

Zoning Text Amendment No: 08-16
Concerning: Workforce Housing
- Findings
Draft No. & Date: 2 – 7/10/08
Introduced: July 29, 2008
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**

By: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow certain development plans or project plans to exceed density or building height limits to permit the construction of all Workforce Housing units on-site; and
- generally amend provisions relating to Development Plans and Project Plans.

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

DIVISION 59-D-1 “DEVELOPMENT PLAN”
Section 59-D-1.6 “Approval by district council”
Section 59-D-1.61 “Findings”
DIVISION 59-D-2 “PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT,
CBD ZONES AND RMX ZONES”
Section 59-D-2.4 “Action by planning board”
Section 59-D-2.42 “Findings required for approval”

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:

1 **Sec. 1. DIVISION 59-D-1 is amended as follows:**

2 **DIVISION 59-D-1. DEVELOPMENT PLAN.**

3 * * *

4 **59-D-1.6. Approval by district council.**

5 **59-D-1.61. Findings.**

6 Before approving an application for classification in any of these zones, the
7 District Council must consider whether the application, including the development
8 plan, fulfills the purposes and requirements in Article 59-C for the zone. In so
9 doing, the District Council must make the following specific findings, in addition
10 to any other findings which may be necessary and appropriate to evaluate the
11 proposed reclassification:

12 (a) The [zone applied for] proposed development plan substantially
13 complies with the use and density indicated by the master plan or
14 sector plan, and does not conflict with the general plan, the county
15 capital improvements program, or other applicable county plans and
16 policies.

17 * * *

18 (3) locating any required public use space off-site.

19 To permit the construction of all workforce housing units required
20 under Chapter 25B on-site, the proposed development may exceed, in
21 proportion to the workforce housing units to be built on site, any
22 applicable residential density or building height limit established in a
23 master plan or sector plan. Any residential density or residential FAR
24 limit of the applicable zone may be exceeded to the extent required for
25 the number of workforce housing units to be constructed, but not by

26 more than 10 percent. Any building height limit recommended in a
27 master or sector plan may be exceeded to the extent required for the
28 number of workforce housing units that are constructed, but not to
29 more than the maximum height of the zone.

30 * * *

31 **Sec. 2. DIVISION 59-D-2 is amended as follows:**

32 **DIVISION 59-D-2. PROJECT PLAN FOR OPTIONAL METHOD OF**
33 **DEVELOPMENT, CBD ZONES AND RMX ZONES.**

34 * * *

35 **59-D-2.4. Action by planning board.**

36 * * *

37 **59-D-2.42. Findings required for approval.**

38 The fact that an application complies with all of the specific requirements and
39 intent of the applicable zone does not create a presumption that the application
40 must be approved. The Planning Board can approve, or approve subject to
41 modifications, an application only if it finds that the proposed development meets
42 all of the following requirements:

43 (b) It would conform to the applicable sector plan or urban renewal plan.

44 * * *

45 (3) locating any required public use space off-site.

46 To permit the construction of all workforce housing units required
47 under Chapter 25B on-site, a project plan may exceed, in proportion
48 to the workforce housing units to be built on site, any applicable
49 residential density or building height limit established in a master plan
50 or sector plan. Any residential density or residential FAR limit of the

51 applicable zone may be exceeded to the extent required for the
52 number of workforce housing units to be constructed, but not by more
53 than 10 percent. Any building height limit recommended in a master
54 or sector plan may be exceeded to the extent required for the number
55 of workforce housing units that are constructed, but not to more than
56 the maximum height of the zone.

57 * * *

58 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
59 Council adoption.

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61 This is a correct copy of Council action.

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64 Linda M. Lauer, Clerk of the Council