



Committee PHED
Staff: Jeff Zyontz, Senior Legislative Analyst
Purpose: To receive testimony – no vote expected
Keywords: #Townhouse Living, #Conditional Use

AGENDA ITEM 6
November 10, 2020
Public Hearing

SUBJECT

ZTA 20-03, Townhouse Living – Conditional Use Standards

EXPECTED ATTENDEES

NA

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

NA

DESCRIPTION/ISSUE

ZTA 20-03 would amend the standards for allowing townhouse dwelling units as a conditional use. Townhouses are allowed as a conditional use in the RE-1, R-200, R-90, and R-40 residential zones.

SUMMARY OF KEY DISCUSSION POINTS

With conditional use approval, the Zoning Ordinance allows a density of up to 15.7 townhouses per acre for developments where all structures meet “livability” standards for accommodating disabled residents and all parking spaces are designed to have 8-foot access aisles next to them.

ZTA 20-03 would:

- 1) eliminate the requirement for public bus service abutting the site;
- 2) increase allowed distance from recreation facilities to 1,500 feet;
- 3) clarify that the distance to a Metro Station is measured as a radius; and
- 4) require an access aisle for one of every 4 parking spaces.

This report contains:

Staff Memorandum
ZTA 20-03

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Public Hearing

MEMORANDUM

November 5, 2020

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT: Zoning Text Amendment 20-03, Townhouse Living - Conditional Use Standards

PURPOSE: Public Hearing - ZTA 20-03

Zoning Text Amendment (ZTA) 20-03, lead sponsor Councilmember Riemer, was introduced on September 29, 2020. ZTA 20-03 would amend the standards for allowing townhouse dwelling units as a conditional use. Townhouses are allowed as a conditional use in the RE-1, R-200, R-90, and R-40 residential zones.

With conditional use approval, the Zoning Ordinance allows a density of up to 15.7 townhouses per acre for developments where all structures meet “livability” standards for accommodating disabled residents and all parking spaces are designed to have 8-foot access aisles next to them. The availability of this option is limited to sites with less than a 5% slope that are located:

- 1) within 2 miles of a Metro Station;
- 2) within 1,000 feet of a public recreation or park facility; and
- 3) abutting a road with public bus service.

ZTA 20-03 would:

- 1) eliminate the requirement for public bus service abutting the site;
- 2) increase allowed distance from recreation facilities to 1,500 feet;
- 3) clarify that the distance to a Metro Station is measured as a radius; and
- 4) require an access aisle for one of every 4 parking spaces.

The Planning, Housing, and Economic Development Committee meeting has been tentatively scheduled for November 30, 2020.

This packet contains:

ZTA 20-03

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Zoning Text Amendment No.: 20-03
Concerning: Townhouse Living -
Conditional Use
Standards
Draft No. & Date: 2 – 9/15/20
Introduced: September 29, 2020
Public Hearing:
Adopted:
Effective:

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

Lead Sponsor: Councilmember Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- delete or revise the requirement for abutting bus service for townhouses as a conditional use;
- revise the requirement or dimensional standards for handicapped-accessible vehicular parking for townhouses as a conditional use;
- revise the distance standards from a Metro Station and recreational facilities; and
- generally revise the requirements for townhouses as a conditional use

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

ARTICLE 59-3. “Uses and Use Standards”
Division 3.3. “Residential Uses”
Section 3.3.1. “Household Living”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

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

1 **Sec. 1. ARTICLE 59-3 is amended as follows:**

2 **Division 3.3. Residential Uses**

3 **Section 3.3.1. Household Living**

4 * * *

5 D. Townhouse Living

6 1. Defined

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

9 2. Use Standards

10 * * *

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

14 i. All buildings and structures must meet or exceed the
15 Level II Accessibility Standards established by Section
16 52-106 and detailed in Section 52-107.

17 [ii. Public bus service must be available on a road abutting
18 the site.]

19 [iii]ii. A Metro Station must be located within a 2 [miles] mile
20 radius of the site.

21 [iv]iii. Public recreation or park facilities must be located within
22 [1,000 feet] a 1,500-foot radius of the site.

23 [v]iv. A grading plan must demonstrate that the post-
24 construction site will have a slope less than 5%.

25 [vi]v. The minimum tract size is 2 acres.

26 [vii]vi. The density limitations and development standards
27 of the TMD zone under optional method (Section

28 4.4.12.C) apply [in spite of] despite any other limitation
29 in this Chapter.

30 [~~viii~~]vii. Reducing the number of required parking spaces
31 through a parking waiver under Section 6.2.10 is
32 prohibited.

33 [~~ix~~]viii. A minimum of one parking space for [each
34 dwelling unit] every four dwelling units must satisfy the
35 dimensional standards for handicapped-accessible
36 vehicle parking and a minimum 8-foot-wide access aisle
37 as required by the State.

38 * * *

39 **Sec. 2. Effective date.** This ordinance becomes effective on the date of
40 Council adoption.

41

42 This is a correct copy of Council action.

43

44

45 _____
46 Selena Mendy Singleton, Esq.
Clerk of the Council