



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
Item #8
6/12/03

DATE: June 6, 2003
TO: Montgomery County Planning Board
VIA: Joseph Davis, Chief, Development Review *JRD*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the Zoning Ordinance to establish Moderately Priced Dwelling Unit (MPDU) requirements and optional development standards for the RE-1, RE-2, RE-2C and RNC Zones based on Master Plan recommendation for public sewer service.

TEXT AMENDMENT: No. 03-09
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: May 13, 2003

PLANNING BOARD REVIEW: June 12, 2003
PUBLIC HEARING: June 17, 2003; 7:30 PM

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENT

- To establish Moderately Priced Dwelling Unit (MPDU) requirements and optional development standards for the RE-1, RE-2C and RNC Zones based on Master Plan recommendation for public sewer service.

BACKGROUND

- In the Fall of 2001, the County Council requested staff to provide additional analysis of the MPDU law in order to consider a series of possible amendments pertaining to: 1) MPDUs in Large Lot Zones; 2) Extending the MPDU requirements to subdivisions of 35 or more units; and 3) Providing rental MPDUs in For-Sale Subdivisions. Amendments pertaining to Issues 2 and 3 have been completed. Staff has now been directed to provide MPDU requirements for those large lot zones that are Master Plan designated for sewer service.

- In the analysis section below, staff has provided several charts that depict lot size comparisons, hypothetical MPDU requirements for each method of development (standard, cluster and MPDU), and hypothetical common open space figures for a 100-acre scenario.

ANALYSIS

Currently, the MPDU law applies to residential zones with a density greater than one unit per acre. The Council’s Planning, Housing and Economic Development (PHED) Committee expressed support for extending the MPDU law to large lot zones served by sewer. As seen below and in Attachment 1, it is recommended that MPDU requirements be extended to the RNC (under the optional provisions where public water and sewer are required), the RE-2C Zone and RE-1 Zone (under the optional cluster provisions that are Master Plan designated for sewer). Below is a summary of the proposed text amendment.

Unit Type-Proposed unit types are limited to one-family detached and semi-detached (duplex) units to minimize compatibility issues in unit design.

Lot Area- Lot area requirements are proposed as follows:

MPDU MINIMUM LOT AREA REQUIREMENTS (In Sq. Ft.)				
	Proposed (w/MPDUs)		Existing (w/o MPDUs)	
	Detached units	Semi-detached	Detached Units	Semi-detached
RNC (optional method)	4,000	3,500	4,000	NA
RE-2C (cluster provisions)	15,000	7,500	25,000	NA
RE-1 (cluster provisions)	10,000	5,000	15,000	NA

As seen above, with the exception of the RNC Zone, it is proposed that a smaller minimum lot area requirement for one-family detached units in MPDU developments than in the standard method of development. In each case, one-family semi-detached units are currently not permitted in the standard method of development. For the RNC Zone, the existing lot area requirement of 4,000 square feet for the optional method of development for one-family detached units, with or without MPDU is recommended. This rationale is based on the already small minimum lot area requirement for the optional method of development. Staff is proposing a lot area for a semi-detached unit that is slightly smaller than the one-family-detached unit lot area.

Maximum Height for Main Building—The maximum height for a main building in the RE-2C and RE-1 Zones, using the MPDU provisions, would be 40 feet, consistent with the height currently in the R-200 and R-150 Zones for MPDU developments.

Maximum Percentage of Semi-Detached Units in a Subdivision—Staff is recommending, for all three zones, that a maximum of 30% of the units be semi-detached when located in subdivisions including MPDUs.

Lot Size Comparisons

Below is a chart that depicts lot size comparisons for the proposed MPDU developments, including figures indicating by what percentage the standard lot size would be reduced if the proposed MPDU lot sizes were recommended.

One-Family Residential Zones- Lot Size Comparisons (in sq. ft.)								
Method of Development	RNC	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40
Standard	25,000	87,120	40,000	20,000	20,000	9,000	6,000	6,000
Optional Cluster	4,000	25,000	15,000	10,000	8,000	5,000	4,000	NA
MPDU (proposed)-one-family detached	4,000	15,000	10,000	6,000	6,000	5,000	4,000	4,000
MPDU (proposed)-semidetached	3,500	7,500	5,000	3,500	3,500	3,500	3,500	3,500
Percentage reduction of Standard Method lot size for Cluster Development	84%	71.4%	62.5%	50%	60%	44.5%	33.3%	NA
Percentage reduction of Standard Method detached lot size for MPDU Development	84%	82.8%	75%	70%	70%	44.5%	33.3%	33.3%
Percentage reduction of Cluster Method detached lot size for MPDU Development	0%	40%	33.3%	40%	25%	0%	0%	NA

The proposed lot size reduction from the standard method of development for one-family detached dwelling units in the RE-1, RE-2C and RNC ranges from 75% to 84% while the existing reduction for the R-200 and R-150 zones equate to 70%. However, when looking at the proposed lot size reduction from the cluster provisions to the MPDU requirements, the proposals range from 0% (for the RNC Zone) to 40% (for the RE-2C Zone). The existing lot size reduction for MPDU developments in the R-200 and R-150 Zones are 40% and 25%, respectively.

Examples of Market Rate vs. MPDU Developments

The following tables provide examples of the three methods of development (standard, cluster and MPDU) for each affected zone based on a hypothetical 100-acre site. There are sewer requirements in all scenarios and infrastructure reductions were simplistic and generally based on street width requirements.

RE-1 Example

Maximum Number of Market Units & MPDUs* -RE-1 Zone (Based on 100-Acre Site)			
Method of Development	Number of Units	Number of MPDUs	Market Units
Standard	90	12	78
Cluster	100	13	87
MPDU	122	19	103

* **Assumptions:** Sewer required
50-foot tertiary street
10 acres for infrastructure/roads

The chart below is based on the figures depicted in the table above.

Common Open Space for RE-1 Options (100-Acre Site)				
	Lot Size	Infrastructure	Development Area (including infrastructure)	% of Area for Common Open Space
Standard	40,000	10 acres	90 acres	None
Cluster	15,000	10 acres	34 acres	66%
MPDU	10,000	10 acres	36 acres*	64%

* Takes into account 20 duplex units, 19 of which are MPDUs.

RE-2C Example

Maximum Number of Market Units & MPDUs* -RE-2C Zone (Based on 100-Acre Site)			
Method of Development	Number of Units	Number of MPDUs	Market Units
Standard	47	6	41
Cluster	40	5	35
MPDU	48	8	40

* **Assumptions:** Sewer required
20-foot private streets
5 acres for infrastructure/roads

The chart below is based on the figures depicted in the table above.

Common Open Space for RE-2C Options (100-Acre Site)				
	Lot Size	Infrastructure	Development Area (including infrastructure)	% of Area for Common Open Space
Standard	87,120	5 acres	95 acres	None
Cluster	25,000	5 acres	28 acres	72%
MPDU	15,000	5 acres	20 acres*	80%

* Takes into account 8 duplex units, all of which are MPDUs.

RNC Example

Maximum Number of Market Units & MPDUs* -RNC Zone (Based on 100-Acre Site)			
Method of Development	Number of Units	Number of MPDUs	Market Units
Standard	20	3	17
Optional Cluster	100	13	87
MPDU Provisions	122	19	103

* All methods of development are cluster. Therefore, the maximum density yield is possible in all 3 methods.

The chart below is based on the figures depicted in the table above.

Common Open Space for RNC Options (100-Acre Site)				
	Lot Size	Infrastructure*	Development Area (including infrastructure)	% of Area for Common Open Space
Standard	25,000	2 acres	14 acres	86%
Cluster	4,000	2 acres	12 acres	88%
MPDU	4,000	2 acres	13 acres**	87%

* **Assumptions:** infrastructure is approximately 2 acres
 20-foot private streets
 Sewer required

** Takes into account 20 duplex units, 19 of which are MPDUs.

As indicated in the examples, common open space encompasses a majority of the site in all MPDU developments while there is a very small difference in the common open space resulting from the existing cluster provisions verses the proposed MPDU development requirements. As such, it could be assumed that there would be very little difference in the perimeter footprint of the two developments.

Summary

The provision of public sewer appears to be the appropriate policy for deciding specifically where developments that include MPDUs should be required in the large lot residential zones. As such, it is recommended that MPDU requirements be extended to the RNC Zone (under the optional provisions where public sewer is required), the RE-2, RE-2C and RE-1 Zones (only with developments where public sewer is provided). With the exception of the RE-2 Zone, density bonus provisions have been included, consistent with current MPDU practice. In the RE-2 Zone, it is believed that a provision for sewer service would provide sufficient opportunity to

maximize the development potential that otherwise, would probably not be reached with developments that must rely on private septic systems. Proposed unit types are limited to one-family detached and semi-detached (duplex) units to minimize compatibility issues in unit design. The RE-2 Zone would be limited to the standard method of development requirements which only permit one-family detached units. With the exception of the RNC and RE-2 Zones, staff is proposing a smaller minimum lot area requirement for one-family detached units in MPDU developments than in the standard method of development, consistent with existing MPDU practice in other zones. In each case, one-family semi-detached units are currently not permitted in the standard method of development but are proposed to encompass a minimum of one-half the lot size of the proposed detached unit lot. For the RNC Zone, staff is recommending the use of the existing lot area requirement of 4,000 square feet for the optional method of development for one-family detached units, with or without MPDUs. This rationale is based on the already small minimum lot area requirement for the optional method of development. Staff is proposing a lot area for a semi-detached unit in the RNC Zone that is slightly smaller than the one-family-detached unit lot area of 4,000 square feet.

For the RE-1, RE-2C and RNC Zones, staff is further recommending that a maximum of 30% of the units be semi-detached when located in subdivisions including MPDUs to further minimize compatibility concerns in unit design.

RECOMMENDATION

The staff recommends approval of the proposed text amendment as introduced to establish Moderately Priced Dwelling Unit (MPDU) requirements for the RE-1, RE-2, RE-2C and RNC Zones based on Master Plan designation for public sewer.

Attachment 1 depicts the proposed text amendment language as introduced.

GR

Attachments

1. Zoning Text Amendment No. 03-09

ATTACHMENT 1

Zoning Text Amendment No: 03-09
Concerning: MPDUs in RE-1, RE-2, RE-2C
& RNC Zones
Draft No. & Date: 1 – 5/13/03
Introduced: May 13, 2003
Public Hearing: June 17, 2003; 7:30 PM
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**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing Moderately Priced Dwelling Unit (MPDU) requirements and optional development standards for the RE-1, RE-2, RE-2C and RNC Zones based on Master Plan recommendation for public sewer service.

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

DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.32	“Development standards”
Section 59-C-1.6	“Development including moderately priced dwelling units”
DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.3	“Land uses”
Section 59-C-9.4	“Development Standards”
Section 59-C-9.57	Special regulations for development in the Rural Neighborhood Cluster zone.”

EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the 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 59-C-1 is amended as follows:

DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.

59-C-1.32. Development standards.

In addition to the following, the regulations in sections 59-C-1.34, 59-C-1.35 and 59-C-1.36 shall apply:

	RE-2 ¹	RE-2C ¹	RE-1 ¹	R-200	R-150 ³	R-90	R-60	R-40 ²	R-4plex	RMH 200
* * *										
59-C-1.329. Additional Development Requirements										
* * *										
(b) In the zones indicated thus (*), moderately priced dwelling units are required in accordance with the provisions of chapter 25A and section 59-C-1.6.	*8	*8	*8	*	*	*	*	*	*	*
* * *										

8 Required only for development that is served by public sewer service.

59-C-1.6. Development including moderately priced dwelling units.

59-C-1.62. Development standards. In the case of an RE-2 Zone served by public sewer service, moderately priced dwelling units must be included in the development in accordance with Chapter 25A of the County Code, as amended. The number of moderately priced dwelling units must be at least 12.5 percent of the total number of dwelling units in accordance with Chapter 25A. The standard method of development

1 requirements of subsections 59-C-1.31 and 59-C-1.32 apply. In all other applicable
 2 zones, the following development standards apply.
 3

	<u>RE-2C</u> ⁸	<u>RE-1</u> ⁸	R-200	R-150	R-90	R-60	R-40
59-C-1.621. Uses Permitted. No uses are permitted except as indicated by the letter "P" in the following schedule. Special exceptions may be authorized as indicated in section 59-C-1.31, title "Land Uses," subject to the provisions of article 5[8]9-G.							
Dwelling unit, one-family attached. ¹			P	P	P	P	P
Dwelling unit, one-family detached.	<u>P</u>	<u>P</u>	P	P	P	P	P
Dwelling unit, one-family semidetached. ¹	<u>P</u>	<u>P</u>	P	P	P	P	P
Townhouse. ¹			P	P	P	P	P
Mobile home, double-wide. ²	<u>P</u>	<u>P</u>	P	P	P	P	P
Registered living unit. ^{3,5}	<u>P</u>	<u>P</u>	P	P	P	P	P
Accessory apartment. ³	<u>SE</u>	<u>SE</u>	SE	SE	SE	SE	
Bed-and-breakfast lodging with one or 2 guest rooms. ^{3,4}	<u>P</u>	<u>P</u>	P	P	P	P	
Bed-and-breakfast lodging with 3, 4 or 5 guest rooms. ^{3,4}	<u>SE</u>	<u>SE</u>	SE	SE	SE	SE	
Accessory buildings and uses.	<u>P</u>	<u>P</u>	P	P	P	P	P
59-C-1.622. Density of development. The maximum number of dwelling units per acre of usable area, as defined in section 59-C-1.628(a), is	<u>0.48</u>	<u>1.22</u>	2.44	3.17	4.39	6.10	10.12
59-C-1.623. Setbacks from street (in feet).							
No detached dwelling must be nearer to any public street than:	<u>35</u>	<u>35</u>	25'	25'	25'	20	20
59-C-1.624. Yard requirements (in feet). For a side or rear yard that abuts a lot that is not developed under the provisions of this section 59-C-1.6, the setback must be at least equal to that required for the abutting lot, provided that no rear yard is less than							
	<u>35</u>	<u>35</u>	20	20	20	15	15
59-C-1.625. Lot area and width.							
(a) Minimum net lot area (in sq.ft.):							
(1) For a one-family detached dwelling unit	<u>15,000</u>	<u>10,000</u>	6,000'	6,000'	5,000'	4,000'	4,000
(2) For each one-family semidetached dwelling unit	<u>7,500</u>	<u>5,000</u>	3,500	3,500	3,500	3,500	3,500
(3) For a townhouse, unless a smaller lot size is approved by the planning board. ⁶			1,500	1,500	1,500	1,500	1,500
(4) Where an individual lot for each dwelling unit is deemed to be infeasible because of the manner in which individual units are attached to each other the board may approve a site plan depicting more than one dwelling unit on a lot.							
(b) Minimum lot width for a one-family detached dwelling unit at existing or proposed street line (in feet):	<u>25</u>	<u>25</u>	25	25	25	25	25
59-C-1.626. Maximum Building Height (in Feet).							
(a) For a main building. The height must not exceed 3 stories or 40 feet. If the abutting lot is not developed under the provisions of this section 59-C-1.6, the yard abutting that lot must be increased by one foot for each 2 feet of height above 35 feet							
(b) For an accessory building. The height must not exceed 2 stories or 25 feet.							
59-C-1.627. Green area. Green area must be provided for each townhouse or one-family attached dwelling unit erected in the subdivision, at the rate, in square feet per unit, of			2,000	2,000	2,000	2,000	1,500

1 1 The maximum percentage of one-family attached or semidetached dwelling units,
2 townhouses, or a combination thereof, in a subdivision is:

3 RE-2C and RE-1: 30%;

4 R-200 and R-150 Zones: 40%;

5 R-90 Zone: 50%;

6 R-60 Zone: 60%.

7
8 The balance must be one-family detached dwelling units. Except in the RE-1 and
9 RE-2C Zones, [T]the [p]Planning [b]Board may[[, however,]] approve a
10 development in which up to 100 percent of the total number of units consists of one-
11 family attached dwelling units, one-family semidetached dwelling units,
12 townhouses, or a combination thereof, upon a finding that a proposed development
13 is (1) more desirable from an environmental perspective than development that
14 would result from adherence to these percentage limits, and (2) compatible with
15 adjacent existing and approved development.

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17 8 Required only for development that is served by public sewer service.

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19 **Sec. 2. DIVISION 59-C-9 is amended as follows:**

20 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

21 * * *

22 **59-C-9.3. Land uses.**

23 No use is allowed except as indicated in the following table:

- 24 - **Permitted uses.** Uses designated by the letter "P" are permitted on any lot in
25 the zones indicated, subject to all applicable regulations.

1 - **Special exception uses.** Uses designated by the letters "SE" may be
 2 authorized as special exceptions, in accordance with the provisions of
 3 Article 59-G.
 4

* * *	Rural	RC	LDRC	RDT	RS	RNC
(e) Residential:²						
Dwelling, one-family detached	P	P	P	P	P	P
<u>Dwelling, one-family semidetached*</u>						<u>P</u>
* * *						

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 6 * * *

7 * Permitted only as part of a moderately-priced dwelling unit development. The
 8 maximum percentage of one-family semi-detached dwelling units in a subdivision
 9 is 30%.

10 * * *

11 **59-C-9.4. Development standards.**

12 The following requirements apply in all cases, except as specified in the optional
 13 standards for cluster development set forth in sections 59-C-9.5 and 59-C-9.57 and the
 14 exemption provisions of section 59-C-9.7.

15 * * *

* * *	Rural	RC	LDRC	RDT	RS	RNC
59-C-9.48. Additional Development Requirements						
<u>In the zones indicated thus</u>						
<u>(*) moderately priced dwelling units are required in accordance with the provisions of Chapter 25A and Section 59-C-9.57.</u>						<u>*⁵</u>

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 17 * * *

18 5 Required only for optional method of development that is served by public sewer
 19 service.

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59-C-9.5. Cluster development--Option in Rural Cluster zone and Low Density Rural Cluster zone.

* * *

59-C-9.57. Special regulations for development in the Rural Neighborhood Cluster zone.

59-C-9.571. Purpose.

The cluster method of development required in this zone is intended to preserve large areas of rural open space consistent with the recommendations of the applicable master or sector plan. Cluster development is required under either the standard method of development or the optional method. Under the optional method of development the maximum development unit density allowed may be increased to accommodate the construction of Moderately Priced Dwelling Units in accordance with Chapter 25A.

The following classes of uses are not permitted in the rural open space area. The exceptions noted in subsections (d) and (f) are not excluded from this area; they are permitted by right or special exception, as stated in section 59-C-9.3:

* * *

(d) Residential, with the following exceptions:

- a one-family detached dwelling;
- accessory apartment;
- a farm tenant dwelling in existence prior to application of the Rural Neighborhood Cluster zone, or a structure converted to a farm tenant dwelling included as part of a historic site designated in the Historic Master Plan;

- 1 (i) Minimum lot area-4,000 sq. ft. for one-family detached units; 3,500 sq. ft.
2 for one-family semi-detached units.
3
- 4 (ii) Minimum setback from the street-15 feet.
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- 6 (iii) Yard requirements (in feet). A side yard, if provided, must be at least 8 feet.
7 For a side or rear yard that abuts a lot that is not developed under the
8 optional method of this section, the setback must be at least equal to that
9 required for the abutting lot, provided that no rear yard is less than 30 feet.
10
- 11 (iv) Minimum lot width for a one family detached dwelling unit at the existing or
12 proposed street line-25 feet.
13
- 14 (v) Maximum building height-35 feet.
15
- 16 (vi) Maximum lot coverage for a one family detached dwelling unit-35 Percent.
17
- 18 (vii) The rear and side yard setbacks for accessory structures [should] must be
19 consistent with the requirements in the R-60 Zone, 5 feet for rear and side
20 yard setbacks and 60 feet from the street.
21

1 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the date of
2 Council adoption.

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4 This is a correct copy of Council action.

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9 Mary A. Edgar, CMC

10 Clerk of the Council