

Ordinance No.: 19-35  
Zoning Text Amendment No.: 22-07  
Concerning: Residential Multi-Unit  
Low Density, R-30 –  
Optional Method  
Development  
Draft No. & Date: 2 – 9/23/2022  
Introduced: June 14, 2022  
Public Hearing: September 13, 2022  
Adopted: October 11, 2022  
Effective: October 31, 2022

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsors: Councilmembers Friedson, Navarro, Katz  
Co-Sponsors: Councilmembers Jawando, Hucker, Riemer, Council President Albornoz, Council  
Vice-President Glass, Councilmember Rice

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- amend the optional method development standards in the R-30 zone;
- amend the common open space requirements for optional method development;  
and
- generally amend the provisions for R-30 zoned property.

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

Division 4.4.	“Residential Zones”
Section 4.4.14.	“Residential Multi-Unit Low Density - 30 Zone (R-30)”
Division 6.3	“Open Space and Recreation”
Section 6.3.5.	“Common Open Space”

**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.*

## OPINION

Zoning Text Amendment (ZTA) 22-07, Residential Multi-Unit Low Density, R-30 – Optional Method Development, lead sponsors Councilmembers Friedson, Navarro, and Katz, was introduced on June 14, 2022. Co-Sponsors are Councilmembers Jawando, Hucker, Riemer, Council President Alborno, Council Vice-President Glass, and Councilmember Rice. ZTA 22-07 will amend the optional method development standards in the R-30 zone for apartment buildings that provide at least 30% MPDUs. It will also add standards for common open space under optional method development.

The Office of Legislative Oversight (OLO) provided a Racial Equity and Social Justice (RESJ) Impact Statement on August 15, 2022. OLO found that ZTA 22-07 could have a small, favorable impact on racial and social inequities in the County if it increases the supply of affordable housing units for low- and moderate-income households.

The Montgomery County Planning Board reviewed ZTA 22-04 on July 14, 2022. The Planning Board recommended approval of ZTA 22-07 with two amendments: 1) clarify the type of screening required for surface parking, and 2) clarify the roof types appropriate for apartment buildings seeking additional height. The Planning Board also asked for clarification of whether the calculation of 30% MPDUs will be based on new construction or applied retroactively.

A public hearing was held on July 26, 2022. Two speakers testified in support of ZTA 22-07.

The PHED Committee held a worksession on September 23, 2022. The PHED Committee recommended approval of ZTA 22-07 with the amendments proposed by the Planning Board, and an amendment clarifying the calculation of 30% MPDUs would apply to new construction.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 22-07 will be approved as amended.

*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 59-4.4 is amended as follows:**

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

**A. Intent Statement**

The intent of the R-30 zone is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment building, although detached house, duplex, and townhouse building types are allowed.

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

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Usable area	11,700 SF			
Density (max)				
Density (units/acre)	See Specification for Density			
Specification for Density				
The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.14.B.2 plus an increase of: a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%; b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.				
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	25%			
Site Coverage (max)				
Site coverage	n/a	n/a	30%	18%
Specification for Site Coverage				
a. In a development with townhouse or apartment building types, site coverage is calculated based on the area of the site minus any area for detached house and duplex lots. b. <u>In a development with the apartment building type, the Planning Board may increase the site coverage to 30% of a site’s usable area if the Planning Board finds that the application is providing at</u>				

least 30% MPDUs, the increased site coverage is necessary for the redevelopment, and that there is still adequate open space for recreation and stormwater management.

## 2. Lot

Dimensions (min)				
Lot area	1,500 SF	1,000 SF	800 SF	12,000 SF
Lot width at front building line	Determined at site plan			
Lot width at front lot line	15'	15'	14'	50'
Frontage on street or open space	Required			
Coverage (max)				
Lot	75%	75%	n/a	n/a

## 3. Placement

Principal Building Setbacks (min)				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	4'	4'	4'	Determined at site plan
Side street setback	10'	10'	5'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
Rear setback, alley	4'	4'	4'	n/a
Accessory Structure Setbacks (min)				
Front setback	5' behind front building line			n/a
Side street setback	Side street setback of principal building			n/a
Side or rear setback	Determined at site plan			n/a
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			n/a
Rear setback, alley	4'	4'	4'	n/a
Parking Setbacks for Surface Parking Lots (min)				
Front setback	n/a	n/a	n/a	30'

Side street setback	n/a	n/a	n/a	10'
Side or rear setback	n/a	n/a	n/a	0'
Side or rear setback, abutting property not included in application	n/a	n/a	n/a	[Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A] 10' <u>If the abutting property is a residential detached zone, the applicant must install the screening required under Section 6.5.3.C.6 options A or B.</u>

#### **Specifications for Parking Setbacks for Surface Parking Lots**

- a. The Planning Board may reduce the front setback or side street setback for surface parking lots if:
- i. the [[associated development]] application is providing a minimum 30% MPDUs;
  - ii. the Board finds the reduced setback is necessary for development due to a unique site constraint; and
  - iii. the Applicant provides either the perimeter planting under Section 6.2.9.C.3.b, regardless of the [[underlying ]]zone of the abutting properties, or some other combination of landscaping and vegetated stormwater management facilities to meet the section's intent.

#### **4. Height**

<b>Height (max)</b>				
Principal building	40'	40'	40'	35'
Accessory structure	25'	25'	25'	25'

#### **Specification for Height**

- a. In a development with the apartment building type, building heights may be increased up to a maximum height of 45' if the application is providing a minimum of 30% MPDUs and the structure is built with a [[pitched]] gable or hip roof.

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### **Sec. 2. DIVISION 59-6.3 is amended as follows:**

#### **Division 6.3.5. Common Open Space**

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#### **B. Design Requirements**

## **1. Standard Method Development**

- [1]a. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.
- [2]b. The minimum width for any required common open space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3.
- [3]c. A minimum of 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

## **2. Optional Method Development**

### Common open space must:

- a. abut a public sidewalk or other public pedestrian route that provides easy access to all planned dwellings;
- b. include space for pedestrian circulation, landscaping, seating, shade, or recreation; and
- c. be in a contiguous space or spaces that abut other open space, adjacent or on-site natural features, or sidewalks or pedestrian routes, and are not so fragmented and disconnected by structures, parking, or stormwater management that they do not satisfy Section 6.3.1.

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41           **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the  
42   date of Council adoption.



This is a correct copy of Council action.

  
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Judy Rupp  
Clerk of the Council