



Takoma Park City Council Meeting – January 21, 2021

Agenda Item 6

Work Session

ZTA 20-07, R-60 Zone - Uses and Standards

Recommended Council Action

Discuss; City staff recommends the Council consider a Resolution supporting ZTA 20-07, as it is consistent with the 2019 Takoma Park *Housing and Economic Development Strategic Plan*.

Context with Key Issues

In December 2020, County Council member Will Jawando introduced Zoning Text Amendment 20-07 to allow duplexes, townhouses, and apartments in the R-60 zone under certain circumstances; to amend the density, infill development, and parking standards in the R-60 zone under certain circumstances; and to generally amend the provisions for R-60 zoned property within one mile of Metro stations. The ZTA 20-07 is part of an initiative, along with Bill 52-20, to address the “missing middle” in housing. Bill 52-20 proposes legislation to prevent residential rent gouging for properties near transit.

ZTA 20-07 would allow for increased density in R-60 zones (single-family homes) within a mile of Metro stations, including two-unit development, townhouse development (three or more units), and multi-unit development as standard method of development on lots less than 25,000 square feet. Currently in R-60 zones, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units or optional method Cluster Development. Currently multi-family units are not allowed in R-60.

In Takoma Park, much of the area within one mile of the Metro station is in the historic district. The County Planning staff has indicated that the ZTA does not supplant the historic district protections; any proposed changes would be reviewed through the Historic Area Work Permit process.

Council Priority

A Livable Community For all

- Ensure we have a range of safe, quality and stable housing options that are affordable for residents of varying incomes and all races and ethnicities.

Community Development for an Improved and Equitable Quality of Life

- Plan and prepare for development in the City and region while maintaining the special character and diversity of Takoma Park

From the *Housing and Economic Development Strategic Plan*, Produce:

Objective #1: “Increase the number of units and variety of housing types across the affordability spectrum that are attractive to a diverse demographic and do not result in economically segregated communities or increase existing economic segregation.”

Strategy A: “Encourage and facilitate the creation and expansion of housing types that are under-represented in Takoma Park, or in a particular section of Takoma Park, and desired by existing and new residents of various incomes, needs, abilities and family configurations; work to change County allowable use and zoning provisions to accomplish this.”

Strategy D: "Encourage infill housing development, such as single-family detached homes, townhouses, and multifamily structures; encourage investments to grow residential capacity on properties with existing single-family homes through accessory dwelling units and owner-occupied group homes. Build in such a way as to be resilient to the effects of climate change; and, where possible, use grants, credits or other methods to lower purchase prices, maintenance costs, and energy costs to allow for greater affordability."

Environmental Considerations

Increasing density near Metro stations generally increases use of public transit, thereby reducing the numbers of people who commute in single occupancy vehicles and the accompanying carbon emissions.

Fiscal Considerations

Additional housing in Takoma Park near the Takoma Metro could increase property values and associated real property tax revenues.

Racial Equity Considerations

As noted in the Housing and Economic Development Strategic Plan, increasing the mix of types of housing can help reduce economic segregation and can be attractive to a diverse demographic. The types of housing development that may be allowed under ZTA 20-07 would need to be examined as to the racial equity considerations. Increasing the variety, types, and prices of housing available near Metro may open up opportunities for a more diverse residential population there.

Attachments and Links

- Zoning Text Amendment No: 20-07
- ZTA 20-07 and Bill 52-20 Fact Sheet
- Map: Approximate Impacted Area of ZTA 20-07 in Takoma Park

Zoning Text Amendment No.: 20-07
Concerning: R-60 Zone – Use and
Standards
Draft No. & Date: 4 – 11/25/2020
Introduced: December 8, 2020
Public Hearing:
Adopted:
Effective:
Ordinance No.:

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

Lead Sponsor: Councilmember Jawando

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow duplexes, townhouses, and apartments in the R-60 zone under certain circumstances;
- amend the density, infill development, and parking standards in the R-60 zone under certain circumstances; and
- generally amend the provisions for R-60 zoned property near Metrorail Stations

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

Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.1.	“Household Living”
Division 4.1.	“Rules for All Zones”
Section 4.1.4.	“Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones”
Division 4.4.	“Residential Zones”
Section 4.4.1.	“Standard Method Development”
Section 4.4.9.	“Residential - 60 Zone (R-60)”
Division 6.2.	“Parking, Queuing, and Loading”
Section 6.2.4.	“Parking Requirements”

EXPLANATION: **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

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

USE OR USE GROUP	Definitions and Standards		Residential							
			Residential Detached							
			RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	
* * *										
RESIDENTIAL										
Household Living	3.3.1									
Single-Unit Living	3.3.1.B	* * *	P	P	P	P	P	P	P	* * *
Two-Unit Living	3.3.1.C			L	L	L	L	L	P	
Townhouse Living	3.3.1.D			L	L/C	L/C	L/C	L/C	L	
Multi-Unit Living	3.3.1.E							L		

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

* * *

Sec. 2. Division 3.3. Residential Uses

Section 3.3.1. Household Living

A. Defined, In General

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

B. Single-Unit Living

1. Defined

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

2. Use standards

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

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

C. Two-Unit Living

1. Defined

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

2. Use Standards

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

- a. In the RE-2C and RE-1 zones, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see Division 4.4) if it is:
 - i. served by public sewer service; or
 - ii. designated for sewer service in the applicable master plan.
- b. In the R-200 zone, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see Division 4.4).
- c. In the R-90 and R-60 zones, Two-Unit Living is permitted:
 - i. as part of a development including optional method Moderately Priced Dwelling Units or optional method Cluster Development (see Division 4.4); and

45 ii. in the R-60 zone on a lot with an area of 25,000 square
46 feet or less, located within a 1-mile radius of an entrance
47 to a Metrorail station entrance.

48 d. In the GR, NR, and EOF zones, the gross floor area of all
49 Household Living uses is limited to 30% of the gross floor area
50 on the subject site.

51 e. In the LSC zone, all Household Living uses are limited to 30%
52 of the maximum allowed FAR mapped on the subject site.

53 D. Townhouse Living

54 1. Defined

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

57 2. Use Standards

58 a. Where Townhouse Living is allowed as a limited use, it must
59 satisfy the following standards:

60 i. In the RE-2C and RE-1 zones, Townhouse Living is
61 permitted as part of a development including optional
62 method Moderately Priced Dwelling Units (see Division
63 4.4) if it is:

64 (a) served by public sewer service; or

65 (b) designated for sewer service in an applicable
66 master plan.

67 ii. In the R-200 and R-40 zones, Townhouse Living is
68 permitted as part of a development including optional
69 method Moderately Priced Dwelling Units (see Division
70 4.4).

- iii. In the R-90 and R-60 zones, Townhouse Living is permitted as part of the following:
 - (a) a development including optional method Moderately Priced Dwelling Units (see Division 4.4);
 - (b) optional method cluster development (see Division 4.4) that is a minimum of 10 acres in size; [or]
 - (c) optional method cluster development (see Division 4.4) that is a minimum of 3 acres or more in size and recommended in a master plan; or
 - (d) in the R-60 zone, a standard method development on a lot with an area of 25,000 square feet or less, located within a 1-mile radius of an entrance to a Metrorail station entrance.
 - iv. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.
 - v. In the LSC zone, all Household Living uses are limited to 30% of the maximum allowed FAR mapped on the subject site.

* * *

E. Multi-Unit Living

1. Defined

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

2. Use Standards

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

- a. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.
- b. In the LSC zone, all Household Living uses are limited to 30% of the maximum allowed FAR mapped on the subject site.
- c. In the R-60 zone, an Apartment Building is permitted on a lot with an area of 25,000 square feet or less, located within a 1-mile radius of a Metrorail station entrance.

Sec. 3. Division 4.1. Rules for All Zones

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

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

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex	Townhouse	Apartment Building
Agricultural Zone				
Agricultural Reserve (AR)	A	--	--	--
Rural Residential Zones				
Rural (R)	A	--	--	--
Rural Cluster (RC)	A	--	--	--
Rural Neighborhood Cluster (RNC)	A	A	A	--
Residential Detached Zones				
Residential Estate - 2 (RE-2)	A	TDR	TDR	TDR
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--
Residential - 200 (R-200)	A	MPDU, TDR	MPDU, TDR	TDR
Residential - 90 (R-90)	A	MPDU, CD, TDR	MPDU, CD, TDR	TDR
Residential - 60 (R-60)	A	<u>A</u> , MPDU, CD, TDR	<u>A</u> , MPDU, CD, TDR	<u>A</u> , TDR
Residential - 40 (R-40)	A	A	MPDU	--
Residential Townhouse Zones				
Townhouse Low Density (TLD)	A	A	A	--
Townhouse Medium Density (TMD)	A	A	A	--
Townhouse High Density (THD)	A	A	A	--
Residential Multi-Unit Zones				
Residential Multi-Unit Low Density - 30 (R-30)	A	A	A	A
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	A	A
Residential Multi-Unit High Density - 10 (R-10)	A	A	A	A

KEY: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed CD = Allowed as part of an optional method Cluster Development MPDU = Allowed as part of an optional method MPDU Development TDR = Allowed in a TDR Overlay zone as part of optional method TDR Development under Section 4.9.15.B

* * *

Sec. 4. Division 4.4. Residential Zones

Section 4.4.1. Standard Method Development

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B. Residential Infill Compatibility

1. Applicability

[The] Except in the R-60 zone for the construction of duplexes, townhouses, and multi-unit living within a 1/2-mile radius of a Metrorail Station entrance, the standards in Section 4.4.1.B apply to the R-200, R-90, R-60, and R-40 zones where:

- a. the lot was created:
 - i. by a plat recorded before January 1, 1978; or
 - ii. by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
- b. the lot is less than 25,000 square feet in area; and
- c. the construction proposed is:
 - i. a new detached house;
 - ii. the demolition and reconstruction of more than 50% of the floor area of an existing detached house; or
 - iii. the addition of more than 50% of the floor area of the detached house.

* * *

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

A. Intent Statement

The intent of the R-60 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a

146 detached house. [A limited number of other] Other building types may be
147 permitted [allowed under the optional method of development].

148 **B. R-60 Zone, Standard Method Development Standards**

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1. Lot and Density		Detached House, Duplex, Townhouse, Apartment Building or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
Lot (min)		
Lot area		6,000 SF
Lot width at front building line		60'
Lot width at front lot line		25'
Frontage on street or open space		Required, except as exempt under Chapter 50
Density (max)		
Density (units/acre)		7.26
Coverage (max)		
Lot		35%
Specification for Lot and Density		
a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.		
b. Development with [a detached house] <u>any residential building</u> type may have to satisfy Section 4.4.1.B, Residential Infill Compatibility.		
c. The lot coverage maximum does not apply to Religious Assembly.		
d. The maximum density does not apply to a lot with an area of 25,000 square feet or less, located within a 1-mile radius of a Metrorail station entrance.		
2. Placement		
Principal Building Setbacks (min)		
Front setback		25'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone		25'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone		15'
Side setback		8'
Sum of side setbacks		18'
Rear setback		20'
Specification for Principal Building Setbacks		
a. Development may have to satisfy Section 4.4.1.A, Established Building Line.		

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151 **Sec. 5. Division 6.2. Parking, Queuing, and Loading**

152 * * *

153 **Section 6.2.4. Parking Requirements**

154 **A. Using the Parking Tables**

155 Uses on the parking table match the allowed uses and use groups in
156 Article 59-3. The number of required spaces is based on a metric specific to
157 each use. If the proposed intensity of the use is less than the metric in the
158 tables in subsections B and C, the baseline minimum is calculated using a
159 fraction of that metric. The number of vehicle parking spaces required also
160 depends upon whether the property is located in or outside of a Parking Lot
161 District or Reduced Parking Area.

162 **B. Vehicle Parking Spaces**

USE or USE GROUP	Metric	Agricultural, Rural Residential, Residential, and Industrial Zones	
		Baseline Minimum	
AGRICULTURAL			
* * *			
RESIDENTIAL			
Household Living			
Single-Unit Living Two-Unit Living Townhouse Living	Dwelling Unit	2.00	
Multi-Unit Living	Efficiency Dwelling Unit	1.00	
	1 Bedroom Dwelling Unit	1.25	
	2 Bedroom Dwelling Unit	1.5	* * *
	3+ Bedroom Dwelling Unit	2.0	
<u>Household Living - R-60 zone within a ½-mile radius of a Metrorail Station entrance</u>			
<u>Single-Unit Living</u> <u>Two-Unit Living</u> <u>Townhouse Living</u>	<u>Dwelling Unit</u>	<u>2.00</u> <u>1.00</u> <u>1.00</u>	
<u>Multi-Unit Living</u>	<u>Efficiency Dwelling Unit</u>	<u>0.50</u>	
	<u>1+ Bedroom Dwelling Unit</u>	<u>1.00</u>	
* * *			

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164 **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the
165 date of Council’s adoption.

166

167 This is a correct copy of Council action.

168

169

170 Selena Mendy Singleton, Esq.

171 Clerk of the Council

“More Housing for More People”

ZTA 20-07 and Bill 52-20

Fact Sheet

What does ZTA 20-07 do?

ZTA 20-07 allows for the creation of duplexes, triplexes, and other “missing middle” housing types in R-60 (residential) zones within one mile of Metro stations.

What is “Missing Middle” Housing?

“Missing Middle” housing refers to a range of housing types that are compatible in scale, form and construction to single-family homes, but include multiple housing units. Missing Middle housing is typically a two-to-four story multi-unit, clustered housing such as smaller townhouses, duplexes, triplexes, quadruplexes, detached courtyard cottages, or attached courtyard apartments that are typically in walkable, transit-accessible neighborhoods.

How would this change housing in neighborhoods around the Metro?

Since World War II, most neighborhood developments in Montgomery County were built with restrictions which did not allow Missing Middle housing. (It is also notable these neighborhoods were majority restrictive to residents based on race and ethnicity). This ZTA would provide more housing for more people at different price points.

These new unit types are typically less expensive compared to existing single family homes, and are more frequently available as rental units. Housing types would be similar in form to single family homes and subject to height restrictions and setback requirements.



The examples to the right are from the [Maryland National Capital Park and Planning Commission \(N-MCPPC\) webpage related to “Missing Middle Housing.”](#) The first is a duplex, the second is a multi-unit building, both currently exist in Montgomery County neighborhoods. These are examples of what ZTA 20-07 could change in residential neighborhoods.



Comparison of Current R-60 Zone and ZTA 20-07 Standards

	Current Code	ZTA 20-07 within 1 mile of a Metrorail station and more than ½ mile	ZTA 20-07 within 1/2 mile of a Metrorail station
Maximum Density			
Dwelling Units per acre	7.26	Not limited	Not limited
Building Types Allowed			
Single Unit, Duplex, Townhouse	Allowed	No Change	No Change
Apartment	Not Allowed	Allowed	Allowed
Principal Building Setbacks (Feet)			
Front Yard	25'	No Change	No Change
Back Yard	20'	No Change	No Change
Side yard minimum on one side	8'	No Change	No Change
Side Yard total (both side setbacks added)	18'	No Change	No Change
Side Street- if abutting lot does not front on the side street or is not in a Residential Detached zone	15'	No Change	No Change
Principle Building Maximum Height (Feet)			
- Measure to the highest point or a roof surface; or	35'	No Change	No Change

- Measured to mean height between the eaves and ridge of a gabled, hip, mansard or gambrel roof	30'	No Change	No Change
Lot Coverage (% of lot area)			
- Not an infill lot[1]	35%	No Change	No Change
- Infill lot	30% - 20% based on lot size	No Change	35%
Minimum On-Site Parking (Number of spaces)			
Single Detached Unit	2	No Change	No Change
Duplex	2	No Change	1
Townhouse	2	No Change	1
Apartment (Multi-Unit)			
Efficiency	1.0	No Change	.5
One bedroom	1.25	No Change	1.0
Two bedroom	1.5	No Change	1.0

[1] A lot less than 25,000 square feet in size that was created by a plat recorded before January 1, 1978; or by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978

What does Bill 52-20 do?

Council Bill 52-20 is an anti rent-gouging bill that would ensure housing near transit remains within reach for all residents, by keeping rent increases within the Department of Housing and Community Affairs (DHCA) voluntary rental increase guidelines (2.6% in 2020) for properties within 1 mile of MARC, Metro and Purple Line stations and ½ mile of a bus rapid transit station.

What are Voluntary Rent Guidelines and who sets the rate?

Currently, the County Executive and DHCA set voluntary guidelines related to limiting the increase in rent by percentage on a yearly basis. Most current landlords keep increases within these guidelines, however, there are some who raise rents well above the guidelines, creating instability for renters. New buildings would be exempt from the increase for the first 5 years to allow owners to adjust and manage their investment while new to the market.

Is there a housing shortage in Montgomery County?

Yes, there is a projected shortage of more than 10,000 units in Montgomery County over the next 10 years, according to the Metropolitan Washington Council of Governments (COG). In addition, the region has a projected shortage of 75,000 housing units over the course of the next 10 years. With a shortage of housing, and in particular affordable housing, Montgomery County residents are impacted by raising rents and listing prices.

How are ZTA 20-07 and Bill 52-20 related to affordable housing?

It is notable that rents along existing transit corridors are more expensive than the rest of Montgomery County. Bill 52-20 ensures that rental increases stay within the DHCA voluntary rental guidelines and prevents rent gouging. With more infill housing created near transit with ZTA 20-07, more units for more people expands opportunity and adds affordable rental units and missing middle housing to the market.

How are ZTA 20-07 and Bill 52-20 good for the environment?

Taken together ZTA-20-07 and Bill 52-20 both create more housing near transit and make that housing more affordable, allowing residents to live without the need of an automobile. Taking cars off the road will assist Montgomery County in reaching climate goals set out when the county declared a Climate Emergency in 2017.

How are ZTA 20-07 and Bill 52-20 good for the workforce?

Many members of the Montgomery County workforce struggle to afford housing within the county. Notably, A 2019 review of Montgomery County's 9,000-person workforce found 45 percent of county workers could not afford to live on their public employee salary within the county. Creating more housing that can be accessible to employment centers improves the lives of those working in the county, cuts down on commuter times and builds more connectedness within the community.

Approximate Impacted Area of ZTA 20-07 in Takoma Park

