



## Takoma Park City Council Meeting – March 20, 2019 Agenda Item #4

### Voting Session

Resolution Supporting Montgomery County Zoning Text Amendment 19-01 Regarding Accessory Dwelling Units

### Recommended Council Action

Vote on Resolution

### Context with Key Issues

On January 15, 2019, Montgomery County Council Member Hans Reimer introduced Zoning Text Amendment (ZTA) 19-01 – *Accessory Residential Uses – Accessory Apartments* that would remove the requirement for conditional use approval for all accessory apartments; revise the limited use provisions for attached and detached accessory apartments; and generally amend the provisions for accessory apartments. An Accessory Dwelling Unit (ADU) is a second unit that is subordinate to a principal dwelling, which can be either an attached accessory apartment or a detached accessory structure.

A public presentation regarding ADUs was held on March 6 and a discussion of a draft resolution regarding the proposed Zoning Text Amendment occurred at the Council meeting of March 13. Based on the comments made during and following the Work Session, the draft resolution has been modified. In sum, the resolution for Council consideration supports adoption of the ZTA 19-01 and requests an amendment that would allow certain municipalities to handle elements of the ADU approval process so as to minimize licensing burdens for ADUs within existing single family homes (as the City provides for the same inspections the County does) and to allow Takoma Park to make decisions regarding parking requirements. Allowing the City of Takoma Park to handle these elements reduces the time required for approval and may reduce costs to the applicant.

Background: Takoma Park has a long history of single-family homes that were divided into multiple apartments or utilized as rooming houses, starting with the Adventist community. The post-WWII era brought Walter Reed nurses and staff into rooms in Takoma Park, which led to the dividing up of houses into smaller apartments, a practice that persisted for decades. In 1978, Montgomery County passed a law prohibiting multifamily housing in single-family zoning, giving Takoma Park a 10-year grace period to phase-out these illegal apartments. In response, [Takoma Park residents rallied](#), brought lawsuits, and engaged in hunger strikes to protest the mass evictions. The result was great swaths of multifamily structures converted back to single-family homes. As a concession, the “special exception” process was created to allow a minimal number of accessory apartments in single-family homes under rigid conditions. Some requirements have eased over the years, but the process is still restrictive and onerous and has consequently resulted in only six (6) ADUs in Takoma Park receiving County approval since 2013.

ZTA 19-01 reframes ADUs as a way to create more housing opportunities while maintaining the character of residential neighborhoods. The ZTA retains the limit on one ADU per lot and the requirement that one unit is owner-occupied. It also keeps the requirement that no more than two adults may live in an ADU, and no more than two unrelated people. The ZTA eliminates the minimum distance required between ADUs. The current minimum distance is so great that it may

permit only one legal ADU on a single block. It eliminates minimum lot size required for a detached ADU as well as absolute maximum size restrictions so long as structures conform to existing setbacks and other zoning requirements for new construction. It reduces the number of parking spaces required but retains an on-site parking requirement.

On March 6, 2019, the Department of Housing and Community Development presented an overview of ADUs, their existence in the City of Takoma Park, and the proposed ZTA. Please refer to the [video](#), the [presentation](#), and the [text of the ZTA](#) itself for additional information.

In addition to the 60+ licensed ADUs in Takoma Park, there is an unknown number of unlicensed units, many built from the remnants of prior apartments that were part of homes a few decades ago. The removal of barriers to licensing will allow these “informal” ADUs to “get on the books” and therefore become part of the City’s regular rental inspection program, ensuring they are up to health, safety, and property maintenance code.

The ZTA as written does not discuss a process for licensing existing ADUs not currently licensed. Other jurisdictions have established [amnesty periods](#) where permitting/registration fees may be waived, or [other enticements](#) to legalize units. Takoma Park only becomes involved at the rental licensing level, not the initial approval step, so any similar programs would have to be at the County level.

The ZTA as written still has an on-site parking requirement, with the option to use a two-month waiver process if this is not possible. Other jurisdictions have removed parking requirements within a [defined distance to mass transit, or within “urban village” or historic districts](#). On-site parking meeting the current County provisions is a rarity in City limits so this requirement has the effect of adding two months to the approval process for most residents wanting to create an ADU.

### **Council Priority**

A Livable Community for All; Environmentally Sustainable Community; and Community Development for an Improved & Equitable Quality of Life

### **Environmental Considerations**

Accessory dwelling units are an environmentally-friendly contribution to affordable housing. They provide an opportunity for population density near transit, placing fewer cars on the road. ADUs are “infill” housing, built on existing residential lots, often within existing homes, and do not contribute to sprawl. These housing units make use of existing utility infrastructure. Smaller homes such as detached ADUs have smaller carbon footprints.

### **Fiscal Considerations**

More licensed ADUs will increase the annual/biennial licensing fees received by the City, which will be offset somewhat by the administration of the licenses and required inspections.

### **Racial Equity Considerations**

While it is not entirely clear how ZTA 19-01 will impact the Takoma Park, City Council should take under advisement the racial equity study conducted by the [City of Seattle](#) concerning ADUs. The study concluded that white wealthy residents were more likely to be homeowners than any other racial group and would likely benefit from the ability to construct or retrofit units under the proposed ADU legislation. However, the study also found that removing barriers could help achieve the objective of increasing the number and variety of housing choices in single-family zones. The

positive impact that ADUs bring to housing affordability could decrease economic displacement because additional housing stock could affect rent and housing prices.

### **Attachments and Links**

Draft Resolution

Introduced by:

DRAFT

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2019-**

**RESOLUTION SUPPORTING MONTGOMERY COUNTY ZONING TEXT  
AMENDMENT 19-01 REGARDING ACCESSORY DWELLING UNITS**

**WHEREAS,** Zoning Text Amendment 19-01 was introduced on January 15, 2019, and concerns Sections 3.1.6 and 3.3.3 of the Montgomery County Zoning Ordinance dealing with Accessory Dwelling Units (ADUs); and

**WHEREAS,** the proposed ZTA removes the conditional use approval for all accessory dwelling units, as well as distance requirements, absolute size limits and other barriers to the building and approval of ADUs; and

**WHEREAS,** as identified in the draft Housing and Economic Development Strategic Plan, the City of Takoma Park prioritizes the need to broaden access to affordable housing and facilitate aging in place; and

**WHEREAS,** ADUs can provide a mix of housing types and prices across the City; including homeownership and residential rental housing for families with and without children, seniors, persons with disabilities, singles, and multigenerational families; and

**WHEREAS,** in past decades, a number of homes in Takoma Park had additional units in them, helping provide housing options for residents; many of these homes were changed back to single-family homes because of zoning regulations; and

**WHEREAS,** because of the pattern of housing development across the City of Takoma Park, many properties do not meet the current County ADU distance and parking requirements; and

**WHEREAS,** the City of Takoma Park licenses County-approved ADUs as rental units resulting in annual or biennial inspections for health, safety, and property maintenance code compliance; and

**WHEREAS,** there is an unknown number of unlicensed ADUs in the City which could be brought into the licensing and inspection program under the proposed ZTA, allowing protections for both tenants and property owners; and

**WHEREAS,** many single-family homeowners have chosen not to pursue licensing for ADUs under the existing zoning requirements due to burdensome procedures, lack of on-site parking, and proximity to approved ADUs in the neighborhood; and

**WHEREAS,** all of the City of Takoma Park is within one mile of a public transit station (the Takoma Metro Station or the Takoma Langley Transit Center) and the City is also served by 18 bus routes and seven bike share stations; and

**WHEREAS,** additional housing opportunities located near public transit stations could reduce the number of personal vehicles used for daily commutes, resulting in a net reduction in traffic volume and greenhouse gas emissions; and

**WHEREAS,** approximately 14% of Takoma Park households have no cars, and 43% have only one vehicle; and

**WHEREAS,** on-street parking availability varies greatly by street, depending on the number of homes without driveways, width of the street and adjacency to uses that attract people in cars, such as commercial areas, parks and institutions; and

**WHEREAS,** in certain cases, it may be advantageous for municipal governments such as Takoma Park to assume some responsibilities now performed by Montgomery County regarding ADUs such as assessing off-street parking availability or facilitating the licensing and inspection of ADUs, and an option for this should be provided in the ZTA; and

**WHEREAS,** the proposed ZTA furthers the Council Priorities of A Livable Community For All, an Environmentally Sustainable Community, and Community Development for an Improved & Equitable Quality of Life.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND** supports ZTA 19-01 with the following conditions:

1. That a municipality be allowed to reduce the number of required on-site parking spaces from the number required by Montgomery County or establish an alternative parking waiver process.
2. Applications for ADUs within existing single family homes, not requiring review for setbacks or other external zoning issues, be exempt from the County permitting process provided they are inspected and approved for licensing through a comparable municipal licensing program.

Adopted this \_\_\_ th day of March, 2019

Attest:

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Jessie Carpenter, CMC  
City Clerk