

Ordinance No.: 20-12
Zoning Text Amendment No.: 24-01
Concerning: Household Living – Civic
and Institutional Uses
Revised: 3/12/2024 Draft No.: 2
Introduced: January 11, 2024
Public Hearing: February 27, 2024
Adopted: April 2, 2024
Effective: April 22, 2024

**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 Sponsors: Council Vice-President Stewart and Council President Friedson
Co-Sponsors: Councilmembers Fani-González, Glass, Sayles, Mink, Luedtke,
Balcombe, Albornoz, Katz, and Jawando

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) allow Multi-Unit Living and Townhouse Living on properties with a Religious Assembly or Educational Institution (Private) use in certain zones;
- (2) provide development standards for Multi-Unit Living and Townhouse Living on properties with a Religious Assembly or Educational Institution (Private) use; and
- (3) generally amend the provisions for Household Living when combined with certain Civic and Institutional or other uses.

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”

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. DIVISION 59-3.1 is amended as follows:**

2 **Division 3.1. Use Table**

3 * * *

4 **Section 3.1.6. Use Table**

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

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USE OR USE GROUP	Definition s and Standards	Ag AR	Rural Residential			Residential												Commercial / Residential			Employment				Industrial		
						Residential Detached						Residential Townhouse			Residential Multi-Unit												
			R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM
* * *																											
RESIDENTIAL																											
HOUSEHOLD LIVING	3.3.1																										
* * *																											
Townhouse Living	3.3.1.D				P	<u>C</u>	<u>[[L]] L/C</u>	L/C	L/C	L/C	L/C	<u>[[L]] L/C</u>	P	P	P	P	P	P	P	P	P	P	P	L	L	L	
Multi-Unit Living	3.3.1.E					<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				P	P	P	P	P	P		L	L	L	L	
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Sec. 2. DIVISION 59-3.3 is amended as follows:

Division 3.3. Residential Uses

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Section 3.3.1. Household Living

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D. Townhouse Living

1. Defined

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

2. Use Standards

* * *

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

i. In the RE-1, R-200, R-90, and R-60 zones:

[i.](a) All buildings and structures must meet or exceed the Level II Accessibility Standards established by Section 52-106 and detailed in Section 52-107.

[ii.](b) Public bus service must be available on a road abutting the site.

[iii.](c) A Metro Station must be within 2 miles of the site.

[iv.](d) Public recreation or park facilities must be within 1,000 feet of the site.

[v.](e) A grading plan must demonstrate that the post-construction site will have a slope less than 5%.

[vi.](f) The minimum tract size is 2 acres.

35 [vii.](g) The density limitations and development
 36 standards of the TMD zone under optional method
 37 (Section 4.4.12.C) apply in spite of any other
 38 limitation in this Chapter.

39 [viii.](h) Reducing the number of required parking spaces
 40 through a parking waiver under Section 6.2.10 is
 41 prohibited.

42 [ix.](i) A minimum of one parking space for each dwelling
 43 unit must satisfy the dimensional standards for
 44 handicapped-accessible vehicle parking and a
 45 minimum 8-foot-wide access aisle required by the
 46 State.

47 ii. In the [[RE-2 zone]] Residential Detached zones:

48 (a) Townhouse Living must be located on property
 49 used for Section 3.4.10, Religious Assembly or
 50 Section 3.4.5, Educational Institution (Private).
 51 This may include [[contiguous]] confronting and
 52 abutting properties [[that are separated only by a
 53 public right-of-way]].

54 (b) The maximum building height and principal
 55 building setbacks of any building used for
 56 Townhouse Living must meet the standard method
 57 development standards of the townhouse building
 58 type in the R-30 zone under Section 4.4.14.B.

59 (c) The minimum side setback is [[20]] 25 feet to
 60 abutting lots and parcels not included in the
 61 application.

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- (d) A minimum of 35% common open space is required.
- (e) The site must [[be served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.]] not receive water and sewer access through a Private Institutional Facilities (PIF) approval.
- (f) The dwelling units must meet one of the following affordability thresholds:
 - (1) at least 50% of the units are built under a government regulation or binding agreement that limits the price charged for at least 30 years and affordable to households earning 60 percent or less of Area Median Income (AMI);
 - (2) at least 30% of the units built under a government regulation or binding agreement that limits the price charged for at least 30 years with at least 10% of the total units affordable to households earning 30% of Area Median Income (AMI) or below and at least 20% of the total units affordable to households earning incomes eligible for the MPDU program in Chapter 25A;
 - (3) at least 30% of the units built under a government regulation or binding agreement

89 that limits the price charged for at least 30
90 years with at least 20% of the total units
91 affordable to households earning 50% of
92 Area Median Income (AMI) or below and at
93 least 10% of the total units affordable to
94 households earning incomes eligible for the
95 MPDU program in Chapter 25A; or

96 (4) the project receives an award of either 4% or
97 9% Low-Income Housing Tax Credits
98 (LIHTC) from the Maryland Department of
99 Housing and Community Development
100 (DHCD).

101 (g) The maximum residential density is determined by
102 the Hearing Examiner under the development
103 standards of Section 3.3.1.D.2.b.ii. without regard
104 to any other limitation in this Chapter.

105 (h) The Hearing Examiner may modify the height,
106 [[Height,]] density, coverage, and parking standards
107 [[must]] to be compatible with surrounding uses.
108 [[The Hearing Examiner may modify any
109 development standards to maximize the
110 compatibility of the building with the residential
111 character of the surrounding neighborhood.]]

112 **E. Multi-Unit Living**

113 **1. Defined**

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

117 **2. Use Standards**

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

120 [a]i. In the GR, NR, and EOF zones, the gross floor area of all
121 Household Living uses is limited to 30% of the gross floor
122 area on the subject site.

123 [b]ii. In the LSC zone all Household Living uses are limited to
124 30% of the maximum allowed FAR mapped on the subject
125 site.

126 b. Where Multi-Unit Living is allowed as a conditional use, it may
127 be permitted by the Hearing Examiner under Section 7.3.1,
128 Conditional Use, and the following standards:

129 i. Where allowed as a conditional use, Multi-Unit Living
130 must be located on property used for Section 3.4.10,
131 Religious Assembly or Section 3.4.5, Educational
132 Institution (Private). This may include [[contiguous]]
133 confronting and abutting properties [[that are separated
134 only by a public right-of-way]].

135 ii. The maximum building height of any building used for
136 Multi-Unit Living is 60 feet.

137 iii. Principal building setbacks of any building used for Multi-
138 Unit Living must meet the standard method development
139 standards of the apartment building type in the R-30 zone
140 under Section 4.4.14.B.3.

- 141 iv. The minimum side setback is ~~[[20]] 25 feet to abutting lots~~
142 and parcels not included in the application.
- 143 v. A minimum of 35% common open space is required.
- 144 vi. [[In the RE-2, RE-2C, and RE-1 zones, the site must be
145 served by existing water and sewer infrastructure that will
146 not require either an upgrade to the service line or
147 installation of a pump station due to the proposed
148 development.]] The site must not receive water and sewer
149 access through a Private Institutional Facilities (PIF)
150 approval.
- 151 vii. The dwelling units must meet one of the following
152 affordability thresholds:
- 153 (a) at least 50% of the units are built under a
154 government regulation or binding agreement that
155 limits the price charged for at least 30 years and
156 affordable to households earning 60 percent or less
157 of Area Median Income (AMI);
- 158 (b) at least 30% of the units built under a government
159 regulation or binding agreement that limits the price
160 charged for at least 30 years with at least 10% of the
161 total units affordable to households earning 30% of
162 Area Median Income (AMI) or below and at least
163 20% of the total units affordable to households
164 earning incomes eligible for the MPDU program in
165 Chapter 25A;
- 166 (c) at least 30% of the units built under a government
167 regulation or binding agreement that limits the price

168 charged for at least 30 years with at least 20% of the
169 total units affordable to households earning 50% of
170 Area Median Income (AMI) or below and at least
171 10% of the total units affordable to households
172 earning incomes eligible for the MPDU program in
173 Chapter 25A; or

174 (d) the project receives an award of either 4% or 9%
175 Low-Income Housing Tax Credits (LIHTC) from
176 the Maryland Department of Housing and
177 Community Development (DHCD).

178 viii. The maximum residential density is determined by the
179 Hearing Examiner under the development standards of
180 Section 3.3.1.E.2.b., without regard to any other limitation
181 in this Chapter.

182 ix. The Hearing Examiner may modify the height, [[Height,]]
183 density, coverage, and parking standards [[must]] to be
184 compatible with surrounding uses. [[The Hearing
185 Examiner may modify any development standards to
186 maximize the compatibility of the building with the
187 residential character of the surrounding neighborhood.]]

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189 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
190 date of District Council adoption.

191 **Sec. 4. Short Title.** This text amendment may be cited as the “FAITH
192 (Facilitating Affordable Inclusive Transformational Housing) zoning text
193 amendment (ZTA).”

This is a correct copy of Council action.



Sara R. Tenenbaum
Clerk of the Council