is intended to accelerate the construction of Workforce Housing through the creation of a new Optional Method Workforce Housing (OMWH) development. The OMWH would be available to parcels that meet the following conditions:

- residential detached properties in the R-200, R-90, R-60 or R-40 zone.
- fronting a street classified as a Boulevard, Downtown Boulevard, Downtown Street, Town Center Boulevard, or Controlled Major Highway, with at least 3 total travel lanes and a master-planned right-of-way greater than 100 feet.
- site plan approval

The OMWH would allow additional building types in the residential detached zones including a new triplex building type, and the addition of apartment buildings that can meet the development standards. OMWH developments would need to provide 15% of units as Workforce Housing. The ZTA also updates the development standards tables of all the existing zones and methods of development within the zoning code that allow townhouses to also allow triplex buildings.

This map generally identifies the parcels that are the subject of ZTA 25-02 as introduced on February 4, 2025: mcatlas.org/housingnow

[ZTA 25-03 Expedited Approvals – Commercial to Residential Reconstruction](#)

ZTA 25-03 (Attachment B) directly addresses some of the challenges with converting underutilized commercial spaces into residential uses. Elements of the ZTA include:

- a new “Commercial to Residential Reconstruction” use, which is any site with an existing multi-story commercial use that is at least 50% vacant and is proposed to be redeveloped as a residential use.
- removing any limitations on residential development in the NR and EOF zones and allowing commercial FAR to be converted into residential FAR

- streamlining the existing regulatory plans under Section 7.4. into a single new “Expedited Approval Plan”

[SRA 25-01 Administrative Subdivisions – Expedited Approval Plan](#)

SRA 25-01 (Attachment C) is a companion to ZTA 25-03 and would establish a new expedited Commercial to Residential Reconstruct administrative subdivision plan.

[Bill 2 -25 Taxation – Payments in Lieu of Taxes – Affordable Housing - Amendments](#)

Bill 2-25 would establish a Payment in Lieu of Taxes (PILOT) for certain conversions of high vacancy commercial properties to residential use. Elements of the PILOT include:

- Requires the Finance Department director to offer a PILOT for certain conversions of high vacancy commercial properties to residential.
- Exempts 100% of real property tax for 25 years.
- Requires the conversion to provide 15% affordable units that are affordable for at least 25 years at 60% or less of Area Median Income

[Workforce Housing Opportunity Fund](#)

The More Housing N.O.W. package would create a new \$4 million countywide fund to incentivize the construction of workforce units.

[Homeowner Assistance Program](#)

The More Housing N.O.W. package would double the County’s investment in the Homeowner Assistance Program from \$4 million to \$8 million in the FY26 Housing Initiative Fund (HIF). The HIF is a locally funded affordable housing tool that provides flexible loans and grants to help create and preserve affordable housing in Montgomery County. Administered by the County’s Department of Housing and Community Affairs, the HIF is used in many strategic and significant ways to advance virtually all of the County’s affordable housing priorities.

Workforce Housing Program

Many of the elements of the More Housing N.O.W. package involve the use of the county’s [Workforce Housing](#) program. The Workforce Housing Program is intended to be affordable to households with incomes that are too high to be eligible to participate in the Moderately Priced Dwelling Unit (MPDU) Program, generally serving households in the 70% - 120% Area Median Income (AMI) range.

Table 1 Household size and maximum income for Workforce Housing

Household Size	Maximum Income
1	\$130,000
2	\$148,500
3	\$167,000
4	\$185,500
5	\$200,500

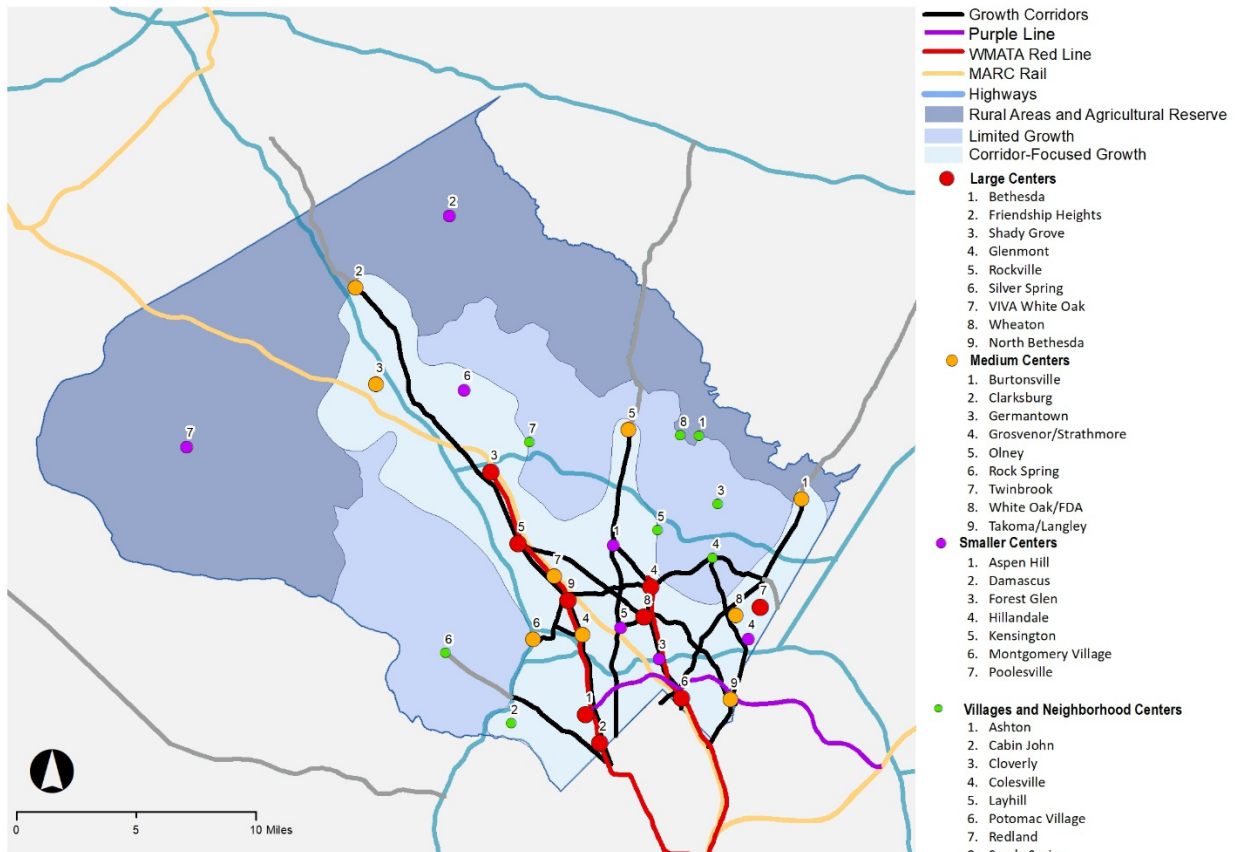
The Workforce Housing Program (WFH) was created to increase the availability of housing in the county for public employees and other workers whose income cannot support the high cost of housing that is located close to their workplace and to assist county employers in reducing critical labor shortages of skilled and semi-skilled workers by providing housing that will be accessible to the workers' workplaces.

More Housing N.O.W. and Corridor Planning

The More Housing N.O.W. package promotes the creation of additional housing, and ZTA 25-02 is particularly focused on new, slightly denser housing options (up to 1.25 FAR) along select roadways. Planning Staff commend these efforts as a first step in achieving more development along corridors. However, More Housing N.O.W. and ZTA 25-02 are not a substitute for corridor planning. There is some overlap but major differences between the scope and scale of a corridor plan and ZTA 25-02.

ZTA 25-02 promotes duplexes, triplexes, townhouses and small-scale apartment buildings along any of five street classifications (Downtown Boulevard, Downtown Street, Town Center Boulevard, Boulevard, and Controlled Major Highway), with master-planned right-of-way exceeding 100 feet and with three or more existing lanes of traffic. Growth Corridors are more specific and are largely aligned with Montgomery County's planned premium transit network, including Metrorail's Red Line service and Montgomery County's planned bus rapid transit network.

Corridor planning focuses on comprehensive planning for the nine *Thrive Montgomery 2050*-designated Growth Corridors, including higher-density, transit-supportive land use, premium multimodal transportation, housing for all, design excellence, parks, environment, streetscape and pedestrian-orientation, and zoning. Each corridor plan includes detailed, contextual recommendations for these topics, refined through extensive community engagement and technical analysis of existing conditions. Comparatively, ZTA 25-02 has a much narrower focus on expanding moderate-density housing options through housing policy and zoning.



The Growth Map should be considered in the context of the Compact Growth and Complete Communities chapters. The centers of activity shown are not exhaustive of all existing or potential centers. Some of the centers listed on the growth map are not subject to Montgomery County zoning authority.

Figure 1: *Thrive Montgomery 2050*-designated Growth Corridors are shown as black lines.

Some of the benefits and features of corridor planning include:

- Corridor plans evaluate land use and zoning to achieve BRT-supportive densities. Corridor plans comprehensively consider zoning along growth corridors to facilitate infill development and redevelopment near existing and planned transit, services, and amenities to maximize the efficiency of public investment.
- Corridor plans present an opportunity to re-envision residential, institutional, and commercial properties along corridors and consider transitions to residential neighborhoods behind the corridors.
- Corridor plans can also provide guidance to consolidate, remove, or relocate driveways and curb cuts to minimize conflicts and maximize transit along corridors, and identify priorities, supported by community engagement, to inform future facility plans for bus rapid transit.
- Corridor planning focuses on the relationship between land uses, building forms, and multimodal transportation to improve safety and walkability by reducing traffic speeds, ensuring safe crossings and providing designated spaces for walking and bicycling.

- Corridor plans evaluate needed community amenities, and open spaces and can facilitate the implementation of streetscape design standards.

In the current FY 25 budget year, Montgomery Planning is actively working on the University Boulevard Corridor Plan, with the Georgia Avenue Corridor Plan kicking off soon.

SECTION 2 – SUMMARY OF RECOMMENDED CHANGES

Below is a summary of the changes Planning Staff is recommending to the two ZTAs and one SRA discussed in this staff report.

ZTA 25-02 Workforce Housing – Development Standards

- Modify line 13 – definition of Triplex - to include reference Section 4.1.5.C. building types in the C/R and Employment zones.
- Either:
 - Add to the ZTA an amendment to Section 59-3.3.1. to create a new use for Three-Unit Living, including appropriate use standards and amend the Use Table in Section 3.1.6. to add Three-Unit Living with permitted and limited uses mimicking those of Townhouse Living, **or**
 - amend Section 59-3.3.1.E the definition of Multi-Unit Living to include Triplex buildings, and amend the limited use standards for multi-unit living in Section 3.3.1.E.2.a. to allow multi-unit living in a Triplex building type in all the zones/methods of development that allow Townhouse Living, and update the use table to ensure Multi-Unit Living is shown as a limited use in all the zones that currently permit Townhouse Living as a limited or permitted use.
- Modify line 53 to remove reference to “Commercial/Residential, and Employment.”.
- Modify the table on line 61 to add a separate column for the Triplex building type rather than combining it with the Townhouse building type.
- Modify the ZTA to include Section 4.1.5 Building Types in the Commercial/Residential, Employment, and Industrial Zones to add in a Triplex building as Section 4.1.5.C.
- Modify the ZTA to include Section 4.1.6 Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones to add Triplex as allowed in the C/R and Employment zones.
- consider an exemption of very small (single lot) applications for OMWH or consider a follow-up ZTA to establish an administrative site plan approval process for smaller developments.
- Relocate the FAR density standard on line 108 to each OMWH development standard table in the R-200, R-90, R-60 and R-40, and consider setting the allowed FAR based on the underlying zone’s other limitations on lot coverage, setbacks, and height.

- In the Development Standards for all OMWH, clarify an applicant must provide at least 15% workforce housing units “for any development constructing” 3 or more units (lines 111-113), and remove maximum building height and minimum lot size standards which are already located in the development standards tables for each zone (lines 114-116).
- Amend line 122 to clarify the front lot line of any lot or parcel included in an application’s tract must abut the specified roadway.
- Remove Controlled Major Highway from the list of applicable roadway types on line 123.
- Update the ZTA to include the parking table Section 6.2.4.B. to include Three-Unit Living (if also agreeing to add Three-Unit living to Household Uses).
- Set a Development Standard for Workforce Housing Projects at 1 space per dwelling, or base parking on the number of bedrooms similar to Multi-Unit living (after line 120).
- Expand the applicability of site coverage to all building types.
- Reduce the minimum lot size for Townhouse in the OMWH to 1,200 square feet.
- Modify lot area (per unit) to either reflect per unit ‘average,’ or delete entirely and utilize a site area per unit standard.
- Replace lot coverage standards with site coverage standards.

ZTA 25-03 Expedited Approvals – Commercial to Residential Reconstruction

- Amend line 40 to include a two-year look-back period of vacancy.
- Amend line 52 to clarify the “approval of an Expedited approval Plan for” a Commercial to Residential Reconstruction.
- Amend 3.3.2.B.3.c. (Lines 65-68) to require the use to satisfy Townhouse Building and Apartment Building rather than Townhouse Living and Multi-Unit Living.
- Revisit the goal statements for the Employment Zones under Section 4.6.1.
- Add GR to the list of eligible zones for converting commercial FAR to residential FAR (line 245).
- Modify the ZTA to remove the Specification for Density sections in tables 4.6.3.C and 4.6.3.E., or keep the specification but clarify it only applies to the GR zone.

SRA 25-01 Administrative Subdivisions – Expedited Approval Plan

- Reorganize Section 50.6.1 to either:
 - Consolidate sections E. Biohealth Priority Campus, F. Biohealth Priority Campus, and G. Mixed-Income Housing Community into a single Administrative Plan type that is available to any of the above uses, plus the Commercial to Residential Reconstruct, or
 - Update the section references in E., F., and G. to all reference the Board approving an Expedited Approval Plan under Section 59-7.3.5.

SECTION 3 – ZTA 25-02 ANALYSIS AND RECOMMENDATIONS

ZTA 25-02, Workforce Housing – Development Standards (Attachment A) establishes a new Optional Method Workforce Housing standard of development in the R-200, R-90, R-60, and R-40 zones, under certain conditions, that would allow the use of additional higher density building types and greater flexibility in design in exchange for a minimum percentage of workforce housing units, additional review scrutiny and the provision of public amenities. ZTA 25-02 also provides additional flexibility in the existing optional methods of development throughout all the applicable zones in the code by introducing a new triplex building type. The following sections walk through the ZTA as introduced and include Planning Staff recommendations at the end of each section.

Division 59-1.4. Defined Terms

ZTA 25-02 introduces the term “Triplex” to the Zoning Code. Consistent with the other building types in the code (such as Detached House, Duplex, Townhouse, and Apartment), the definition refers readers to the definition located in Section 4.1.3. Building Types in the AG, Rural Residential, and Residential Zones (line 13). Planning Staff notes that the other building type definitions located in the Defined Terms section include a reference to Section 4.1.5. Building types in the C/R, Employment, and Industrial Zones as well, which is missing for Triplex. This should be corrected for consistency. The ZTA also modifies the definition of Usable Area (lines 15-19) to include Workforce Housing as a third type of development (in addition to MPDU and Cluster Development) that relies on Usable Area for determining density.

Recommendation – support and modify line 13 as follows to reference Section 4.1.5.C. building types in the C/R and Employment zones.

Triplex: See Section 4.1.3.C. and Section 4.1.5.C

Division 59-3.1. Use Table

SECTION 59-3.1.6. USE TABLE

The Use Table in Section 3.1.6. is modified slightly to change Multi-Unit Living from only a C (conditional use) to an L/C (limited or conditional use) for the R-200, R-90, R-60, and R-40 zones. This change allows Multi-Unit living as part of the new Optional Method Workforce Housing development, discussed later in this report. With a L/C, applicants have the option to meet the limited use standards, but if they are unable, they can apply for a conditional use.

Recommendation – support

SECTION 59-3.3.1. HOUSEHOLD LIVING

Division 59.3.3.1. ZTA 25-02 as introduced, does not amend Household Living, however Planning Staff recommends that this section be amended to accommodate the Triplex building type added with the ZTA.

Currently, the zoning code includes various types of household living, each with a specific definition based on the building type it can be placed in. These include:

- Single-Unit Living – one dwelling unit contained in a Detached House building type.
- Two-Unit Living – 2 dwellings contained in a Duplex building type.
- Townhouse Living – 3 or more dwelling units in a Townhouse building type.
- Multi-Unit Living – dwelling units in an Apartment or Multi-Use building type.

Based on the existing definitions, there is no household living use that would occupy a Triplex building type. Planning Staff recommend two options for addressing this.

Option 1: adding a new use, both to Household Living under 3.3.1., and to the Use Table under 3.1.6. for Three-Unit Living.

Recommendation: add to the ZTA an amendment to Section 59-3.3.1. to create a new use for Three-Unit Living, including appropriate use standards, and a definition as follows:

Three-Unit Living means 3 dwellings contained in a Triplex building type.

Recommendation: amend the Use Table in Section 3.1.6. to add Three-Unit Living with permitted and limited uses mimicking those of Townhouse Living.

Option 2: Redefine Multi-Unit Living to include the Triplex building type.

Recommendation: amend Section 59-3.3.1.E to redefine Multi-Unit Living as follows:

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

Recommendation: amend the limited use standards for multi-unit living in Section 3.3.1.E.2.a. to allow multi-unit living in a Triplex building type in all the zones/methods of development that allow Townhouse Living.

Recommendation: Update the use table to ensure Multi-Unit Living is shown as a limited use in all the zones that currently permit Townhouse Living as a limited or permitted use.

Division 59-4.1. Rules for All Zones

DIVISION 59-4.1.3. BUILDING TYPES IN THE AGRICULTURAL, RURAL RESIDENTIAL, AND RESIDENTIAL ZONES.

This section of the code is where the definitions for the various building types allowed are located. Currently, the section includes definitions for a Detached House, Duplex, Townhouse, and Apartment Building. The ZTA proposes adding Triplex as a new building type and modifying Townhouse and Apartment.

SECTION 4.1.3.C: TRIPLEX

ZTA 25-02 adds Triplex as a new building type allowed in the Agricultural, Rural Residential, and Residential Zones. This is shown on lines 40-44 with an included definition and example image. The Triplex is defined as a building containing 3 dwelling units where each dwelling unit is separated vertically or horizontally by a party wall. A Triplex may contain ancillary nonresidential uses such as a Home Occupation or Family Day Care.

Triplexes are distinct from the Townhouse building type because Townhouses only allow for vertical separation between units, whereas a Triplex allows vertical or horizontal separation. Allowing ancillary nonresidential uses is consistent across the existing residential building types except for the Apartment Building. Triplex is added as the new 4.1.3.C., since the density is between Duplex and Townhouse.

Section 4.1.3.D: Townhouse

Since Section 4.1.3.C is added for Triplex, Townhouse is shifted to Section 4.1.3.D. Additionally, the minimum unit count for Townhouse building types is increased from 3 to 4 units.

Section 4.1.3.E. Apartment

Since Section 4.1.3.C is added for Triplex, Apartment is shifted to Section 4.1.3.E. Additionally, the minimum unit count for Apartment building types is increased from 3 to 4 units.

The final change to note also in the section for Apartment is on lines 52-53 of the ZTA, clarifying that commercial uses are restricted to the R-30, R-20, R-10, Commercial/Residential, and Employment Zone. Currently, the Apartment building type allows up to 10% of the gross floor area to act as an allowed Retail/Service use regardless of the underlying zone. This change is being made because the Apartment building type is being added as an allowed building type in the Optional Method Workforce Housing development, however, no Retail/Service uses are envisioned for the applicable Residential Detached zones. Planning Staff note that this addition on lines 52-53 should only reference the R-30, R-20 and R-10 zones and not include reference to the Commercial/Residential and Employment Zones, as definitions of building types in those zones are located in Section 4.1.5. of the code.

Recommendation – support, and remove reference to “Commercial/Residential, and Employment” from line 53.

[D]E. Apartment Building

An apartment building is a building containing [3] 4 or more dwelling units vertically and horizontally arranged. In the R-30, R-20, R-10, [[Commercial/Residential, and Employment zones,]] an [An] apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a [multi use] multi-use building.

DIVISION 59-4.1.4. BUILDING TYPES ALLOWED BY ZONE IN THE AGRICULTURAL, RURAL RESIDENTIAL, AND RESIDENTIAL ZONES.

This section, included in lines 58-69 of the ZTA, is a table (line 61) and associated key offering users a quick reference to which building types are allowed in each zone and by which development method. The ZTA makes changes to the development options and the building type. The first change adds WFH (Work Force Housing optional method) as a development option allowing Duplex, Triplex or Townhouse, and Apartment building types to the table and the key. The second change adds Triplex as a building type as an addition to the Townhouse building type column in the table. There is some inconsistency with how ZTA 25-02 handles Triplex buildings. In certain circumstances, Triplex and Townhouse are shown as separate building types with separate development standards, and in other sections they are combined. Because there are at least some instances where Triplex and Townhouse are treated as separate building types, Planning Staff recommends Triplex be added as a new column between Duplex and Townhouse. The same applicable zones and methods of development that apply to the Townhouse building type would apply to the Triplex building type.

Recommendation – support and add a separate column for the Triplex building type rather than combining it with the Townhouse building type. See the inserted column with the double border around the Triplex column in table 2 below.

Table 2 Building Types allowed by Zone in the Agricultural, Rural Residential, and Residential Zones, as amended.

	Detached House	Duplex	<u>Triplex</u>	[Triplex or] 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	<u>A</u>	A	--
<u>Residential Detached Zones</u>					

Residential Estate - 2 (RE-2)	A	TDR	<u>TDR</u>	TDR	TDR
Residential Estate - 2C (RE-2C)	A	MPDU	<u>MPDU</u>	MPDU	--
Residential Estate - 1 (RE-1)	A	MPDU	<u>MPDU</u>	MPDU	--
Residential - 200 (R-200)	A	MPDU, TDR, WFH	<u>MPDU</u> , <u>TDR, WFH</u>	MPDU, TDR, WFH	TDR, <u>WFH</u>
Residential - 90 (R-90)	A	MPDU, CD, TDR, <u>WFH</u>	<u>MPDU</u> , <u>TDR, WFH</u>	MPDU, CD, TDR, <u>WFH</u>	TDR, <u>WFH</u>
Residential - 60 (R-60)	A	MPDU, CD, TDR, <u>WFH</u>	<u>MPDU</u> , <u>TDR, WFH</u>	MPDU, CD, TDR, <u>WFH</u>	TDR, <u>WFH</u>
Residential - 40 (R-40)	A	A	<u>MPDU</u> , <u>WFH</u>	MPDU, <u>WFH</u>	[--] <u>WFH</u>
<u>Residential Townhouse Zones</u>					
Townhouse Low Density (TLD)	A	A	<u>A</u>	A	--
Townhouse Medium Density (TMD)	A	A	<u>A</u>	A	--
Townhouse High Density (THD)	A	A	<u>A</u>	A	--
<u>Residential Multi-Unit Zones</u>					
Residential Multi-Unit Low Density - 30 (R-30)	A	A	<u>A</u>	A	A
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	<u>A</u>	A	A
Residential Multi-Unit High Density - 10 (R-10)	A	A	<u>A</u>	A	A

DIVISION 59-4.1.5. AND 59-4.1.6. BUILDING TYPES ALLOWED – COMMERCIAL/RESIDENTIAL, EMPLOYMENT, AND INDUSTRIAL ZONES.

The ZTA does not currently include amendments to Section 4.1.5. Building Types in the Commercial/Residential, Employment, and Industrial Zones, or Section 4.1.6. Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones. Planning Staff recommend the ZTA be updated to include these two sections. The ZTA shows an intent to add the Triplex building to the development standards tables in the C/R and Employment Zones, therefore adding that building type to the list of allowed buildings in those zones is needed. The definition would be the same as in Section 4.1.3. and the Triplex would be allowed in all of the C/R and Employment zones.

Recommendation –Modify the ZTA to include Section 4.1.5 Building Types in the Commercial/Residential, Employment, and Industrial Zones to add in a Triplex building as Section 4.1.5.C

C. Triplex

A triplex is a building containing 3 dwelling units where each dwelling unit is separated vertically or horizontally by a party wall. A triplex may contain ancillary, nonresidential uses, such as a Home Occupation or Family Day Care.

Recommendation -- Modify the ZTA to include Section 4.1.6 Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones to add Triplex as allowed in the C/R and Employment zones as shown in Table 3 below with the double border around the Triplex column.

Table 3 Building Types allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones, as amended.

	Detached House	Duplex	<u>Triplex</u>	Apartment Building	Multi Use Building	General Building
<u>Commercial/Residential Zones</u>						
CR Neighborhood (CRT)	A	A	<u>A</u>	A	A	A
CR Town (CRN)	A	A	<u>A</u>	A	A	A
CR	A	A	<u>A</u>	A	A	A
<u>Employment Zones</u>						
General Retail (GR)	A	A	<u>A</u>	A	A	A
Neighborhood Retail (NR)	A	A	<u>A</u>	A	A	A
Life Science Center (LSC)	A	A	<u>A</u>	A	A	A
Employment Office (EOF)	A	A	<u>A</u>	A	A	A
<u>Industrial Zones</u>						
Light Industrial (IL)	--	--	<u>--</u>	--	A	A
Moderate Industrial (IM)	--	--	<u>--</u>	--	A	A
Heavy Industrial (IH)	--	--	<u>--</u>	--	A	A

Division 59-4.3. Rural Residential Zones

This section of the ZTA, starting on line 71, is a simple update to the existing development standards tables for the RNC Zone - standard method of development, and optional method MPDU development. The top row of the standards tables is updated to add Triplex as an allowed building type, sharing the same building type column as Townhouse. Townhouse and Triplex building types share many characteristics such as the lots for individual dwellings often being very small, and associated landscaping, open spaces, and parking in adjacent off-lot parcels. The resulting standards

for Townhouses and Triplexes are frequently based on site area and coverage associated with a building, rather than individual lots.

Recommendation: support

Division 59-4.4. Residential Zones

Within Division 59-4.4. are numerous changes proposed by the ZTA. These include the creation of a new Optional Method Workforce Housing Development, new development standards tables for the Optional Method Workforce Housing development, and updates to existing development standards tables to the cluster and MPDU optional methods of development.

SECTION 4-4.2.C. OPTIONAL METHOD WORKFORCE HOUSING DEVELOPMENT

This section of the ZTA, spanning from lines 83 – 137, is the primary policy change that would be implemented by ZTA 25-02, if adopted. This section establishes the new Optional Method Workforce Housing (OMWH) development. The intent of the OMWH is to allow different building types and flexibility in lot layout in exchange for providing workforce housing units that satisfy Chapter 25B.

DEVELOPMENT APPROVAL PROCEDURE

Lines 95-96 of the ZTA under Development Approval Procedures specify that approval of OMWH development is contingent on a site plan approval. There is no minimum size of an OMWH based on the development standards tables discussed later in the ZTA. While lot consolidation or development of larger properties is not prohibited, most development in the OMWH is intended to be small-scale redevelopment of individual residential properties. Planning Staff is concerned that requiring a full site plan process for developments that may only contain a few housing units could be very onerous, costly and prohibitive. Planning Staff recommends the Council consider options to allow very small projects, such as single lot redevelopment, to not require a site plan. An alternative recommendation would be to establish an administrative site plan process that has an expedited timeline and the potential for approval by the Planning Director.

Recommendation: consider an exemption of very small (single lot) OMWH applications or consider a follow-up ZTA to establish an administrative site plan approval process for smaller developments.

WORKFORCE HOUSING DEVELOPMENT ACROSS DIFFERENT ZONES

Lines 97-106 allow an OMWH development to span across different zones are consistent with similar provisions for the Optional Method MPDU and Cluster development options. This provision allows for a site within multiple residential detached zones to develop under a single consistent development including shared density but requires the building types and development standards of the underlying zone to remain.

Recommendation: support

DENSITY AND USABLE AREA

Lines 107-109 set the maximum total density allowed in any OMWH project at 1.25 FAR and permits the density to be calculated based on the usable area of the tract. The requirement to base density on usable area is consistent with other optional method development methods. Usable area is defined as the area of a tract that development density is calculated on for optional method development projects. If environmental buffers cover 50% or more of the tract, any area exceeding 50% is reduced from the tract area. However, for most OMWH projects it is not anticipated that environmental buffers would exceed 50% so density would be based on the full tract area. The code defines a tract as a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title.

Planning Staff appreciates the OMWH measuring density based on FAR rather than units per acre. This method provides some incentive for an applicant to create smaller units that fit within the allowed building envelope. However, specifying density for OMWH in this section of the code is not consistent with other optional methods of development. Typically, density is discussed in the development standards tables within each zone. Planning Staff recommends the OMWH be consistent with other optional methods of development and remove density from line 108 of the ZTA and instead locate it in each OMWH development standard table in the R-200, R-90, R-60 and R-40 zones. The Council should also consider varying the allowed density within each zone considering the maximum achievable density discussed above.

Planning Staff also recommends that the Council consider varying the amount density across all four zones. Other optional method developments base the allowed density on the underlying zone's base density. Further, Planning Staff considered what density a property could achieve based on the proposed setbacks, lot coverages, and building heights. The maximum FAR a project could achieve is approximately 1 FAR in R-200, 1.2 FAR in R-90, 1.4 FAR in R-60, and 1.6 FAR in R-40. Allowing a standard for density that is not actually achievable may set false expectations.

Recommendation: support density as an FAR and relocate the density standard to each OMWH development standard table in the R-200, R-90, R-60 and R-40, and consider setting the allowed FAR based on the underlying zone's other limitations on lot coverage, setbacks, and height.

DEVELOPMENT STANDARDS FOR WORKFORCE HOUSING PROJECTS

Lines 110-120 contain a series of standards that would apply to all developments utilizing the OMWH, including:

- a. 15% of all units should be Workforce Housing units.
- b. maximum building height is 40 feet.
- c. minimum site size is the minimum lot size in the underlying zone.
- d. parking must be located behind the front building line.
- e. driveway access is limited to one per street frontage.

Standard a. starts on line 111 and describes the requirement for OMWH developments to provide a minimum of 15% workforce housing as a requirement for development. It further stipulates a minimum of one workforce housing unit is required for developments of 3 units or more. The intent is to not require workforce housing if the OMWH is used to create one duplex unit, but would require workforce housing for anything larger.

For clarity, Planning Staff recommends:

- Clarifying that the 15% workforce housing requirement applies to any development constructing 3 or more units.
- Removing Standards b. and c. (lines 114-116) as they are duplicative to standards that are within the development standards table and do not need to be repeated here.

The last two standards that refer to parking and driveway access Planning Staff support as introduced.

Recommendation: support with the following changes:

a. An applicant must provide at least 15% workforce housing units that satisfy Chapter 25B; [[with a minimum of one workforce housing unit for construction of]] for any development constructing 3 or more units.

[[b. The maximum height for all buildings is 40 feet.]]

[[c. The minimum site size is the minimum lot size in the underlying zone.]]

[[d]] b. Off-street parking must be located behind the front building line.

[[e]] c. Driveway access is limited to one driveway per street frontage unless additional driveway access is approved by an appropriate agency with jurisdiction over the right-of-way.

APPLICABLE CORRIDORS

The Applicable Corridors section (lines 121-128) specifies which roadways a property must abut a Boulevard, Downtown Boulevard, Downtown Street, Town Center Boulevard, or Controlled Major Highway, with a planned right-of-way greater than 100 feet, with at least 3 existing total travel lanes. The intent is to limit OMWH development to properties along larger roadways where more intensive land use has fewer compatibility impacts, and in many cases, better access to more transportation opportunities. Planning Staff supports this concept, but has two recommendations to improve clarity and practicality. First, it is ambiguous in line 122 whether the front lot line abutting refers to any and all existing lots as part of a tract, any part of the application tract area, or if it refers to all newly created lots. Planning Staff believe the intent is that any and all existing lots and parcels that are part of a OMWH tract should abut the roadway, and recommends amending the language to clarify this. Additionally, Planning Staff have concerns with including Controlled Major Highway as a qualifying

roadway. The description and key features in the Complete Streets Design Guide state these roadways are limited access roadways designed primarily for vehicle mobility, and are generally intended for no or low-intensity development set back from the road (Attachment F). Examples of Controlled Major Highways include Great Seneca Highway, Father Hurley Boulevard, or US 29 north of White Oak. These roadway types are not conducive for new moderate density residential developments and do not have the same form or function as the other major roadways. There are only 27 out of 2,472 parcels located along a Controlled Major Highway, mostly in Germantown along a small portion of MD 355.

Recommendation: support, amend line 122 to read “The front lot line of any lot or parcel included in an application’s tract must abut...” and remove Controlled Major Highway from the list of applicable roadway types on lines 123-124.

DEDICATED LAND

The ZTA section on Dedicated Land (lines 129-133) is the standard language found in all optional methods of development allowing dedicated land for schools or parks to be used toward development density.

Recommendation: support

COMMUNITY WATER AND SEWER

The last section of standards for all OMWH developments is a section on community water and sewer (lines 134-137). This provision would prohibit the OMWH unless the property is connected to community water and sewer systems. This is a reasonable approach since there are areas of residential detached zoning outside of the public water and sewer service areas, and the new building types allowed by the OMWH are of an intensity that should be connected to the public systems.

Recommendation: support

PARKING

The ZTA as introduced does not discuss the parking requirements for Triplex buildings, nor does it provide for any off-street parking reductions for the OMWH developments. Based on the parking table in Section 59-6.2.4. Two-unit living (Duplex building) and Townhouse-Living require parking at 2 spaces per dwelling unit at the base rate. Multi-Unit living bases parking on the number of bedrooms, with as few as 1 space for an efficiency, and up to 2 spaces at 3+ bedrooms. While the ZTA does not contemplate three-unit living, and therefore does not add it to the parking table, Planning Staff presume that once amended, the ZTA would also require Triplex to park at a rate of two spaces per unit, since the Triplex has been treated as an intermediate density between Duplex and Townhouse in other circumstances.

There are various existing circumstances in the parking division (Division 6) that would allow for reduced parking for a OMWH development, including a 50% reduction in parking for Workforce

Housing units, and zero parking required if a OMWH project falls within ½ mile of a Metro Station or Purple Line station, or within ¼ mile of an existing or funded for construction Bus Rapid Transit Station. However, not all the areas eligible for a OMWH development would qualify for the reduced or zero parking. Just under 600 of the 2,472 eligible parcels (24%) fall within the area exempt from parking. Planning Staff have been advocating for reducing parking for new residential developments, in particular urban infill situations where space is a constraint. As is illustrated in example images in attachment G a parking reduction is practically necessary to accommodate three or more dwellings on an existing R-60 zones lot, and would be beneficial to R-90 and R-200 lots in reducing impervious surfaces and providing green area for residents. Planning Staff recommend creating a new standard for parking under the Development Standards for Workforce Housing (Section 4.4.2.C.4 of the ZTA line 110) setting minimum parking for OMWH projects at 1 space per dwelling. Alternatively, parking for the OMWH developments could be treated like the Multi-Unit living, and base parking requirements across all dwelling types on the number of bedrooms. This would further incentivize providing smaller, more price-attainable dwellings.

Recommendations:

- Update the ZTA to include the parking table in Section 6.2.4.B. to include Three-Unit Living (if also agreeing to add Three-Unit living to Household Uses).
- Set a parking standard in the Development Standards for Workforce Housing Projects at 1 space per dwelling, or set parking based on the number of bedrooms similar to Multi-Unit living.

SECTIONS 4-4.5. THROUGH 4.4.16. STANDARD AND OPTIONAL METHOD STANDARD TABLES

Like the amendments to the Rural Residential Zones discussed before, there are many sections of code where the only proposed amendments with this ZTA are to add the Triplex building type to existing development standards tables where Townhouse buildings are already allowed. Within the Residential zones, this includes the following methods and zones:

- RE-2C, RE-1, and R-200 the MPDU optional method,
- R-90, and R-60 the MPDU and Cluster optional method.
- TLD, TMD, THD, R-30, R-20, and R-10 the Standard, and MPDU optional method

Recommendation: support

SECTIONS 4-4.7. THROUGH 4.4.10. OPTIONAL METHOD WORKFORCE HOUSING STANDARD TABLES

In the R-200, R-90, R-60 and R-40 zones, new development standards tables are added to the code for the OMWH development. Unlike the existing optional method standards tables where MPDU and

Cluster options share a table, the OMWH will be presented on its own standards table (starting on line 150).

These development standards tables differ substantially from those of the MPDU and Cluster options within the applicable zones. The intent of the OMWH is to allow a wider range of building types, including Triplex and Apartment, but to retain compatibility with existing detached houses mostly built under the standard method of development. This means the lot/site coverages and setbacks are similar to the standard method of development, and the site and lot areas correspond with the existing lot area requirements of the standard method. Below is a brief analysis of the different sections of the OMWH standards tables.

Within each OMWH table there are seven distinct sections, each are discussed in more detail below.

BUILDING TYPES

While not numbered as a section (like 1-6 below), building types is the first real section of the standards table and serve as the column headings in the table. The OMWH tables allow for the following building types:

- Duplex
- Triplex
- Townhouse
- Apartment

Detached House is not an allowed building type under the OMWH. This makes sense because this method of development does not anticipate reductions in lot/site size or setbacks, therefore development of a Detached House would continue to utilize the standard method of development from the underlying zones.

Recommendation: support

1. SITE

Under the Site portion of the OMWH standards table are one subsection and two standards:

Dimensions (min)

Usable area

Site coverage (max)

Usable area is the minimum amount of area required to utilize the OMWH. In the R-90, R-60, and R-40 zones, the usable area is set as the same area as the minimum lot size for a Detached House under the standard method. In the R-200 zone, the ZTA has a usable area of 16,000 square feet, which is 4,000 square feet less than a minimum lot in the R-200 zone.

The standard for site coverage is the maximum amount of the site associated with a specific building type that may be covered by a building or structure. Site coverage does not include other impervious surfaces such as driveways or patios. The site coverage proposed for the OMWH is equal to the coverage allowed for a Detached House in the underlying zone's standard method. Site coverage values are provided for Townhouse and Apartment building types but not for Duplex or Triplex which instead are restricted by lot coverage. In most zones and methods of development, Detached House and Duplex are bound by lot coverage whereas Townhouse and Apartment are bound by site coverage. Often individual lot(s) for Townhouse or Apartment buildings may be very small, and other associated site area such as open spaces and parking are on separate parcels. Site coverage averages out the coverage between all the lots and parcels associated with a specific building type. Planning Staff supports continuing to rely on site coverage for Townhouse and Apartment.

Planning Staff also recommends site coverage extend to the Triplex and Duplex building types. Having lot coverage limits for Duplex and Triplex could substantially limit how subdivisions occur for these building types, especially since a likely Triplex form would be what is considered a three-unit Townhouse building now, with a small sized, high lot coverage middle lot, and two end units with larger lots and less lot coverage. Duplexes could also be limited in design, as lot coverage would diminish the ability of an applicant to provide a Duplex with two different size units.

Recommendation: support usable area and site coverage, and recommend expanding the applicability of site coverage to all building types.

2. LOT AND DENSITY

Section 2 of the OMWH standards tables are standards that include four subsections and eight development standards as follows:

Lot(min)

- Lot area (per unit)
- Lot width at front building line
- Lot width at front lot line
- Frontage on street or open space

Density (max)

- Density

Coverage (max)

- Lot

Specification for Lot and Density

- Specification

The values across all four zones for lot area (per unit) align with dividing the usable area into two (Duplex), and three (Triplex). There is not a clear pattern for the townhouse lot area value except that it is appreciably smaller than Triplex. Apartment is listed as n/a, not being subjected to a minimum lot area. The values for lot area for duplex has precedent in code, setting it at half the size of a detached

house. The lot area requirements proposed for Townhouse, especially the R-200 OMWH at 2,000 square feet, are concerning because the lot sizes may be impractical. The largest minimum lot size for a Townhouse in code today is 1,250 square feet, in the TLD zone. In many zones it is under 1,000 square feet (see Table 4 below).

Table 4 Minimum Lot Size for Townhouses Across Zones.

Zone	Standard Method	Optional Method(s)	OMWH
RNC	1,100	1,200	
RE-2C		1,200	
RE-1		1,200	
R-200		1,000	2,000
R-90		1,000 or 1,200	1,200
R-60		1,000 or 1,200	1,000
R-40		No min	1,000
TLD	1,250	800	
TMD	1,100	800	
THD	1,000	800	
R-30	1,000	800	
R-20	1,000	800	
R-10	800	800	
CRN	800		
CRT	800		
CR	800		
GR	900		
NR	900		
LSC	900		
EOF	900		

Middle unit Townhouses are on lots as wide as the Townhouse unit itself. To achieve a 2,000 square foot lot would force a 20-foot-wide townhouse on a 100-foot-deep lot. There is no precedent for Triplex, but Planning Staff assume many Triplex buildings will take the form of a three-unit Townhouse with a middle unit. Planning Staff also note that other zones and methods of development standards tables for Duplex and Townhouse building types refer to this standard as ‘lot area’ and not ‘lot area (per unit)’ as the OMWH tables do. It is not clear why these tables added the ‘per unit’ qualifier to lot area, but believe with additional tweaks it could be used to the OMWH’s advantage. In addition to reducing the minimum lot size for Townhouse in the R-200 zone, Planning Staff recommend one of two possible amendments to this standard for both flexibility and clarity.

- **Option 1** would amend the standard to say, “lot area (per unit average)”. Adding the word average would provide an applicant flexibility to create a variety of lot sizes as part of a Duplex, Triplex, or Townhouse building, without increasing the overall number of units allowed on any given site. As stated before, this flexibility is particularly helpful if as part of a Duplex an applicant wants to create unequal sized units, and with a Triplex or Townhouse

where any middle units would want to be on smaller lots than the end units.

- **Option 2** would remove the lot area requirement and instead add a “Site area per unit” development standard, located in the Section 1. Site portion of the standards table. This approach would mirror how Apartment buildings are treated. This would provide even more flexibility for an applicant to best determine how to subdivide a site, without increasing the overall number of units allowed on the site.

Lot width at front building line is to be determined at site plan, as is the lot width at front lot line for all building types except the Duplex. Lot width at front building line is a measure of how wide a lot is across the front facing wall of a building. Lot width at front lot line is a measure of how wide the lot frontage is abutting the adjacent right-of-way. Having flexibility in both standards is important for providing flexibility in designing the buildings and lot layouts. Frontage on a street or open space is a requirement of any lot from Chapter 50, and remains required with OMWH developments.

Density for the OMWH developments is represented as a FAR, which is different from the other optional methods of development in the residential zones. However, Planning Staff is supportive of this change, because it provides an incentive for an applicant to consider smaller dwellings since the limiting factor is the square footage of the structure, rather than how many units are within the structure. Since unit size is a major factor in price attainability encouraging smaller units should also encourage more affordable units. As Planning Staff discussed previously (page 16 of this staff report), the FAR density has been set as a consistent 1.25 FAR across all four applicable zones, but the Council should consider lowering that density in the R-200 and R-90 zones to be more consistent with the actual development potential of these zones.

The last standard in section 2 is for lot coverage, which applies to the Duplex and Triplex building types. As discussed in section 1 for site standards, Planning Staff recommends removing lot coverage and instead only using site coverage as a standard.

Recommendations

- Reduce the minimum lot size for Townhouse to 1,200 square feet.
- Modify lot area (per unit) to either reflect per unit ‘average,’ or delete entirely and utilize a site area per unit standard. Support the two lot width standards, support using FAR for density and right-size the allowed FAR to the zone’s development potential, and replace lot coverage standards with site coverage standards.

3. PLACEMENT

Section 3. Placement, has four subsections and a total of 14 development standards as follows:

Principal Building Setbacks (min)

Front setback.

Side street setback, abutting lot fronts on the side street and is in a Residential Detached Zone.

Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone.

Side setback, including end unit.

Rear setback.

Specification for Principal Building Setbacks

Specification.

Accessory Structure Setbacks (min)

Front setback.

Side street setback, abutting lot fronts on the side street and is in a Residential Detached Zone.

Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone.

Side setback.

Rear setback on a corner lot where abutting lot fronts on the side street and is in a Residential Detached Zone.

Rear setback, if not otherwise addressed.

Specification for Accessory Structure Setbacks

Specification a.

Specification b.

The standards proposed by the ZTA largely mirror those required for a detached house and accessory structures in the underlying zones standard method. This is a departure from the relaxed standards allowed by other optional methods of development; however, the other methods of development require much larger usable areas and were written for greenfield development where landscaping and open space areas can be placed to screen adjacent development. Keeping the standards matching with the standard method development is one of the major ways the ZTA keeps the OMWH compatible with existing residential detached development.

Recommendation: support

4. HEIGHT

Section 4 of the development standards tables is for building height, and contains one subsection and two development standards:

Height (max)

Principal building, measured to the highest point of any roof.

Accessory structure.

The height for the principal building is set at 40 feet across all four zones, which is equal to the building height currently allowed in the R-200 zone for a building on a lot that is 15,000 – 25,000

square feet in size. In the R-90, R-60 and R-40 zones, standard method building height is limited to 35 feet. The accessory structure height limit for each of the four standards tables matches the same heights allowed by the underlying zone's standard method of development. Planning Staff support the OMWH height of 40 feet considering its identical to, or a modest five-foot increase over standard method. The height should provide enough flexibility for applicants when designing multi-unit stacked structures such as Triplexes or small Apartments.

Recommendation: support

5. FORM

The section on Form includes one subsection and three development standards as follows:

Allowed Building Elements

- Gallery/Awning
- Porch/Stoop
- Balcony

This section is typical in development standards tables, and the proposed standards match those allowed by the standard method of development in the underlying zones.

Recommendation: support

6. BUILDINGS USED FOR AGRICULTURE ASSOCIATED WITH FARMING

This development standard around agricultural buildings, with its single specification may seem unusual but is present in every development standard table for every Rural Residential, and Residential Detached zone, including the other optional methods of development. The only difference in the OMWH is the structure height is limited to 40 feet, rather than 50 feet which is more common in the existing code. Planning Staff finds the 40-foot building height reasonable, and in line with the building height proposed for the principal structures.

Recommendation: support

Division 59-4.5. Commercial/Residential Zones and Division 59-4.6. Employment Zones.

Like the modifications proposed for the existing development standards tables in the Residential zones, the standard method development standards tables for all of the Commercial/Residential, and Employment zones are shown adding the Triplex building type. These are all zones where Duplex and Townhouse buildings are already allowed, making Triplex a logical addition.

Recommendation: support

SECTION 4 – ZTA 25-03 – EXPEDITED APPROVALS – COMMERCIAL TO RESIDENTIAL RECONSTRUCTION

ZTA 25-03, Expedited Approvals – Commercial to Residential Reconstruction (Attachment B) is intended to incentivize residential development in older, underutilized commercial areas. The ZTA does this through three major changes:

1. Creating a new use called Commercial to Residential Reconstruction,
2. Allowing applicants to convert commercial FAR to residential FAR in certain Employment Zones, and
3. Consolidating the existing regulatory plan types of Signature Business Headquarters, Biohealth Priority Campus, and Mixed Income Community, into a new single plan type called Expedited Approval Plan. Additionally, Commercial to Residential Reconstruction is added to the list of uses eligible for the Expedited Approval Plan.

Division 59-1.4. Defined Terms

There are a few text amendments within the Defined Terms section of the code proposed by this ZTA. First, the use Commercial to Residential Reconstruction (CRR) is added to the list of defined terms (line 6), although the proposed definition directs readers to the use standards under Division 3 for the actual definition. Because CRR is added as a new sub-use of Group Living, the other Group Living uses also have their definitions and associated Division 3 section references updated accordingly.

Recommendation: support

Division 59-3.1. Use Table

The Use Table under Section 59.3.1.6. is updated to add the Commercial to Residential Reconstruct use as a new use under the Group Living category (line 23). Keeping the uses listed in alphabetical order necessitates updating the section references for the other Group Living uses in the Use Table. The Use Table allows CRR as a limited use in the CRN, CRT, CR, NR, and EOF zones. Notably absent from the list of applicable zones are the Employment Zones of GR and LSC.

To understand why these two zones were excluded from allowing a CRR, Planning Staff looked at the distribution of all four Employment Zones across the county (Attachment H). The LSC zone is the least widely distributed Employment Zone and the majority of the LSC zoned land is included within the recently adopted Great Seneca Plan and covered by the Great Seneca Science Center (GSSC) Overlay zone. The remaining two LSC zone areas are part of Montgomery College Germantown and the Adventist Hospital in White Oak. Because the GSSC Overlay Zone already incentivizes additional residential development on the LSC zoned properties in a way that implements the visions of the Great Seneca Master Plan and the other LSC zones are existing hospital sites, excluding the LSC zone from a CRR makes sense.

The GR zone is the least common of the four Employment Zones but is more widely distributed across the county, similar to the NR and EOF Zones. The two biggest GR zone areas are Westfield Wheaton and Westfield Montgomery Malls, in addition, there is a scattering of GR properties in unincorporated areas of Gaithersburg and Germantown. Most of the GR zoned development is single-story commercial uses that would not be eligible for a CRR, which requires redevelopment of a property at least 2 stories or more in height. As such, omitting the GR zone from allowing a CRR is also practical. The NR and EOF zones are both more common and more widely distributed throughout the county and have more practical opportunities for redevelopment under a CRR.

Recommendation: support

Division 59-3.3. Residential Uses

SECTION 59-3.3.2.B. GROUP LIVING – COMMERCIAL TO RESIDENTIAL RECONSTRUCTION

The next set of updates with ZTA 25-03 are within the Residential Uses Division, Group Living Section. This is where the use of Commercial to Residential Reconstruction is defined and the use and review standards are presented.

DEFINED

This ZTA defines a Commercial to Residential Reconstruction (lines 34-41) as a vacant office or retail building that is at least 2 stores high and is converted to or demolished and rebuilt as a residential building that qualifies as Townhouse Living, or Multi-Unit Living. The commercial building must have no tenants in 50% of the building at the time of application. Planning Staff has one minor concern with the definition – the requirement of no tenants in 50% of the building at the time of application. Because the intent of the CRR use and the expedited review is to incentivize the reconstruction of vacant commercial spaces, Planning Staff recommends a look-back period to ensure the commercial space has a history of struggling with vacancy, rather than an applicant potentially evicting or not renewing the lease on tenants just before submitting an application. Planning Staff suggest a two-year look-back period, similar to that required by ZTA 25-01 that was also recently introduced by the Council.

Recommendation: support, and amend line 40 to include a look-back period of vacancy to read “that has no tenants in 50% of the building [[at the]] for the two-year period prior to the time of application.”

EXEMPTIONS

The Exemptions section, starting on line 42, exempts a CRR from sketch and site plan, and instead allows the use to be reviewed under the expedited approval plan under Section 7.3.5. The code further

requires any necessary reviews by Chapter 50, and specifies that any amendment to an expedited approval plan for a CRR should be processed as an amendment to an expedited approval plan.

Planning Staff recommend one technical correction. Line 52 of the ZTA refers to approval of a Commercial to Residential Reconstruction plan, however there is no such plan type. Rather, Section 7.3.5 creates a new Expedited Approval Plan, which includes four uses: Signature Business Headquarters, Biohealth Priority Campus, Mixed-Income Housing Community and Commercial to Residential Reconstruction.

Recommendation: support, and amend line 52 to read “after approval of an Expedited approval Plan for a Commercial to Residential Reconstruction [[plan]] is approved...”

USE STANDARDS

The ZTA proposes a couple of additional use standards that apply to a CRR, starting on line 56. The first allows a property under review by a CRR to reallocate the mapped commercial FAR to residential FAR, allowing for a 100% residential project, so long as the total FAR and building height are not exceeded. The remaining two standards require CRR in a red policy area to be built as an Apartment Building type, and in other policy areas to be built satisfying Townhouse Living or Multi-Unit Living.

Planning Staff note that the standard for red policy areas specifies the applicable building type, whereas for non-red policy areas specifies household living types. Planning Staff recommend consistency between these two statutes.

Recommendation: support, but amend 3.3.2.B.3.c. (Lines 65-68) to state “If not in a red policy area, Commercial to Residential Construction must be in a ~~building type that satisfies~~ Townhouse building Living under Section ~~3.3.1.D. 4.1.3.C~~ or ~~Multi-Unit Living~~ Apartment Building under Section ~~3.3.1.E. 4.1.3.D.~~” Planning Staff also note the section references for building types may be different than shown above, if ZTA 25-02 is approved concurrently or before this ZTA, as it modifies the building type section references slightly.

SECTION 59-3 OTHER USES

The next sections of the ZTA only contain minor technical updates, including:

- **Section 3.3.2 Group Living** - updating the section references for the remaining uses as each use shifted down a letter in the alphabet.
- **Section 3.4.2. Charitable, Philanthropic Institution** – removing a hyphen from line 138, and updating the section reference for Residential Care Facilities on lines 157 and 159.
- **Section 3.4.6. Hospital** – updating the section reference for Residential Care Facilities on lines 168-169.

Recommendation: support

Division 59-4.5. Commercial/Residential Zones

SECTION 59-4.5.2. DENSITY AND HEIGHT ALLOCATION

There are several minor technical edits in the ZTA to Section 59-4.5.2. This code section provides special provisions and exemptions for density and height in C/R zones that must be approved through a regulatory approval plan. There are multiple references throughout this section to Signature Business Headquarters plan, Biohealth Priority Campus plan, and Mixed-Income Housing Community plan that are deleted and replaced with the new consolidated term expedited approval plan.

Recommendation: support

SECTION 59-4.5.4. OPTIONAL METHOD DEVELOPMENT

Section 59-4.5.4. Optional Method Development, is another technical update. This section requires optional method developments to receive an approved sketch plan, unless approved by a Signature Business Headquarters or a Biohealth Priority Campus. Those two plan types are removed from the code and replaced with an expedited approval plan.

Recommendation: support

Division 59-4.6. Employment Zones

SECTION 59-4.6.2. DENSITY AND HEIGHT ALLOCATION

There are two sections within Density and Height Allocation with amendments, Density and Height Limits under Section 4.6.2.A., and FAR Averaging under Section 4.6.2.B.

DENSITY AND HEIGHT LIMITS

Starting on line 245, the ZTA adds a new provision under the Density and Height Limits section for Employment Zones. This new section allows properties in the NR and EOF zones to reallocate commercial FAR to residential FAR, so long as the total mapped FAR and height are not exceeded.

This is a major policy shift for the Employment Zones, as residential uses are currently limited to no more than 30% of any total development, regardless of how much FAR is being utilized. This change would allow up to 100% residential developments in these zones. To demonstrate how big of a policy shift this is, below are some general policy and intent statements from Section 4.6.1. for the Employment Zones:

- Permitting nonresidential uses including office, technology, and general commercial with limited residential use
- Promote economic diversity and job creation in development patterns where people can work, learn, and recreate.

- Appropriate for targeting jobs and services to co-locate near housing.
- Residential uses are generally limited to 30% of the total gross floor area on the subject site.

Planning Staff understand the housing shortage the county is facing, and opening up employment areas, especially those with high vacancy to increased residential use is a major step in addressing that shortage. This, however, does not align with the existing policies and goals stated for the Employment Zones. A revisit of the goals for the Employment Zones to emphasize them as more mixed-use or housing-focused, along with a revisit to the Employment Zones in their entirety, should be considered in the future.

As with the Commercial to Residential Reconstruction use, this code section also only provides commercial to residential flexibility for the NR and EOF zones, but not for the GR and LSC zones. However, this provision to reallocate commercial FAR to residential FAR is not predicated on needing an existing two or more-story tall development or a certain level of tenant vacancy. Excluding the LSC zone still has merit since the bulk of that zone is covered by an overlay zone that already allows for more residential development. The GR zone however should be considered for inclusion in this commercial to residential policy change, as it is not limited to properties with at least two existing stories. The largest GR zone properties are two existing shopping malls, and the remaining properties are mostly comprised of restaurants, car washes, and other commercial uses, similar to the NR zone. These GR sites could provide valuable additional space to construct residential uses.

Recommendation: support the policy direction but revisit the goal statements for the Employment Zones and add GR to the list of eligible zones for converting commercial FAR to residential FAR on line 245.

“In the NR, GR and EOF zones, commercial FAR limits on the subject property may be reallocated...”

FAR AVERAGING

The changes proposed by the ZTA under Section 59-4.6.2.B. FAR averaging start on line 250 and are straightforward technical updates, to remove any text for Biohealth Priority Campus plans and replace it with an expedited approval plan.

Recommendation: support

SECTION 59-4.6.3. STANDARD METHOD DEVELOPMENT

ZTA 25-03 does not propose any amendments to Section 59-4.6.3. Standard Method Development for the Employment Zones. Planning Staff recommends this section be added to the ZTA to amend the development standards tables under 4.6.3.C. GR and NR Zones, and E. EOF Zone. Both tables contain a standard called Specification for Density within the Lot and Density section. The specification states “Gross floor area of all House Living uses is limited to 30% of the gross floor area on the subject site.” Removing this specification from the development standards tables would need to be made to allow

the conversion of commercial FAR to residential FAR discussed in the Density and Height Allocation analysis above. If the Council does not agree to allow the commercial to residential conversion for the GR zone, then the specification under 4.6.3.C. would remain, but should be reworded to add “In the GR Zone, gross floor area of all...”

Recommendation: Modify the ZTA to remove the Specification for Density sections in tables 4.6.3.C and 4.6.3.E., or retain the specification but add “In the GR Zone” to exclude the other zones.

SECTION 59-4.6.4. OPTIONAL METHOD DEVELOPMENT

Only one change is made to the Employment Zones Optional Method Development, under the Procedures for Approval, also replacing Biohealth Priority Campus plan with an expedited approval plan.

Recommendation: support

Division 59-7.3. Regulatory Approvals

The last Division of code amended by ZTA 25-03 is Division 59-7.3, Regulatory Approvals. There is amended text in multiple sections including technical updates to the Sketch Plan applicability, the addition of a new plan type called the expedited approval plan, and the removal of existing plans including Signature Business Headquarters plan, Biohealth Priority Campus plan, and Mixed Income Housing Community plan.

SECTION 59-7.3.3. SKETCH PLAN

The proposed amendment to the Sketch Plan section is another technical update to the list of plan types that are exempt from submitting a sketch plan under the optional method of development. This would remove the Signature Business Headquarters plan, Biohealth Priority Campus plan, and Mixed-Income Housing Community plan and replace it with the Expedited Approval Plan.

Recommendation: support

SECTION 59-7.3.5. EXPEDITED APPROVAL PLAN

Section 59-7.3.5. Expedited Approval Plan, starting on line 313, is a new regulatory plan type added to the zoning code with this ZTA. This plan type however is not new in practice, because it is based on the existing Signature Business Headquarters, Biohealth Priority Campus, and Mixed-Income Housing Community plans. These three plan types have been added over the past few years through various

ZTAs to expedite the regulatory review process for targeted uses that are county priorities. With minor exceptions, all three plan types are identical including sharing the following sections:

- **Applicability and Description** – modified to add the uses of Signature Business Headquarters, Biohealth Priority Campus, Mixed-Income Housing Community, and Commercial to Residential Reconstruction as eligible uses.
- **Application Requirements** – Ownership and submittal requirements similar to those of a site plan, except the intake process is expedited.
- **Hearing Date** – Requires the Planning Board hearing no later than 65 days after acceptance of the plan.
- **Review and Recommendation** – Sets an expedited timeframe for agencies and the applicant to respond to Development Review Committee Comments and revised plan submittals.
- **Necessary Findings** – Also similar to the findings of a site plan, except the compatibility findings are removed.
- **Decision** – Requires an expedited timeline for the Planning Board to adopt a resolution of the decision, and sets forth the ability for an aggrieved party to file a petition for judicial review.
- **Conforming Permits** – DPS may not issue a permit for the subject property until the expedited review plan and associated bond is approved.
- **Duration of Approval** – sets forth that the expedited review plans must be certified within 24 months of the resolution date, and that applicants have 2 years from the resolution date to apply for a building permit, and an additional 2 years to obtain the building permit.
- **Recording Procedures** – Requires the Planning Department to maintain a copy of the approved plan and resolution.
- **Amendments** – Allows any project approved by an expedited approval plan to file an amendment to the plan, and sets forth the criteria for a Major or Minor amendment.
- **Compliance and Enforcement** – This section allows the Planning Board to find, after holding a hearing, that an applicant may be out of compliance with their approved plan and to levy certain civil penalties.

Most of these sections and their requirements closely align with the requirements of site plans, with the expedited application, review, and post-approval permit requirements being the main difference. ZTA 25-03 adds CRR as another priority use that would have expedited reviews. Rather than create a fourth, identical plan type, this ZTA consolidates all the existing expedited plan types into one new process.

Recommendation: support

SECTION 59-7.3.#. OTHER APPROVAL PLANS

Much of the remaining volume of the ZTA, from lines 583 – 1263, is the removal of the Signature Business Headquarters plan, Biohealth Priority Campus plan, and Mixed-Income Housing Community plan.

Recommendation: support

SECTION 59-7.5.1. NOTICE REQUIRED

The final section of ZTA 25-03 updates the notice required table. This table shows each notice type as a column labeled across the top, and each plan type as rows labeled on the left. The ZTA removes the three plans and their associated amendments being removed by the ZTA from the table, and adds the expedited approval plan and its amendments.

Recommendation: support

SECTION 5 – SRA 25-01 ADMINISTRATIVE SUBDIVISION – EXPEDITED APPROVAL PLAN

Division 50.6. Administrative Subdivision Plan

SRA 25-01 is introduced (Attachment C) as a companion to ZTA 25-03 to establish a new administrative subdivision plan type for CRR uses, which is required to be heard by the Planning Board within 90 days of submission.

The new administrative subdivision will be located in Section 50-6.1.H. The proposed text starts on line 10 of the SRA and explicitly applies to properties that will be used as a CRR. Like other administrative subdivision plans, many of the findings of a preliminary plan such as adequate public facilities, stormwater management, and forest conservation are still required but do not need to be satisfied until approval of the record plat. The language for this new administrative subdivision is identical to the administrative subdivision plan types for the other expedited approval uses in Chapter 59; Section 6.1.E. Signature Business Headquarters, Section 6.1.F. Biohealth Priority Campus, and Section 6.1.G. Mixed-Income Housing Community.

As part of ZTA 25-03, the existing regulatory plans for Signature Business Headquarters, Biohealth Priority Campus, and Mixed-Income Housing were consolidated into a single new expedited approvals plan. SRA 25-01 however does not propose a similar consolidation of the administrative subdivision plan types under Sections 6.1.E. – 6.1.G.

Recommendation: support adding an administrative plan type to cover CRRs, but consolidate Signature Business Headquarters, Biohealth Priority Campus, Mixed-Income Housing, and Commercial to Residential Reconstruct into one expedited approval plan administrative plan by amending the language of Section 6.1.E. as follows:

E. Subdivision application for property to be used as Signature Business Headquarters under Section 3.5.8.D, a Biohealth Priority Campus under Section 3.5.8.E, a Mixed-Income Housing Community under Section 3.3.4. or a Commercial to Residential Reconstruction under section 3.3.2. of the Zoning Ordinance. A lot or lots created for a Signature Business Headquarters may be approved if:

1. the Planning Board approves a ~~Signature Business Headquarters~~ an Expedited Approval plan under Section 59-7.3.5, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;

The remainder of the existing text under Section 6.1.E. would remain and is identical to the text on lines 17-24 of the SRA. Sections 6.1.F and 6.1.G. of Chapter 50 would be deleted, and there would be no need to create a new Section 6.2.H.

Alternative Recommendation: If consolidation of the administrative subdivision plan types is not pursued, the plan type and section references located in Sections 6.1.E.1, F.1., and G.1. need to be updated as follows:

6.1.E.1. the Planning Board approves [a Signature Business Headquarters] an Expedited Approval plan under Section 59-7.3.5, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;

6.1.F.1. the Planning Board approves [a Biohealth Priority Campus] an Expedited Approval plan under Section ~~59-7.3.6~~ 59-7.3.5, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;

6.1.G.1. the Planning Board approves [a Mixed-Income Housing Community] an expedited approval plan under Section ~~59-7.3.7~~ 59-7.3.5, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;

SECTION 6 – BILL 2-25 TAXATION – PAYMENTS IN LIEU OF TAXES – AFFORDABLE HOUSING - AMENDMENTS

Section 52-24 Payments in Lieu of Taxes for Certain Housing Developments

Bill 2-25 amends Chapter 52 - Taxation, Section 24 - Payments in lieu of taxes for certain housing developments. A Payment In Lieu of Taxes (PILOT) program is essentially a tax abatement that is used to support the construction and preservation of housing in the county.

Currently, the County Code authorizes three ways by which an owner may receive a PILOT.

- The **Standard PILOT** program provides a real property tax abatement in exchange for providing affordable units to low-income residents. The amount of the tax abatement and its terms are negotiated based on the number of affordable units and the duration of their affordability.
- The “**by right**” **PILOT** abates all County real property taxes for a term of at least 15 years for a rental property owned or controlled by a non-profit if at least 50% of the units are leased to households with incomes no greater than 60% of the area median income (AMI).
- The **Washington Metropolitan Area Transit Authority (WMATA) PILOT** applies to new construction, high-rise residential developments that include at least 50% rental housing and are built on property leased from WMATA in the County. For qualified projects, the WMATA PILOT exempts 100% of the real property tax for 15 years.

Expedited Bill 2-25 expands upon the by-right PILOT and would require the Director of Finance to offer a PILOT for a residential development resulting from the conversion of a property that was designated for commercial use but had at least a 50% vacancy rate at the time of the development application to the Planning Department or Department of Permitting Services. The bill would require a PILOT that would exempt 100% of the real property tax that would otherwise be levied for 25 years.

To be eligible for the PILOT, the project must also rent at least 15% of units to households earning 60% or less of the area median income for 25 years, and the project must meet all the requirements of an expedited approval plan under Section 7.3.5 of Chapter 59. Planning Staff recommends this language be modified slightly to include sales price. Many of the county’s notable existing office-to-residential conversions are condominiums (The Octave, and The Elan, both in Downtown Silver Spring).

Planning Staff recommends the language in lines 41-46 be modified to say “at least 15 percent of the dwelling units located on the property are built under a government regulation or binding agreement with the County limiting the rent or sales price charged for the unit for at least 25 years to make the unit affordable to households earning 60 percent or less of the area median income.”

Recommendation: support, and broaden the affordability language to include for-sale units too.

SECTION 7 – OTHER CONSIDERATIONS

Workforce Housing Program

As mentioned in Section 1, many of the elements of the More Housing N.O.W. package involve the use of the county’s [Workforce Housing](#) program. The Workforce Housing program has seen limited application and success compared to the MPDU program, largely due to the fact it is not mandatory and there have been notable challenges with implementation. These challenges are largely because the rents/sales price often approach unaffordability or close to market rents/sales price quickly.

Recommendation: support, however, while outside the context of this package, and in the future, Chapter 25B’s regulations related to Workforce Housing should be looked at to potentially address challenges and ensure the program is operating efficiently.

SECTION 8 – CLIMATE ASSESSMENTS

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each zoning text amendment, master plan, and master plan amendment, effective March 1, 2023. Each climate assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and upon community resilience and adaptive capacity.

The Planning Board heard Planning Staff's recommendations on the climate assessments for ZTA 25-02 and ZTA 25-03 at its hearing on February 27 as agenda item 10 and has transmitted those recommendations to the District Council. A copy of the two climate assessments is provided as attachments to this report for reference (Attachments D and E)

SECTION 9 – CONCLUSION

Planning Staff recommends the Planning Board support ZTA 25-02, ZTA 25-03, and SRA 25-01 with the revisions recommended by Planning Staff. These proposed code changes will provide additional options for creating more housing, while also helping adaptively reuse our aging commercial areas.

SECTION 10 – ATTACHMENTS

Attachment A: ZTA 25-02 Intro Packet

Attachment B: ZTA 25-03 Intro Packet

Attachment C: SRA 25-01 Intro Packet

Attachment D: Climate Assessment 25-02

Attachment E: Climate Assessment 25-03

Attachment F: Complete Streets Design Guide for Controlled Major Highway

Attachment G: OMWF Parking

Attachment H: Employment Zone Distribution

M. Controlled Major Highways

Controlled Major Highways are limited/controlled access roads that are primarily designed for vehicle safety and mobility. Transit and heavy vehicles are common and pedestrian and bicycle activity is often low (and in some cases, not permitted). However, pedestrian and bicycle access is essential, whether for the accommodation of safe bicycle and pedestrian crossings, or when transit stops are provided on the Controlled Major Highway. Some Controlled Major Highways include dedicated transit lanes - see the Master Plan of Highways and Transitways. If the Controlled Major Highway is master-planned as a critical bicycle or pedestrian connection, separated facilities are needed. Due to high vehicle speeds, significant separation from traffic is needed for pedestrians and bicyclists. On roads with wider medians, street trees in the median (outside clear zone requirements) should be provided where feasible.

Key Features:

- » **Development intensity:** None or low-intensity development set back from the road
- » **Pedestrian and bicycle activity:** Low
- » **Vehicle activity:** High volume of personal vehicles, large/heavy vehicles are common
- » **Transit service:** Moderate to frequent
- » **On-street parking:** None
- » **Other key features:** Limited/Controlled Access, prioritizes long-distance travel

- S** Shoulder
- TV** Travel Lane
- M** Median
- SB** Street Buffer
- SP** Sidepath

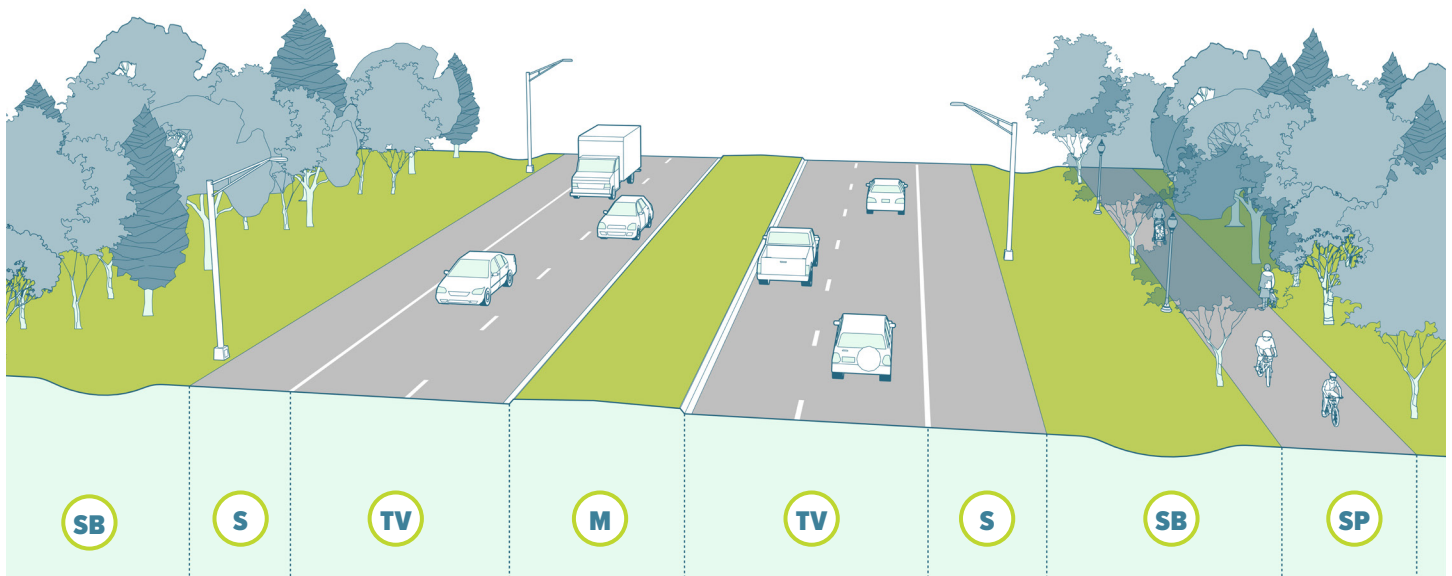


Figure 2-98. Controlled Major Highway

Controlled Major Highway Examples



Figure 2-99. Sam Eg Highway near Washingtonian Boulevard



Figure 2-100. Great Seneca Highway from Longdraft Road to Mateny Road



Figure 2-101. Columbia Pike (US Route 29) from Prelude Drive to the Howard County Line

Controlled Major Highways – Street Design Parameters and Priorities

Figure 2-102 presents a summary of Corridor Design Parameters to be used for Controlled Major Highways. Figure 2-103 presents a summary of Cross Section Design Parameters to be used for Controlled Major Highways. For ease of reference, a page reference column is provided to orient the user where each subject is covered in more detail.

Figure 2-102. Corridor Design Parameters for Controlled Major Highways

Design Parameter	Design Guidance	Notes	Page Ref
Target Speed	45-55 MPH	Presence, proximity, and volume of pedestrians, bicyclists, passenger vehicles, transit vehicles, and commercial vehicles shall be considered when determining an appropriate target speed. State law allows Montgomery County to reduce the posted speed limit to not less than 15 mph after performing an engineering and traffic investigation. Where existing posted speeds are less than the target speed: it is not the intent that these speed limits be raised.	267
Maximum # of Vehicle Through Lanes	N/A	See Master Plan of Highways and Transitways for number of travel lanes on specific streets, which supersedes this guidance. These are primarily for new roads and when considering road diets.	161
Maximum Spacing for Protected Crossings	1300'	Site-specific needs and conditions will dictate actual implementation. On streets with operating speeds of 30 mph or more, "protected" crossings include: Traffic/pedestrian signal or PHB, all-way stop control, or grade-separated crossing. Where ranges are provided, the lower end of the range is recommended in commercial areas, on BRT corridors, in BIPPAs, and near schools (or similar destinations).	236
Generally Accepted Minimum Spacing for Signalized Intersections	2700'	Refers to a full signalized intersection or roundabout. These targets are intended to maintain operations at a level that promotes safe movement by all travel modes. Site-specific needs and conditions, as determined through the regulatory approval process or capital project review, will dictate actual implementation.	236

Figure 2-103. Cross Section Design Parameters and Prioritization for Controlled Major Highways

Design Parameter	Design Guidance	Priority	Notes	Page Ref
Street Zone				
Center Median	Required 6'-17'	H	Medians may be wider than dimensions provided in some circumstances. The median may be widened to include left turn lanes at intersections. If the street is planned for a median transitway: transit lane dimensions supersede. Consult MCDOT for detailed info.	163
Dedicated Transitway	Transitway lanes: 13' default, 12' min Transitway buffer: 6' default, 2' min	M	The presence of a dedicated transitway is determined in the Master Plan of Highways and Transitways. If these dimensions vary from those provided in a specific Transitway planning process, those dimensions supersede this document. Dimensions may vary at stations, intersections & other crossing points, and along horizontal curves.	162
Left-Turn Lane	11'	N/A	Dimensions only apply if a left turn lane is provided.	159
Two-Way Left-Turn Lane	N/A	N/A	Two-Way Left-Turn Lanes are not appropriate along this street type.	159
Inside Travel Lane	11'	N/A	This includes the lane against the centerline on undivided roads. Lane width dimensions are intended for typical tangent (straight) sections. Segments with vertical or horizontal curves may require wider pavements per Section 3.3.10 of the AASHTO Green Book.	159

Figure 2-103 (continued)

Design Parameter	Design Guidance	Priority	Notes	Page Ref
Street Zone				
Outside Travel Lane	12'	N/A	Lane width dimensions are intended for typical tangent (straight) sections. Segments with vertical or horizontal curves may require wider pavements per Section 3.3.10 of the AASHTO Green Book. If the outside lane is adjacent to a striped bike lane, the total width (travel lane + bike lane) should be no less than 16'. Guidance also applies to right turn lanes, where needed. Gutter pan is included in Shoulder dimensions (below); however, if there is no Shoulder, gutter pan is included in these dimensions for the outside travel lane.	159
Shoulder	8'	H	Dimensions only apply if a shoulder is necessary. Gutter pan is included in Shoulder dimensions. If there is No Shoulder, the gutter pan is already included in the Outside Travel Lane width.	158
Active Zone				
Street Buffer	As wide as feasible (10' min) Open Section: 15' default, 10' min (see p84)	H	Where a lane within the Street Zone is converted to a street level separated bike lane, the Street Buffer may be reduced to 3' only when implemented by MCDOT as an interim bikeway. Where on-street parking is present, a minimum 3' door swing zone is required between the face of curb and any adjacent pedestrian or bicycle facility.	122
Bikeway	Sidepath on both sides of street: 11' default, 8' min	M	Default bikeway types apply to streets without master planned bikeways. The widths apply to master planned and non-master planned bikeways. If the Bicycle Master Plan recommends something different for a specific street, that supersedes this guidance. Dimensions do not include the street buffer or pedestrian/bicycle buffer (see below). If bikeway is at street level and adjacent to the curb, dimensions include the gutter pan. For corridors designated as Breezeways: the Priority is always High, see additional requirements on pages 197-198 of this Guide, or in the Bicycle Master Plan.	202
Ped / Bike Buffer	6' default, 2' min	H	Provided only if a separated bike lane is provided. These should provide edge detection at minimum on the Bikeway side, and ideally also along the Clear Zone side. Ped/Bike Buffers that are reduced to less than 5' may restrict Street Trees, less than 4' may restrict more substantive street furniture, and less than 3' may restrict most street furniture such that the area may be used as more of an extension of the sidewalk. Consider increasing the Priority to High (H) when reducing beneath a threshold will affect items of particular importance.	181
Sidepath	11' default, 8' min	M	Using the minimum dimension requires a waiver – consult MCDOT.	130
Frontage Zone	N/A	N/A	Frontage Zones are not required along this street type.	131
Maintenance Buffer	N/A	N/A	Structures not part of the roadway design shall not occur in the public ROW. If there is a structure abutting the property line: a maintenance buffer is required even if this table shows a dimension of N/A, unless there is no Sidewalk / Sidepath and the outermost zone is the Street Buffer.	119

Controlled Major Highways – Prioritizing Street Design Features

Figure 2-104 provides a summary of Controlled Major Highway design features in four different categories and identifies what features are required, recommended, optional, and not permitted.

Figure 2-104. Street Design Features for Controlled Major Highways

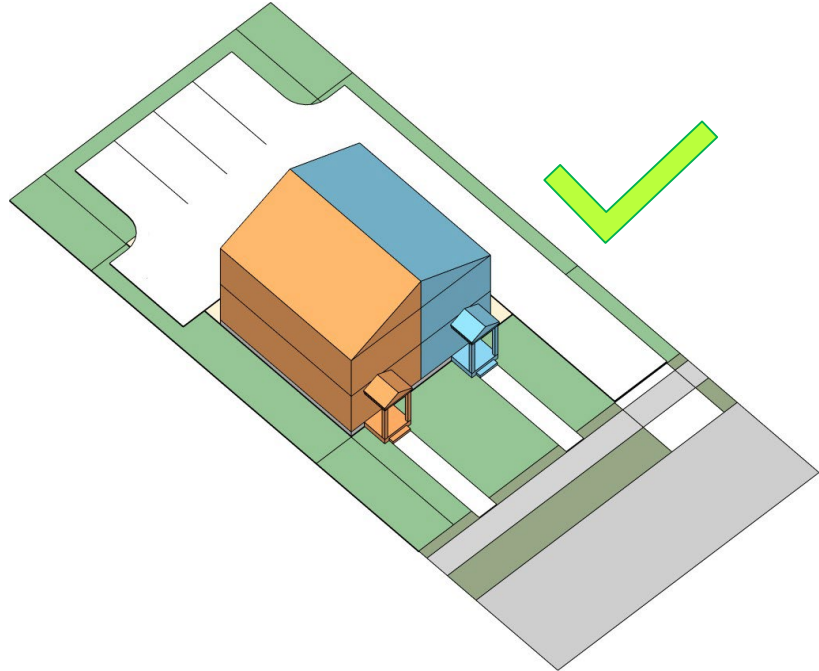
Legend	■ Required ▲ Recommended (Context-Sensitive) ○ Optional (Context-Sensitive) ✕ Not Permitted or N/A		Page Ref
	* Unless determined otherwise by Planning Board ¹ Engineering judgement needed – see Chapter 6: Intersections for details ² Required at all intersections with existing or planned separated bike lanes, sidepaths, buffered bike lanes or conventional bike lanes. ³ Narrowing lanes down to default dimensions for street type		
ACTIVE ZONE	Trees/Landscaping in Buffer	▲	254
	Green Infrastructure/Rain Gardens	▲	259
	Seating	✕	123
	Bicycle Parking	✕	124
	Recycling/Trash Receptacles	✕	129
	Plazas/Parklets	✕	155
	Bikeshare Stations/Dockless Parking Hubs (if in bikeshare/dockless service area)	✕	125
	Pedestrian-Scale Lighting	○	142
	Pedestrian/Bicycle Wayfinding	○	133
	Sidewalk-Level Driveways	✕	141
INTERSECTIONS	Roundabouts (Modern or Mini)	○ ¹	220
	Crossing Islands	▲	240
	Pedestrian Signals (when traffic signals are present) or Beacons	■	237
	Pedestrian Recall on Signals	✕	243
	Pedestrian Lighting (unless pedestrians are prohibited, e.g., some Controlled Major Highways)	■	143
	Protected Intersections, Bike Boxes, or Two-Stage Queue Boxes	■ ²	224
	Bicycle Markings/Facilities (when bikeways are present)	■	226
SPEED MANAGEMENT	Lane Diet	▲ ³	270
	Road Diet (if volumes meet thresholds for road diet)	○	271
	Speed Humps/Cushions	✕	272
	Speed Tables/Raised Crosswalks	✕	273
	Raised Intersections	✕	273
	Curb Extensions/Bulb Outs	○	273
	Neckdowns/Chokers	○	274
	Traffic Diverters	✕	274
	Chicanes/Roadway Curvature	✕	275
Textured Paving Treatment	✕	276	
STREET ZONE	Green Infrastructure in Median (when median is present)	▲	259
	Street Trees/Landscaping in Median (when median is present)	■	254
	Minimize/Consolidate Driveways	○	141
	Undergrounding Utilities (Master Plan recommendations supersede this guidance)	○	165
	Transit Shelters (where transit routes are present and boarding thresholds are met)	○	138
	Loading/Pick-up and Drop-off Zones	✕	157
	Accessible Parking	✕	153
	Carshare Parking	✕	154
E/V Charging Stations	✕	154	

R-60 Site Standards and Parking Constraints

Attachment A-G

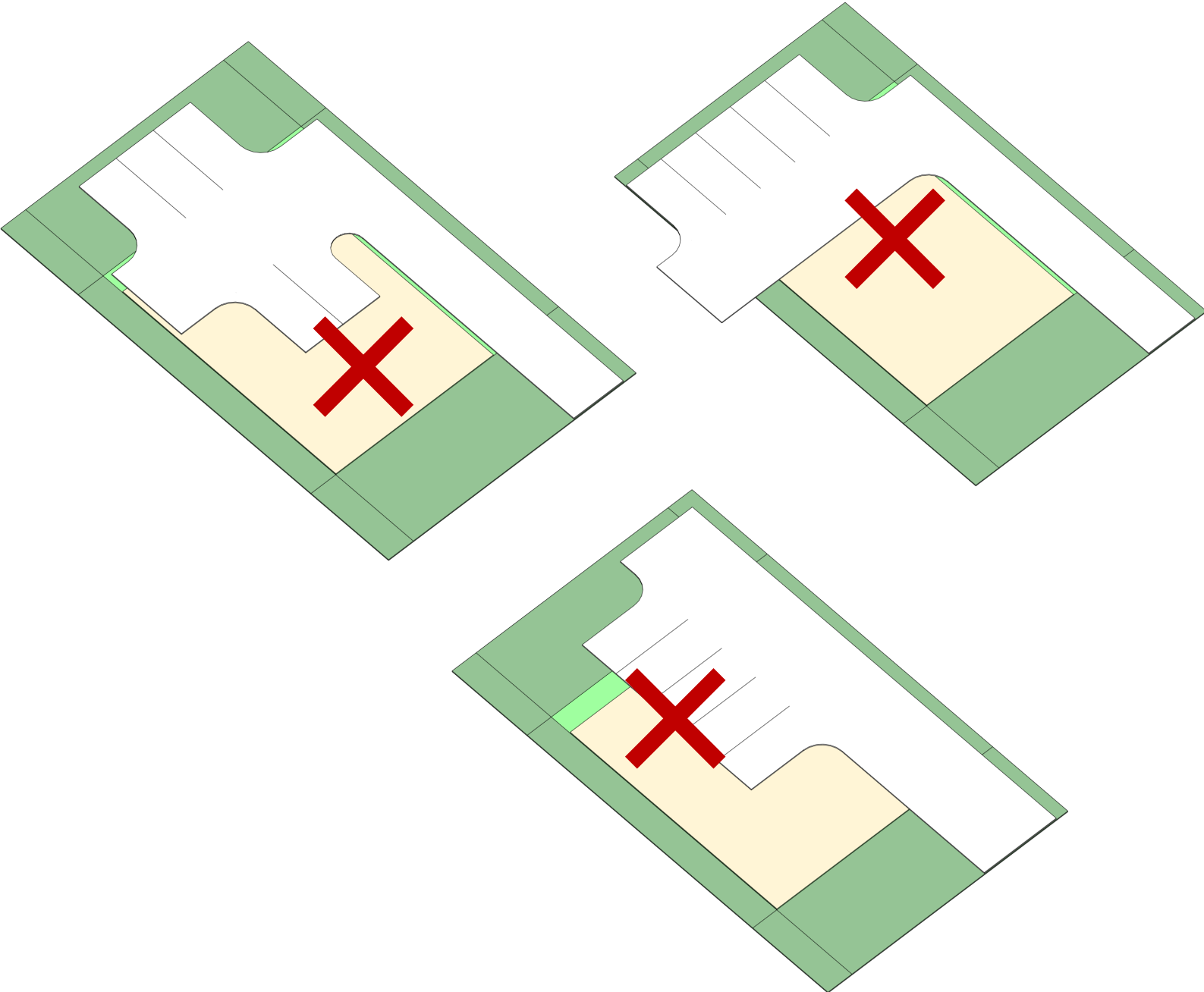
Potential Duplex Layout

- 4 onsite parking spaces
- One configuration works, with all parking in a row
- Buildable area is limited but workable
- No effective green space in the rear
- Other parking configurations are too impactful to buildable area



Potential Triplex Layout

- 5 onsite parking spaces (2 each for market rate, 1 for WH unit)
- In all configurations parking either is too impactful to buildable area, or does not fit on the site

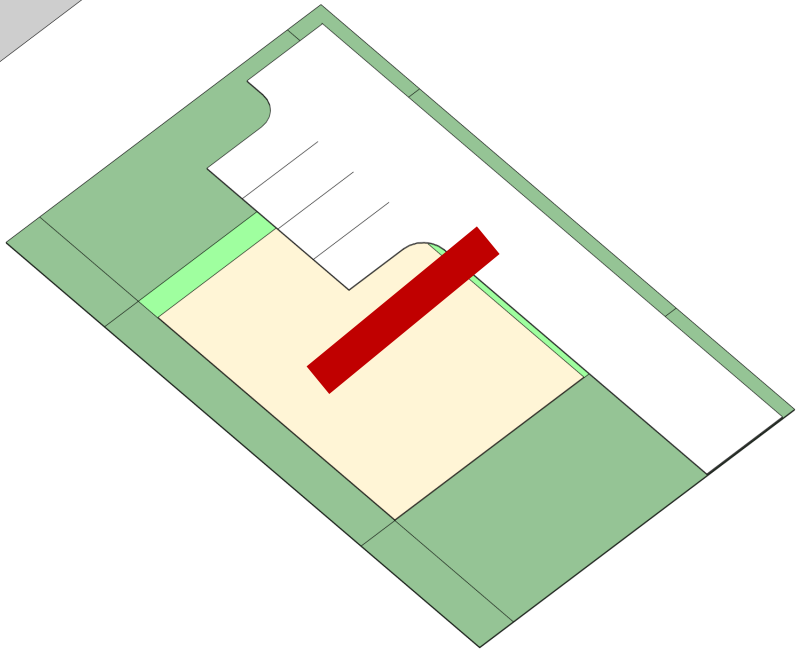
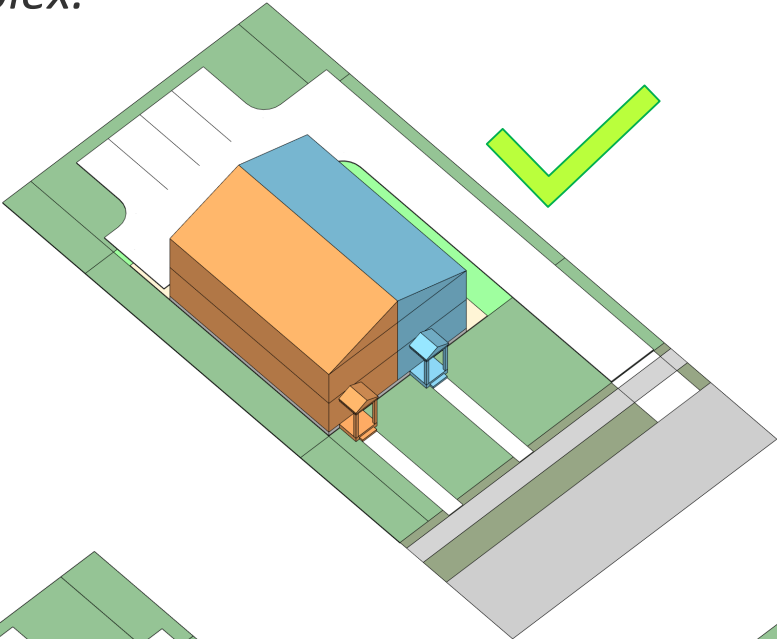


R-90 Site Standards and Parking Constraints

Potential Duplex Layout

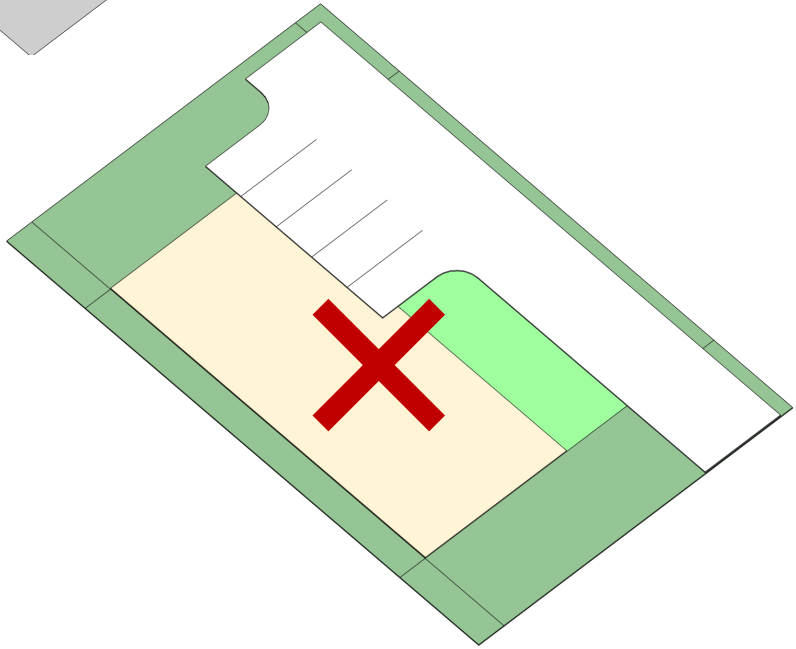
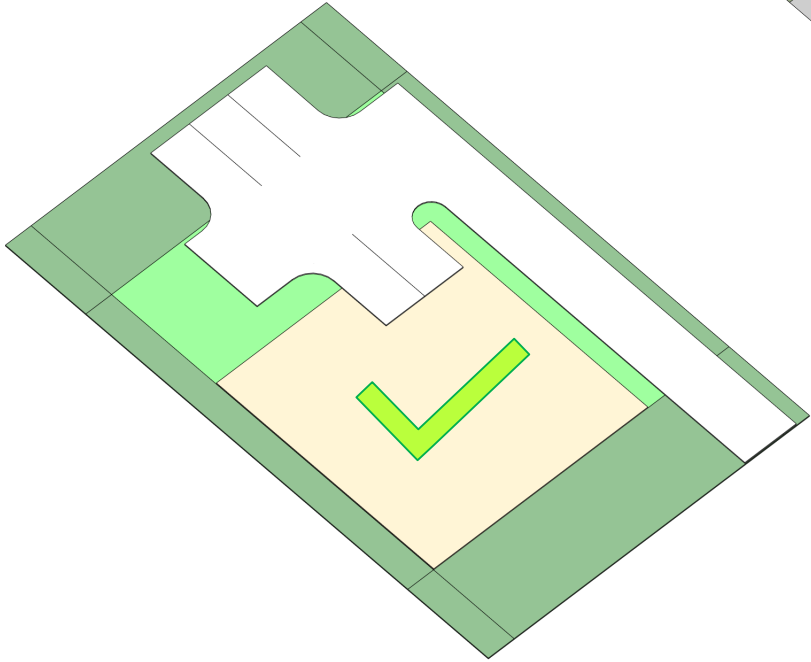
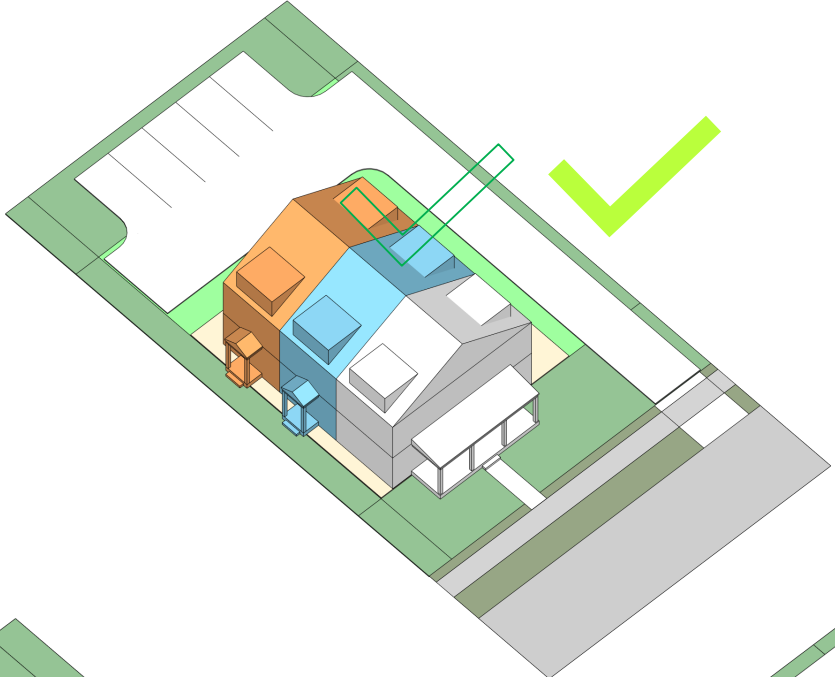
- 4 onsite parking spaces
- One configuration works, with all parking in a row
- Buildable area is limited but workable
- No effective green space in the rear

- Other parking configurations have a limited buildable area not suitable to current market standards – larger front setback for Duplex.

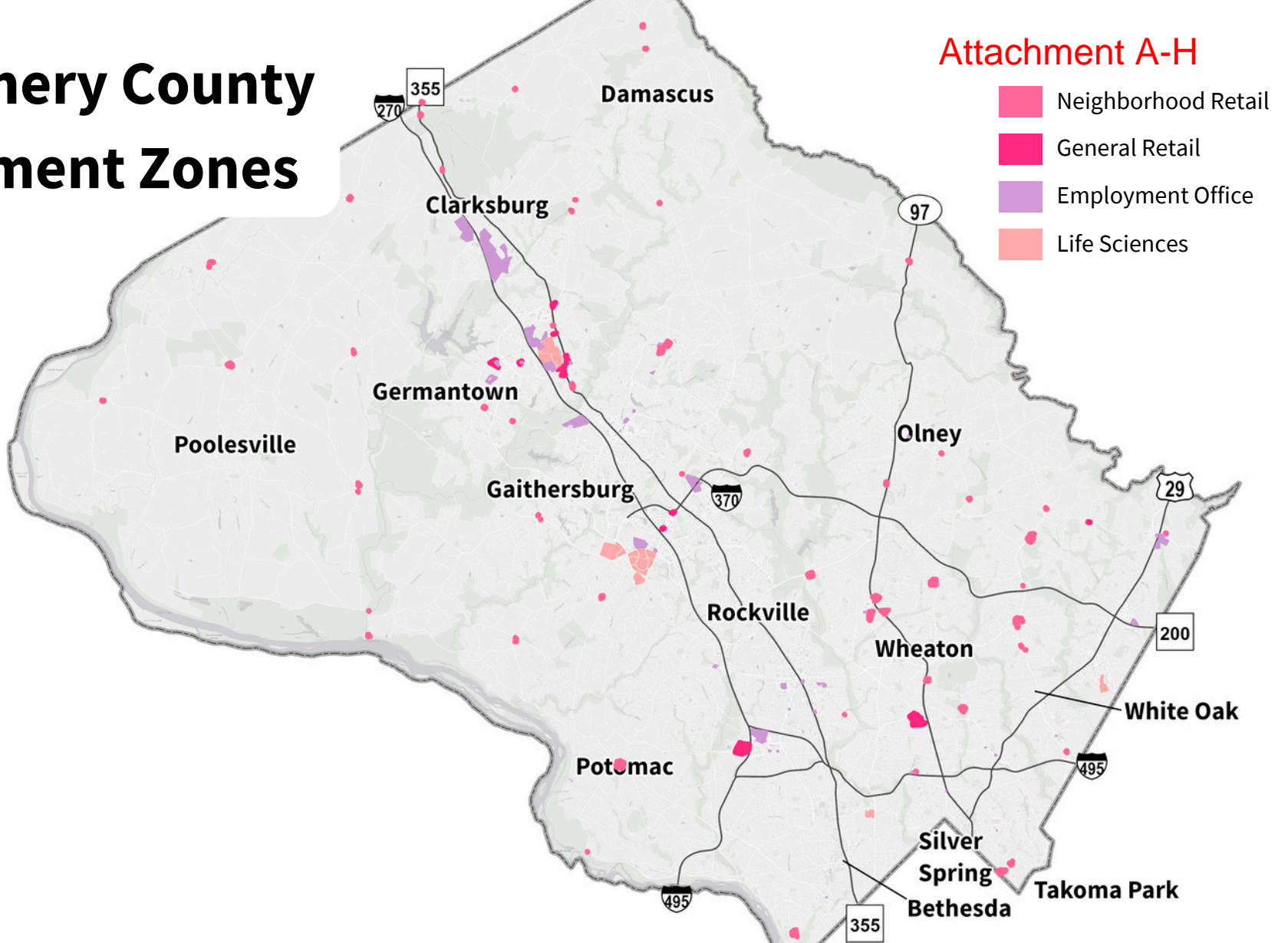


Potential Triplex Layout

- 5 onsite parking spaces (2 each for market rate, 1 for WH unit)
- Two configurations work, with parking all in a row or front to back – smaller front setbacks for Triplex.
- Substantial impact to green space in the rear

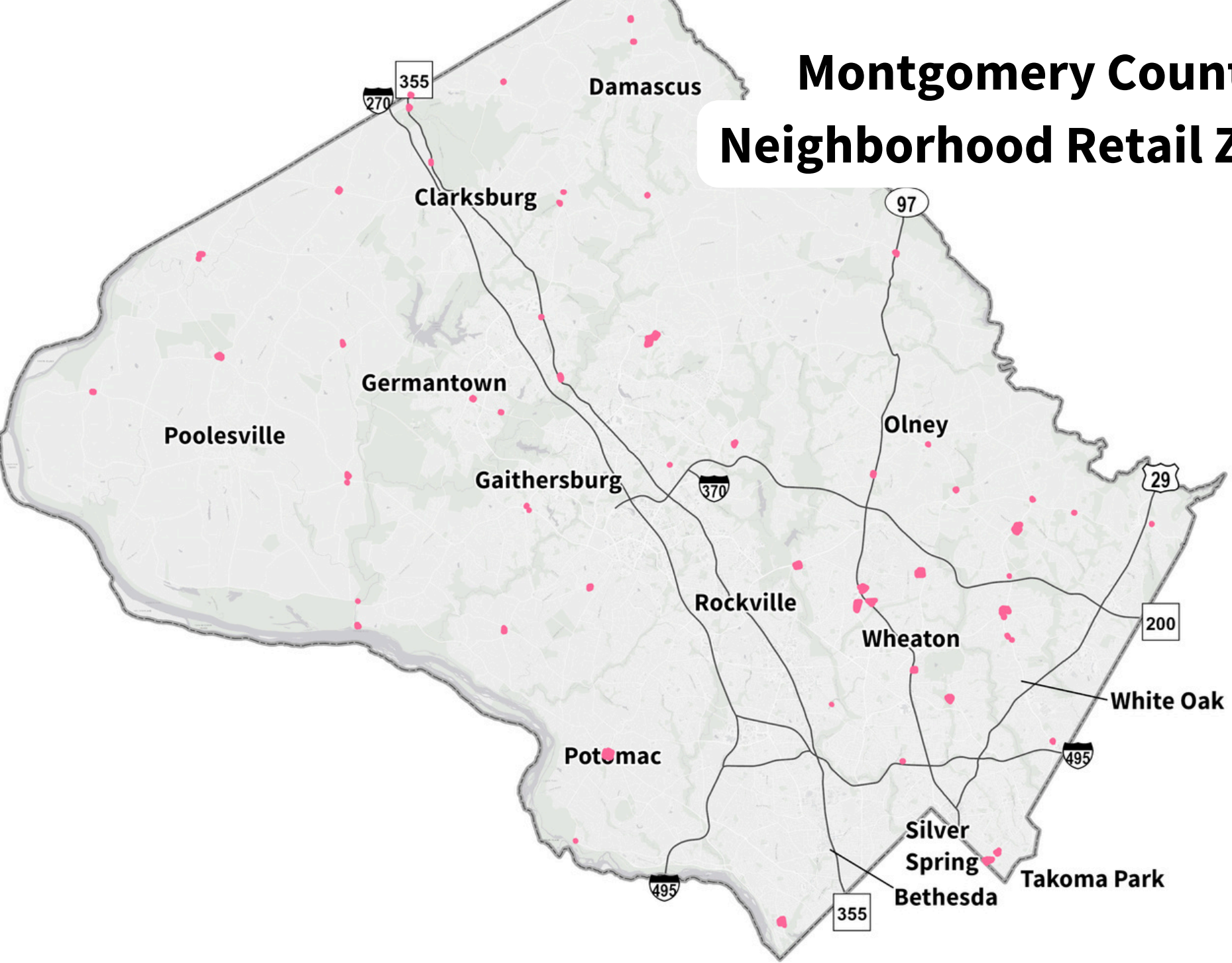


Montgomery County Employment Zones



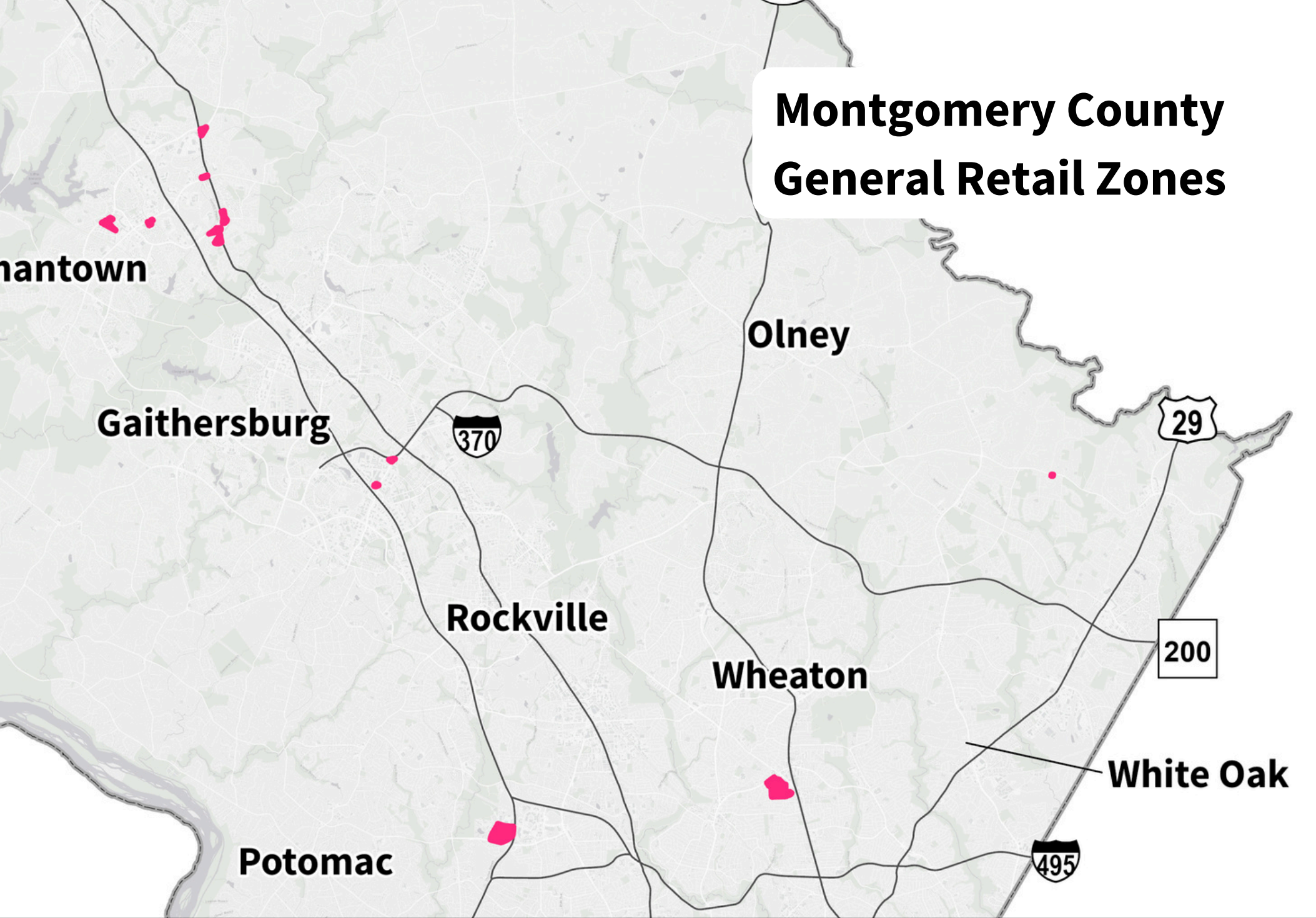
Zone	Property Count	Acreage
Neighborhood Retail	196	253
General Retail	47	183
Employment Office	131	1,008
Life Sciences	64	724 (102)

Montgomery County Neighborhood Retail Zones



Zone	Property Count	Acreage
Neighborhood Retail	196	253 (103)

Montgomery County General Retail Zones



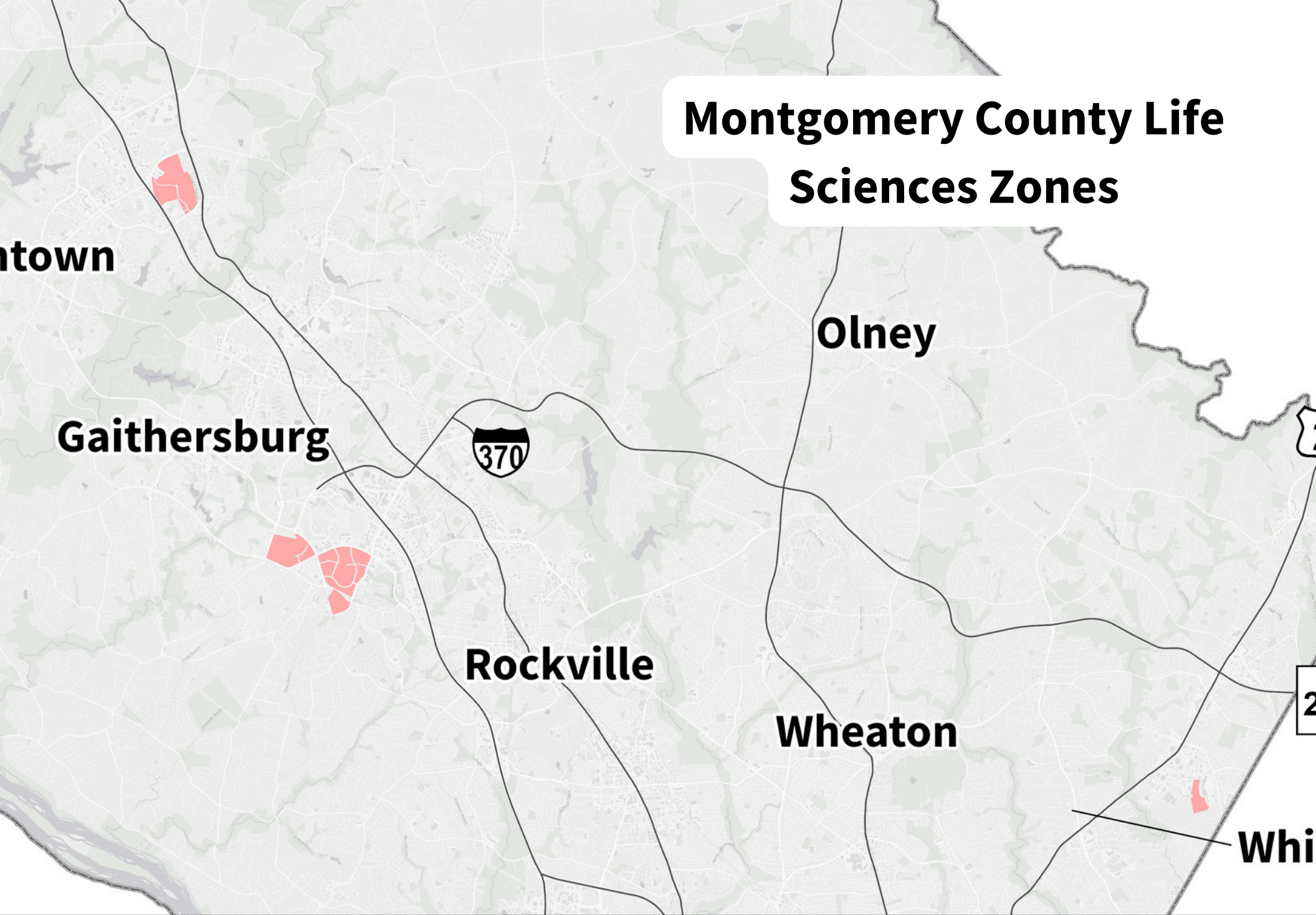
Zone	Property Count	Acreage	
General Retail	47	183	(104)

Montgomery County Employment Office Zones



Zone	Property Count	Acreage
Employment Office	131	1,008 (105)

Montgomery County Life Sciences Zones



Zone	Property Count	Acreage
Life Sciences	64	724 (106)