



## Zoning Text Amendment (ZTA) No. 20-03, Townhouse Living – Conditional Use Standards

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Completed: 10/29/20

### Description

ZTA 20-03 would 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.

### Summary

**Staff recommends approval of ZTA 20-03 as introduced. Given that each development that utilizes these provisions will be reviewed on a case-by-case basis as part of the conditional use process, staff believes that the proposed changes to the townhouse living standards for accessibility units provides a balanced approach in creating opportunities for more universally designed homes convenient for an age-diverse population without overtly suggesting any age. Any issues of compatibility and consistency with area master plans will be addressed as part of the conditional use process.**

### Background/Analysis

As adopted under ZTA 15-02 in 2015, a conditional use is allowed for townhouse living in the RE-1, R-200, R-90, and R-60 zones under requirements that include: meeting the Level II Accessibility Standards of Section 52-107 for all units (as part of the County's Design for Life program<sup>1</sup>); close proximity to public bus service (located on road abutting the site), public recreation services within 1,000 feet of the site; a Metro Station within 2 miles of the site; demonstration that the post construction site will be minimally

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<sup>1</sup> ZTA 15-02 was adopted as part of the County's Design for Life program, intended to incentivize builders and property owners to install accessibility features in existing and new construction. A key objective of the Design for Life program is to increase the stock of existing and new residences usable by people of diverse abilities. The County provides tax credits to builders and homeowners for including features in new and existing residential housing that improve accessibility for persons of all ages, including seniors and those with disabilities. There are standards for both making it easier for physically challenged visitors and physically challenged occupants. The law was effective on July 1, 2014. The intent of this law was to increase the stock of accessible dwelling units in the County and thereby create a more inclusive community.

sloped (less than a 5% slope); a project site of at least 2 acres; density limitations and development standards of the TMD zone under optional method; at least one parking space for each dwelling unit satisfying the dimensional standards for handicapped-accessible vehicle parking; and, as a condition of approval, any property owner of the conditional use project must be prohibited from seeking a tax credit under Section 52-106 or Section 52-93(e). At the time of adoption, the Council believed that allowing both a density bonus and a tax credit for the same attribute would be excessive.

Under the adoption of ZTA 18-10 in 2018, the owner of a project that was approved as an accessible, conditional use is now eligible for tax credits. In the opinion of the sponsor, the public interest in getting accessible projects completed outweighed any speculative loss in revenue.

ZTA 20-03 would amend the standards for allowing townhouse dwelling units as a conditional use. ZTA 20-03 would: 1) eliminate the requirement for public bus service abutting the site; 2) increase allowed distance from recreation facilities from 1,000 feet 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 (currently a minimum of one parking space for each dwelling unit).

The sponsor's overall rationale for amending these provisions is to provide more opportunities where accessibility dwellings can be located in the County. Although adjacency to public bus service provides ease of access for those who might not, at some point, be able to drive, there are also a number of additional local and regional transportation resources available for seniors and persons with disabilities that are readily accessible (MetroAccess and other paratransit door-to-door services, rideshares, etc.).

While the provision for a handicapped space for each unit provides easy access to vehicles for those who continue to own a vehicle, in the case where parking is provided in a surface parking area (as opposed to a driveway adjacent to a parking garage attached to each unit), providing van accessible spaces to accommodate each unit could be excessive. In any case, an applicant must provide the minimum number of parking spaces required for handicapped persons under State law.

Given that each development will be reviewed on a case-by-case basis as part of the conditional use process, staff believes that the proposed changes to the townhouse living standards for accessibility units provides a balanced approach in creating opportunities for more universally designed homes convenient for an age-diverse population without overtly suggesting any age. Any issues of compatibility and consistency with area master plans will be addressed as part of the conditional use process. Staff recommends approval of ZTA 20-03 as introduced.

## **Attachments**

1. ZTA No. 20-03 as introduced
2. Accessibility Standards

# ATTACHMENT 1

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**

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Lead Sponsor: Councilmember Riemer

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**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.

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42 This is a correct copy of Council action.

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46 Selena Mendy Singleton, Esq.  
Clerk of the Council

### Defining Accessibility

**Accessibility Feature** means a permanent addition to a single family residence that is a requirement under a Level I or Level II Accessibility Standard.

**Level I Accessibility Standard** means a permanent addition to a single family residence that include at least one no-step entrance located at any entry door to the house that is connected to an accessible route to a place to visit on the entry level, a usable powder room or bathroom, and a 32-inch nominal clear width interior door as further defined and described in Executive Regulations adopted under Method 2.

**Level II Accessibility Standard** means permanent additions to a single family residence that provide all of the Level I Accessibility Standards plus an accessible circulation path that connects the accessible entrance to an accessible kitchen, a full bath, and at least one accessible bedroom, as further defined and described in Executive Regulations adopted under Method 2.