

M E M O R A N D U M

March 19, 2025

TO: Planning, Housing, and Parks (PHP) Committee

FROM: Livhu Ndou, Senior Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 25-03, Expedited Approvals - Commercial to Residential Reconstruction

PURPOSE: Worksession

EXPECTED ATTENDEES

- Artie Harris, Chair, Montgomery County Planning Board
- Jason Sartori, Director, Montgomery County Planning Department
- Lisa Govoni, Supervisor – Housing, Infrastructure, and Zoning Policy, Montgomery County Planning Department
- Benjamin Berbert, Planner III – Countywide Planning & Policy, Montgomery County Planning Department

INTRODUCTION

Zoning Text Amendment (ZTA) 25-03, Expedited Approvals - Commercial to Residential Reconstruction, lead sponsors Councilmembers Friedson and Fani-González, co-sponsors Councilmember Luedtke, Council President Stewart and Councilmembers Balcombe and Sayles, was introduced on February 4, 2025.

ZTA 25-03 was introduced as part of the “More Housing N.O.W. (New Options for Workers)” package. The package includes: ZTA 25-02, Workforce Housing - Development Standards; ZTA 25-03, Expedited Approvals – Commercial to Residential Reconstruction; SRA 25-01, Administrative Subdivision – Expedited Approval Plan; and Expedited Bill 2-25, Taxation – Payments in Lieu of Taxes – Affordable Housing – Amendments. Each of these items has separate worksessions and staff reports. Please see the Council website for scheduling and staff reports on each item: <https://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>.

ZTA 25-03 will create a Commercial to Residential Reconstruction use, provide an expedited approval process for that use, and allow reallocation of FAR in certain Employment zones. ZTA 25-03 does this by making the following changes:

- First, the ZTA will remove the residential restriction on FAR in the Neighborhood Retail (NR) and Employment Office (EOF) zones, allowing the total commercial-residential FAR to be used for residential. This change will allow developers in the NR and EOF zone to create more units.
- Second, ZTA 25-03 will create the Commercial to Residential Reconstruction use, which is defined as a building that is converted or demolished from a 50% vacant commercial building to a residential building. This new use will be allowed in all Commercial/Residential zones (CRN, CRT, and CR), NR, and EOF zones.
- Third, ZTA 25-03 creates an expedited approval process for the new Commercial to Residential Reconstruction use similar to the expedited approval process for a Signature Business Headquarters, Biohealth Priority Campus, and Mixed-Income Housing Community. The ZTA also collapses these procedures into one plan, named an “Expedited Approval Plan.”
- Lastly, the ZTA includes several sections that are not substantively changing but updating the cross-references based on renumbering of sections.

PUBLIC HEARINGS

Two public hearings were held on March 11, 2025.¹ Speakers testified in both support and opposition. The Council also received written testimony.² Testimony was from civic associations, homeowners’ associations, individuals, and developers.

Testimony in support noted that adult children are moving out of the County because of the lack of housing, and that this ZTA will bring young talent back to the County. Testimony noted the benefits of repurposing vacant commercial space to create needed housing supply. Testimony noted that the office market is declining even near metro stations, and that the tax abatement is not that high considering the diminishing returns. Developers in support noted that lengthy approval processes make financing more difficult, so the expedited approval process will make projects more feasible. Residents testified that they supported converting commercial spaces into residential uses over upzoning neighborhoods.

Testimony in opposition argued that the conversion of commercial spaces to residential uses will have a negative impact on the already overcrowded schools. Testimony expressed concerns about losing walkable retail spaces. Testimony also expressed concerns about parking, traffic congestion, displacement, stormwater management, and a lack of infrastructure along major roads. Testimony in opposition noted a lack of resources in the County to support the additional housing this ZTA could create. Testimony in opposition argued that this ZTA would cause a loss of valuable small businesses.

Several amendments were proposed, including: encouraging housing over other uses, such as libraries; expanding the expedited process to other uses, such as hotels; exempting these projects from transportation impact taxes and LATR tests; only allowing expedited approval if not adjacent

¹ A public hearing was held at 1:30pm and at 7pm. The public record was left open until March 24, 2025, and therefore some written testimony may not be available at the time of the posting of this staff report.

² Written testimony can be found here:

<https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20250311/item5.html>.

to a single-family home; changing the vacancy requirement to include tenants that are still in the building but have leases that are ending; allowing 1-story retail within ½ mile of a metro station; removing the NR zone from the ZTA changes in order to maintain neighborhood retail; and creating a system where renters pay towards eventual homeownership.

SUMMARY OF IMPACT STATEMENTS

Planning Board Recommendation

The Planning Board unanimously recommended approval of ZTA 25-03 on March 6, 2025. The Board recommended several amendments including requiring the applicant to satisfy the building type instead of household living type, amending the intent statements for the Employment Zones, adding General Retail (GR) to the list of eligible zones, removing the 30% cap for residential gross floor area, and technical amendments.

Climate Assessment

The Planning Board reviewed the Climate Assessment on February 27, 2025. The Climate Assessment anticipates “minor negative and positive local impacts on greenhouse gas emissions”, “minor positive local impacts on carbon sequestration considering transportation, building embodied emissions, energy, and land cover change and management-related factors”, “minor to moderate negative and minor positive local impacts on community resilience”, and “minor to moderate positive local impacts on adaptive capacity considering exposure, sensitivity, and adaptive capacity-related factors.”

RESJ Impact Statement

The Office of Legislative Oversight (OLO) provided a Racial Equity and Social Justice (RESJ) Impact Statement on March 10, 2025. OLO considered the potential benefits and burdens to housing developers and property owners, constituents in need of market-rate housing, and constituents in need of affordable housing. OLO found that it could not predict which group of stakeholders would benefit most from ZTA 25-03 and therefore “cannot predict the impact of this ZTA on the County’s overall supply of housing or its effects on RESJ.”

DISCUSSION: PROPOSED AMENDMENTS

1. Reallocation of FAR and Inclusion of GR Zone

ZTA 25-03 includes a provision that reads:

“In the NR and EOF zones, commercial FAR limits on the subject property may be reallocated to residential FAR if the total FAR does not exceed the maximum total mapped FAR of the property and the building height does not exceed the maximum mapped height, including any increases in each allowed by this Chapter.”

However, given how FAR operates in the NR and EOF zones, the restriction on residential construction is in the “Specifications for Density” in the standard method development tables. ***Council Staff therefore recommends striking the language about reallocation and instead amending the 30% cap on residential development.***

In addition, Council Staff recommends including the GR zone. The Planning Board concurs with this recommendation. The GR zone, similar to the NR and EOF zone, is an employment zone that could benefit from an increase in housing near places of employment. It also has the same standard method development standards as the NR zone.

Section 4.6.2. Density and Height Allocation

A. Density and Height Limits

* * *

[[5. — In the NR and EOF zones, commercial FAR limits on the subject property may be reallocated to residential FAR if the total FAR does not exceed the maximum total mapped FAR of the property and the building height does not exceed the maximum mapped height, including any increases in each allowed by this Chapter.]]

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Section 4.6.3. Density and Height Allocation

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C. GR and NR Zones, Standard Method Development Standards

[[Specification for Density]]

[[a. Gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.]]

* * *

E. EOF Zone, Standard Method Development Standards

[[Specification for Density]]

[[a. Gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.]]

2. Intent of Employment Zones

As with all zones, the Employment zones have intent statements. In general, the Employment zones “permit nonresidential uses including office, technology, and general commercial uses with limited residential use at varying densities and heights.” The general intent statement for the

Employment zones includes providing “employment areas with supporting residential and retail uses.” As for the GR, NR, and EOF zones:

- “The GR zone is intended for commercial areas of a general nature, including regional shopping centers and clusters of commercial development.”
- “The NR zone is intended for commercial areas that have a neighborhood orientation and which supply necessities usually requiring frequent purchasing and convenient automobile access.”
- “The EOF zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses.”

Given the increase in residential development that is being allowed, Council Staff and Planning recommend amending the intent statements to reflect mixed-use environments. The benefit of this change is it could create employment-focused areas where employees can live near their jobs, reducing commute times and therefore reducing traffic and benefiting the environment. These zones will become more similar to the Commercial/Residential family of zones, but based on the development standards and lower FARs, have less intensity of commercial and residential uses. If the Committee is concerned about this recommended change, alternatives include:

- Allow a higher percentage of Household Living uses, rather than eliminating the 30% cap altogether. – Given the lower FAR in these zones, a 50%-75% cap on gross floor area may not produce a substantial number of units but could serve to preserve a minimal level of commercial development.
- Remove the residential cap for the GR and EOF zones but maintain it for the NR zone. – Removing the NR zone, an option brought up in written testimony, would address concerns about the disruption of walkable neighborhood retail, although Council Staff does note that the ZTA only applies to *vacant* office and retail spaces.

Of note, the Employment zones include the LSC zone. The LSC zone is more specific than the GR, NR, and EOF zones, and has been amended through the Great Seneca Life Sciences Overlay Zone, which was adopted by the District Council via ZTA 24-03 on February 4, 2025. Council Staff does not propose any changes to the LSC zone at this time.

3. Expansion of Uses

Testimony received recommended expanding the uses from Office and Retail. An “Office”, as defined in Section 3.5.8. of the Zoning Ordinance, is “a room, set of rooms, or a building where the business of a commercial or industrial organization or of a professional person is conducted.” “Retail Sales and Service”, as defined in Section 3.5.11. of the Zoning Ordinance, includes Combination Retail, Retail/Service Establishments, Rural Antique Shop, Rural Country Market, and Vape Shop. Other commercial uses such as restaurants, medical offices, hotels, and conference centers are separate uses under the Zoning Ordinance that would not be applicable to this ZTA.

Council Staff does not recommend expanding the list of uses, since the intent of the ZTA was to address the office vacancy issue. There may be strong policy reasons for preserving spaces for the restaurant, hotel, or other industries.

In addition, testimony was received in opposition to this ZTA because of a perceived negative impact on existing retail centers. The Committee may wish to consider removing the retail use and limiting ZTA 25-03 to vacant Office spaces.

4. Mixed-Use

As introduced, Commercial to Residential Reconstruction is defined as:

“...a vacant office or retail building that is at least 2 stories high and is converted to or demolished and rebuilt as a residential building that qualifies as Townhouse Living under Section 3.3.1.D. or Multi-Unit Living under Section 3.3.1.E. Vacancy is defined in this Section as an Office or Retail building, as defined in Sections 3.5.8.B. or 3.5.11, that has no tenants in 50% of the building at the time of application.”

“Multi-Unit Living” is defined as “dwelling units in an apartment or multi use building type.” A “Multi Use Building” is defined as “a building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.” Therefore, the ZTA as introduced allows mixed-use.

Council Staff recommends a cap be placed on the amount of commercial development allowed under this new use. The intent of the ZTA is to encourage residential development. However, there are benefits to having certain commercial uses near residences, creating walkable communities, job opportunities, and useful amenities. A cap would allow some commercial use but keep the focus on residential development. Using the cap on residential in the NR and EOF zones, Council Staff recommends non-residential uses not exceed 30% of the gross floor area.

3. Use Standards

* * *

d. Gross floor area of all non-residential uses is limited to 30% of the gross floor area on the subject site.

5. Building Height

As introduced, ZTA 25-03 requires “a vacant office or retail building that is at least 2 stories high.” The intent of the 2-story limit was to preserve community-serving retail uses, such as those included in neighborhood shopping centers (also known as “strip malls”). However, there may be strip malls that are at least 50% vacant and where residential would be a better use. Further, there may be vacant commercial spaces that are not located in a strip mall or are taller 1-story buildings.

Council Staff recommends an amendment that expands the 2-story limit. There are several options for such an amendment:

- The Committee could recommend ZTA 25-03 apply to buildings that are at least 2 stories or are at least 40 feet in height, which would capture tall single-story commercial buildings.
- The Committee could focus on the location of the buildings by recommending including 1-story buildings that are within ½ mile of a metro station, consistent with County priorities of encouraging housing near transit.
- If the Committee is concerned about the loss of neighborhood retail, the Committee could recommend that the same square footage of commercial that was demolished or converted be replaced or retained, not to exceed the 30% commercial cap above, if applicable.

6. Technical Amendment – Building Type Instead of Use³

Council Staff, in agreement with the Planning Board, recommends a technical amendment to reference the building type instead of the use. This is more consistent with language regarding the red policy area, which references building type and not use.

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|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| b. | <u>In a red policy area, Commercial to Residential Reconstruction must be in an Apartment Building type that satisfies Section 4.1.3.D.</u> |
| c. | <u>If not in a red policy area, Commercial to Residential Reconstruction must be in a Townhouse building type that satisfies [[Townhouse Living under]] Section <u>4.1.5.C.</u> [[3.3.1.D.]] or [[Multi-Unit Living under Section 3.3.1.E.]] in an Apartment Building type that satisfies Section 4.1.3.D.</u> |

This packet contains:

ZTA 25-03, as introduced	© 1
Letter from Lead Sponsors	© 61
Racial Equity & Social Justice (RESJ) Impact Statement	© 66
Climate Assessment	© 70
Planning Board Recommendation	© 75
Planning Staff Memorandum	© 77

³ The Committee authorizes Council Attorneys to make non-substantive technical corrections necessary to fix any typographical, stylistic, formatting, or grammatical errors in the ZTA. For example, an amendment recommended by the Planning Board to correct incorrect references to the Commercial to Residential Reconstruction use instead of the Expedited Approval Plan.

Ordinance No.: _____
Zoning Text Amendment No.: 25-03
Concerning: Expedited Approvals –
Commercial to
Residential
Reconstruction
Revised: 1/29/2025 Draft No.: 1
Introduced: February 4, 2025
Public Hearing: March 11, 2025
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: Councilmembers Friedson and Fani-González
Co-Sponsors: Councilmember Luedtke, Council President Stewart and
Councilmembers Balcombe and Sayles

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) create a Commercial to Residential Reconstruction use;
- (2) provide an expedited approval process for the Commercial to Residential Reconstruction use;
- (3) consolidate existing expedited regulatory approvals;
- (4) allow reallocation of FAR in certain Employment zones; and
- (5) generally amend expedited regulatory approvals.

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

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.2.	“Group Living”
Division 3.4.	“Civic and Institutional Uses”
Section 3.4.2.	“Charitable, Philanthropic Institution”
Section 3.4.6.	“Hospital”
Division 4.5.	“Commercial/Residential Zones”
Section 4.5.2.	“Density and Height Allocation”

Section 4.5.4.	“Optional Method Development”
Division 4.6.	“Employment Zones”
Section 4.6.2.	“Density and Height Allocation”
Section 4.6.4.	“Optional Method Development”
Division 7.3.	“Regulatory Approvals”
Section 7.3.3.	“Sketch Plan”
Section 7.3.5.	“Signature Business Headquarters Plan”
Section 7.3.6.	“Biohealth Priority Campus Plan”
Section 7.3.7.	“Mixed-Income Housing Community Plan”
Division 7.5.	“Notice Standards”
Section 7.5.1.	“Noticed Required”

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:

Sec. 1. DIVISION 59-1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

* * *

Commercial to Residential Reconstruction: See Section 3.3.2.B.

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Dormitory: See [Section 3.3.2.B] Section 3.3.2.C

* * *

Independent Living Facility for Seniors or Persons with Disabilities: See
[Section 3.3.2.C.1] Section 3.3.2.D.1

* * *

Personal Living Quarters: See [Section 3.3.2.D.1] Section 3.3.2.E.1

* * *

Residential Care Facility: See [Section 3.3.2.E.1] Section 3.3.2.F.1

* * *

Sec. 2. DIVISION 59-3.1 is amended as follows:

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

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

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USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential			Residential												Commercial/ Residential			Employment				Industrial		
						Residential Detached								Residential Townhouse			Residential Multi-Unit										
			AR	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
* * *																											
RESIDENTIAL																											
* * *																											
GROUP LIVING	3.3.2																										
Commercial to Residential Reconstruction	3.3.2.B																										
Dormitory	[3.3.2.B] 3.3.2.C																										
Independent Living Facility for Seniors or Persons with Disabilities	[3.3.2.C] 3.3.2.D																										
Personal Living Quarters (Up to 50 Individual Living Units)	[3.3.2.D] 3.3.2.E																										
Personal Living Quarters (Over 50 Individual Living Units)	[3.3.2.D] 3.3.2.E																										
Residential Care Facility (Up to 8 Persons)	[3.3.2.E] 3.3.2.F	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential Care Facility (9 - 16 Persons)	[3.3.2.E] 3.3.2.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	L	P	P	L	L				
Residential Care Facility (Over 16 Persons)	[3.3.2.E] 3.3.2.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	P	L		P	C		
* * *																											

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Sec. 3. DIVISION 59-3.3 is amended as follows:

Division 3.3. Residential Uses

* * *

Section 3.3.2. Group Living

A. Defined, In General

Group Living means the residential occupancy of a structure by a group of people that does not meet the definition of any Household Living use under Section 3.3.1.

B. Commercial to Residential Reconstruction

1. Defined

Commercial to Residential Reconstruction means a vacant office or retail building that is at least 2 stories high and is converted to or demolished and rebuilt as a residential building that qualifies as Townhouse Living under Section 3.3.1.D. or Multi-Unit Living under Section 3.3.1.E. Vacancy is defined in this Section as an Office or Retail building, as defined in Sections 3.5.8.B. or 3.5.11, that has no tenants in 50% of the building at the time of application.

2. Exemptions

a. A sketch plan and a site plan are not required for a Commercial to Residential Reconstruction if the Planning Board approves a Commercial to Residential Reconstruction expedited approval plan under Section 7.3.5.

b. Development of a Commercial to Residential Reconstruction should proceed under the standards of Chapter 50 and the underlying zone, including any overlay zones, except as modified by Section 3.3.2.B. and in conformance with the hearing and review schedule in Sections 7.3.5.

- c. After a Commercial to Residential Reconstruction plan is approved, subsequent additions or expansions of the Commercial to Residential Reconstruction, in any size or amount, will be processed under Section 7.3.5 as amendments.

3. Use Standards

- a. Commercial FAR limits on the subject property may be reallocated to residential FAR if the total FAR does not exceed the maximum total mapped FAR of the property and the building height does not exceed the maximum mapped height, including any increases in each allowed by this Chapter.
- b. In a red policy area, Commercial to Residential Reconstruction must be in an Apartment Building type that satisfies Section 4.1.3.D.
- c. If not in a red policy area, Commercial to Residential Reconstruction must be in a building type that satisfies Townhouse Living under Section 3.3.1.D. or Multi-Unit Living under Section 3.3.1.E.

[B] C. Dormitory

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[C] D. Independent Living Facility for Seniors or Persons with Disabilities

* * *

2. Use Standards

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- c. Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use

standards, Section 7.3.1, Conditional Use, and the following standards:

* * *

- iv. The maximum building height of an Independent Living Facility for Seniors or Persons with Disabilities is the height of the applied-for building type in the underlying zone under the standard method of development, except for the apartment building type which may be up to 60 feet. If a particular building type is not allowed under the standard method of development, the maximum height is the height of a Conditional Use in the underlying zone. The maximum density is determined by the Hearing Examiner under the development standards of [Section 3.3.2.C.2.c.vi] Section 3.3.2.C.2.c.vi through [Section 3.3.2.C.2.c.ix] Section 3.3.2.C.2.c.ix, without regard to any other limitation in this Chapter.
- v. Height, density, coverage, and parking must be compatible with surrounding uses and the Hearing Examiner may modify height, density, coverage, and parking to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.
- vi. The minimum front setback to the street for a lot abutting a property not included in the application is equal to the front setback for a detached house in the underlying zone under the standard method of development. Except for an access driveway, this front setback area must be maintained as green area.

- vii. The minimum side and rear setback is 25 feet to abutting lots not included in the application.
- viii. The minimum green area is 50%.
- ix. Principal building setbacks for all building types must meet the minimum setbacks required under the standard method of development for the subject building type in the R-30 zone (see Section 4.4.14.B.3, Placement).

[D] E. Personal Living Quarters

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[E] F. Residential Care Facility

1. Defined, In General

Residential Care Facility means a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

- a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;
- b. resident staff necessary for operation of the facility are allowed to live on-site; and
- c. the number of residents includes members of the staff who reside at the facility, but does not include infants younger than 2 months old.

Residential Care Facility includes a nursing home, an assisted living facility, a Continuing Care Retirement Community, a hospice, a group home, and a Senior Care Community. Residential Care Facility does not include a Hospital (see Section 3.4.6, Hospital) or Independent Living Facility for Seniors or

Persons with Disabilities (see [Section 3.3.2.C] Section 3.3.2.D, Independent Living Facility for Seniors or Persons with Disabilities.

Division 3.4. Civic and Institutional Issues

* * *

Section 3.4.2. Charitable, Philanthropic Institution

A. Defined

1. Charitable, Philanthropic Institution means a private, tax-exempt [organiza-tion] organization whose primary function is to provide:
 - a. services, research, or educational activities in areas such as health and social services;
 - b. housing and support services for persons who are present as a result of treatment or care being provided to a member of their household by a federal treatment facility or a Hospital;
 - c. recreation; or
 - d. environmental conservation.
2. Charitable, Philanthropic Institution does not include a trade or business whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union. Charitable, Philanthropic Institution also does not include other uses specifically defined or regulated in this Chapter such as a: Religious Assembly (See Section 3.4.10, Religious Assembly), public or private educational institution (See Section 3.4.5, Educational Institution (Private) and Section 3.4.9, Public Use (Except Utilities)), library or museum (See Section 3.4.3, Cultural Institution), Private Club, Service Organization (See Section 3.4.8, Private Club, Service Organization), Hospital (See Section 3.4.6, Hospital), Residential Care Facility (See [Section 3.3.2.E] Section 3.3.2.F, Residential Care

Facility), or Independent Living Facility for Senior Adults or Persons with Disabilities (See [Section 3.3.2.C] Section 3.3.2.D, Independent Living Facility for Seniors or Persons with Disabilities).

* * *

Section 3.4.6. Hospital

A. Defined

Hospital means an institution providing health services primarily for the sick or injured and offering inpatient medical or surgical care. Hospital includes accessory facilities, such as laboratories, medical/dental clinics, helistops, training facilities, classrooms, central service facilities, and staff offices integral to the Hospital. Hospital does not include a stand-alone hospice (see [Section 3.3.2.E] Section 3.3.2.F, Residential Care Facility).

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Sec. 4. DIVISION 59-4.5 is amended as follows:

Division 4.5. Commercial/Residential Zones

* * *

Section 4.5.2. Density and Height Allocation

* * *

B. FAR Averaging

1. Only standard method development projects that require site plan approval or optional method development projects can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Commercial/Residential zones if:
 - a. the properties are under the same site plan, sketch plan, [Signature Business Headquarters plan, or Biohealth Priority Campus plan] or expedited approval plan; however, if a sketch

- plan[, Signature Business Headquarters plan, or Biohealth Priority Campus] or expedited approval plan is required, density averaging must be shown on the applicable plan;
- b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan[, Signature Business Headquarters plan, or Biohealth Priority Campus plan] or expedited approval plan;
 - c. the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
 - d. the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use does not exceed that allowed by the property's zone; and
 - e. public benefits are required to be provided under any phasing element of an approved sketch plan[, Signature Business Headquarters plan, or Biohealth Priority Campus] or expedited approval plan.
3. Density may be averaged over 2 or more non-contiguous properties in one or more CRT or CR zones if:
- a. each provision under Section 4.5.2.B.2 is satisfied;
 - b. the properties are within ¼ mile of each other, located in a designated master-planned density transfer area, or are part of [a Signature Business Headquarters plan or Biohealth Priority Campus] an expedited approval plan;
 - c. the minimum public benefit points required under Section 4.5.4.A.2 must be exceeded by at least 50%; and

d. the applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

4. If the Planning Board approves a site plan[, Signature Business Headquarters plan, or Biohealth Priority Campus] or expedited approval plan for a development project using FAR averaging across two or more lots, the maximum density on certain lots in the development project will be less than or greater than the zone allows, as indicated in the applicable plan. To provide additional notice of the FAR averaging, before the Planning Board approves a certified site plan[, certified Signature Business Headquarters plan, or Biohealth Priority Campus] or certified expedited approval plan for such a project or, if plat approval is required, before plat approval, the applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the Planning Board and must record the instrument in the Montgomery County land records.

* * *

Section 4.5.4. Optional Method Development

The CRT and CR zones allow development under the optional method.

A. General Requirements

1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3, unless [a Signature Business Headquarters plan is approved under Section 7.3.5 or a Biohealth Priority Campus plan is approved under Section 7.3.6] an expedited approval plan is approved under Section 7.3.5. A site plan must be approved under Section 7.3.4 for any development on a property with an approved sketch plan.

* * *

Sec. 5. DIVISION 59-4.6 is amended as follows:

Division 4.6. Employment Zones

* * *

Section 4.6.2. Density and Height Allocation

A. Density and Height Limits

* * *

5. In the NR and EOF zones, commercial FAR limits on the subject property may be reallocated to residential FAR if the total FAR does not exceed the maximum total mapped FAR of the property and the building height does not exceed the maximum mapped height, including any increases in each allowed by this Chapter.

B. FAR Averaging

1. Only standard method development projects that require site plan approval or optional method development projects can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Employment zones if:
 - a. the properties are under the same site plan, sketch plan, or [Biohealth Priority Campus] expedited approval plan; however, if a sketch plan or [Biohealth Priority Campus] expedited approval plan is required, density averaging must be shown on the applicable plan;
 - b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan or [Biohealth Priority Campus] an expedited approval plan;

* * *

e. public benefits are required to be provided under the phasing element of an approved sketch plan or [Biohealth Priority Campus] an expedited approval plan.

3. Density may be averaged over 2 or more non-contiguous properties in one or more LSC or EOF zones if:

- a. each provision under Section 4.6.2.B.2 is satisfied;
- b. the properties are within ¼ mile of each other or in a designated master-planned density transfer area or part of [a Biohealth Priority Campus] an expedited approval plan;
- c. the minimum public benefit points required under Section 4.6.4.A.2 are exceeded by at least 50%; and
- d. the applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

4. If the Planning Board approves a site plan or [Biohealth Priority Campus] an expedited approval plan for a development project using FAR averaging across two or more lots, the maximum density on certain lots in the development project will be less than or greater than the zone allows, as indicated in the applicable plan. To provide additional notice of the FAR averaging, before the Planning Board approves a certified site plan or a certified [Biohealth Priority campus] expedited approval plan for such a project or, if plat approval is required, before plat approval, the applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the Planning Board and must record the instrument in the Montgomery County land records.

* * *

Section 4.6.4. Optional Method Development

The LSC and EOF zones allow development under the optional method.

A. General Requirements

1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3 or [a Biohealth Priority Campus] an expedited approval plan must be approved under Section [7.3.6] 7.3.5. A site plan must be approved under Section 7.3.4 for any development on a property with an approved sketch plan.

* * *

Sec. 6. DIVISION 59-7.3 is amended as follows:

Division 7.3. Regulatory Approvals

* * *

Section 7.3.3. Sketch Plan

A. Applicability and Description

1. Development under optional method in the CRT, CR, EOF, or LSC zone requires approval of a sketch plan, unless the development is approved as [a Signature Business Headquarters plan under Section 7.3.5, a Biohealth Priority Campus plan under Section 7.3.6, or a Mixed-Income Housing Community plan under Section 7.3.7] an expedited approval plan under Section 7.3.5.

* * *

Section 7.3.5. Expedited Approval Plan

A. Applicability and Description

1. An expedited approval plan provides a detailed overview of a proposed expedited approval. An expedited approval plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.

2. The following uses may be approved under an expedited approval plan:
 - a. Signature Business Headquarters
 - b. Biohealth Priority Campus
 - c. Mixed-Income Housing Community
 - d. Commercial to Residential Reconstruction
3. An expedited approval plan may be phased, with each phase approved separately under this section.
4. An expedited approval plan may encompass all or part of any property on which the applicable use will be located and must demonstrate its relation to and coordination with other applicable approvals or submittals. Any amendment to a previously approved plan may follow the timeframe for review under Section 7.3.5.B.3 through Section 7.3.5.B.6, Section 7.3.5.C, and Section 7.3.5.D.

B. Application Requirements

1. Ownership
 - a. An applicant must own the subject property or be authorized by the owner to file the application.
 - b. If any land or right-of-way encompassed by an expedited approval plan application is owned or controlled by the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the expedited approval plan application.
2. An expedited approval plan application must include:
 - a. a legally binding commitment or other evidence accepted by the Planning Director that the expedited approval plan will meet the requirements of the use;
 - b. an application form and fees required by the Planning Director;

- c. a vicinity map at 1" = 200", and a site map showing existing buildings, structures, circulation routes, significant natural features, historic resources, and zoning and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
- d. a list of abutting and confronting property owners in the State tax records;
- e. a list of any civic, homeowners, and renters associations that are registered with the Planning Department and located within ½ mile of the site;
- f. documentation of property interest in the proposed development site under Section 7.3.5.B.1 and, if applicant is not the property owner, documentation from the property owner authorizing the application;
- g. a statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application;
- h. verification that the applicant has posted notice on the property, notified affected properties, and held a pre-submittal community meeting that followed the Planning Department's Administrative Procedures for Development Review process;
- i. a Traffic Statement or Study accepted by the Planning Director, if not submitted with a previous or concurrent application;
- j. environmental documentation or exemption for:
 - i. an approved Natural Resources Inventory/Forest Stand Delineation;

- ii. a Stormwater Management Concept Application or, if required, a Water Quality Plan Application; and
 - iii. a final Forest Conservation Plan application;
 - k. existing and proposed dry and wet utility plan;
 - l. plans of proposed development showing:
 - i. use, ground-floor layout, building footprints, massing, and heights of all on-site buildings and structures, and approximate footprints and height for buildings located on abutting and confronting lots;
 - ii. any required open spaces and recreational amenities;
 - iii. detailed layout and dimensions for all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
 - iv. grading;
 - v. landscaping and lighting; and
 - m. a development program and inspection schedule detailing the construction schedule for the project.
- 3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 3 business days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
- 4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 2 business days after receipt.

5. Once the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.5.C.

6. Public notice is required under Division 7.5.

C. Hearing Date

The Planning Board must schedule a public hearing to begin 60 to 65 days after the date an application is accepted. If the next regularly scheduled hearing date would fall after the 60- or 65-day period due to a holiday or recess, then the next regularly scheduled hearing date should be used. The applicant may request an extension with Planning Director approval. Any extension of the public hearing must be noticed on the hearing agenda with the new public hearing date indicated.

D. Review and Recommendation

1. State and County Agencies

a. Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted. If no comments are submitted within that time, the reviewing agency or utility's portion of the application is deemed approved.

b. The applicant must submit revised drawings to address the comments a minimum of 25 days before the date of the hearing. The Planning Director may extend the deadline if the applicant submits a written request within 5 days after the revised drawings were due.

2. Planning Director

The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.

3. Withdrawal of an Application

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for an expedited approval plan.

E. Necessary Findings

1. When reviewing an application, the approval findings apply only to the site covered by the application.

2. To approve an expedited approval plan, the Planning Board must find that the proposed development:

a. satisfies any previous approval that applies to the site, unless exempt under the applicable use section or amended;

b. satisfies the applicable use and development standards and general requirements of this Chapter;

c. satisfies the applicable requirements of Chapter 19 and Chapter 22A;

d. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;

e. substantially conforms with the intent of the applicable master plan, existing and approved or pending adjacent development, the requirements of this chapter, and any guidelines approved by the Planning Board that implement the applicable plan;

f. if on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:

i. the applicant agrees to enter into a Transportation Demand Management plan that provides an action plan for substantial achievement of the applicable NADMS goal;

- ii. parking below the minimum required under Section 6.2.4 is provided; and
- iii. transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and
- g. will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

F. Decision

1. The Planning Board must act upon the close of the record of the public hearing by majority vote of those present at the public hearing to approve, approve with modifications or conditions, or deny the application. The Planning Board must issue a resolution reflecting its decision within 7 days of the Planning Board vote.
2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within 30 days after the Planning Board's action.
3. Within 30 days of submission, the final expedited approval plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval. If the certified plans do not address or comply with the Planning Board's approval, the plans will be rejected with comments for the applicant to address. If no action is taken by the Planning Director within 30 days, the plan is deemed approved and certified.

G. Conforming Permits

For any development requiring an expedited approval plan, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless the Planning Board has approved an expedited approval plan and a bond has been approved under Section 7.3.5.K.4.

H. Duration of Approval

1. An expedited approval plan expires unless a certified expedited approval plan is approved by the Planning Director within 24 months after the date the resolution is mailed.
2. An expedited approval plan does not become effective until a record plat, if required, is recorded that satisfies any approved subdivision plan for the subject property. If no record plat is required, then the expedited approval plan becomes effective upon certification under Section 7.3.5.F.3.
3. Development activities under Section 7.3.5 must satisfy the certified expedited approval plan and any conditions of approval.
4. If the Planning Board approves an expedited approval plan, the applicant must have a building permit application, accepted by DPS, that includes the core and shell of the principal building within 2 years of the date of the Planning Board's resolution. Within 2 years after DPS accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit.
5. The deadlines under Section 7.3.5.H may be extended with approval of the Planning Board by up to 18 months.
6. If an applicant fails to comply with any of the deadlines within this section, the expedited approval plan approval shall be revoked. The applicant may request reinstatement of a revoked approval within 30 days of revocation. After holding a hearing on the reinstatement, the

Planning Board may reinstate the approval and extend the deadline for good cause shown.

I. Recording Procedures

The certified expedited approval plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.

J. Amendments

Any property owner may apply for an expedited approval plan amendment to change a certified expedited approval plan.

1. Major Amendment

a. A major amendment includes any request to:

i. increase density or height by more than that allowed under a minor amendment under Section 7.3.5.J.2;

ii. decrease open space;

iii. deviate from a condition of approval; or

iv. alter a basic element of the plan.

b. Public notice is required under Division 7.5.

c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original expedited approval plan.

2. Minor Amendment

a. A minor amendment includes any request to:

i. increase density by up to 10% or 15,000 square feet, provided the increase is less than or equal to the total mapped density, including any density increases or bonuses;

ii. increase height by up to 10%, provided the height is less than or equal to the height and any increases allowed under the applicable use standards; or

iii. change an ancillary use, a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality, or intent of the plan.

A minor amendment also includes a reduction in approved parking to satisfy Article 59-6. A minor amendment does not include any change that prevents circulation on any street or path.

b. Public notice is required under Division 7.5.

c. A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing is required. A public hearing must be held under the same procedures as an original application.

K. Compliance and Enforcement

1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified expedited approval plan, it may:

a. impose a civil fine or administrative civil penalty authorized by Chapter 50;

- b. suspend or revoke the non-compliant portion of the expedited approval plan approval;
- c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified expedited approval plan;
- d. allow the applicant to propose modifications to the certified expedited approval plan; or
- e. take any combination of these actions.

2. If the Planning Board or its designee finds that the applicant has failed to comply with a compliance program approved under Section 7.3.5.K.1.c, the Planning Board may, without holding any further hearing, take any of the actions identified in Section 7.3.5.K.1.a through Section 7.3.5.K.1.e.

3. If the Planning Board suspends or revokes all or any portion of an expedited approval plan, DPS must immediately suspend any applicable building permit under which construction has not been completed or withhold any applicable use-and-occupancy permit, until the Planning Board reinstates the applicable portion of the expedited approval plan or approves a new plan for the development.

4. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified expedited approval plan in an amount set by the Planning Board. If such surety is required, DPS must not issue a building permit or use-and-occupancy permit until such surety is accepted.

[Section 7.3.5. Signature Business Headquarters Plan]

[A. Applicability and Description]

[1. A Signature Business Headquarters plan provides a detailed overview of a proposed Signature Business Headquarters. A Signature Business Headquarters plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.]

[2. A Signature Business Headquarters plan may be phased, with each phase approved separately under this section.]

[3. A Signature Business Headquarters plan may encompass all or part of any property on which the Signature Business Headquarters will be located and must demonstrate its relation to and coordination with other applicable approvals or submittals. Any amendment to a previously approved plan may follow the timeframe for review under Section 7.3.5.B.3 through Section 7.3.5.B.6, Section 7.3.5.C and Section 7.3.5.D.]

[B. Application Requirements]

[1. Ownership

a. An applicant must own the subject property or be authorized by the owner to file the application.

b. If any land or right-of-way encompassed by a Signature Business Headquarters plan application is owned or controlled by the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the Signature Business Headquarters plan application.]

[2. A Signature Business Headquarters plan application must include:

a. a legally binding commitment or other evidence accepted by the Planning Director that the Signature Business Headquarters will

- 611 employ at least 20,000 individuals within a single Metro Station
 612 Policy Area;
- 613 b. an application form and fees required by the Planning Director;
 - 614 c. a site map showing existing buildings, structures, circulation
 615 routes, significant natural features, historic resources, and zoning
 616 and legal descriptions on the proposed development site and
 617 within 500 feet of the perimeter boundary;
 - 618 d. a list of abutting and confronting property owners in the County
 619 tax records;
 - 620 e. a list of any civic, homeowners, and renters associations that are
 621 registered with the Planning Department and located within ½
 622 mile of the site;
 - 623 f. documentation of interest in the proposed development site
 624 under Section 7.3.5.B.1;
 - 625 g. a statement of justification outlining how the proposed
 626 development satisfies the standards and criteria required to grant
 627 the application;
 - 628 h. verification that the applicant has posted notice on the property,
 629 notified affected properties, and held a pre-submittal community
 630 meeting that followed the Planning Department's Administrative
 631 Procedures for Development Review process;
 - 632 i. a Traffic Statement or Study accepted by the Planning Director,
 633 if not submitted with a previous or concurrent application;
 - 634 j. environmental documentation or exemption for:
 - 635 i. an approved Natural Resources Inventory/Forest Stand
 636 Delineation;

- 637 ii. a Stormwater Management Concept Application or, if
- 638 required, a Water Quality Plan Application; and
- 639 iii. a final Forest Conservation Plan application;
- 640 k. existing and proposed dry and wet utility plan;
- 641 l. plans of proposed development showing:
 - 642 i. use, footprints, ground-floor layout, and heights of all
 - 643 buildings and structures;
 - 644 ii. required open spaces and recreational amenities;
 - 645 iii. detailed layout and dimensions for all sidewalks, trails,
 - 646 paths, roadways, parking, loading, and bicycle storage
 - 647 areas;
 - 648 iv. grading;
 - 649 v. landscaping and lighting; and
- 650 m. a development program and inspection schedule detailing the
- 651 construction schedule for the project.]
- 652 [3. The applicant must submit an initial application to the Planning
- 653 Director for approval of completeness. The Planning Director must
- 654 review the application for completeness within 3 days after receipt. An
- 655 application is incomplete if any required element is missing or is
- 656 facially defective, e.g., a drawing that is not to scale or lacks proper
- 657 signatures. The assessment of completeness must not address the merits
- 658 of the application.]
- 659 [4. The applicant must submit any required revisions to the Planning
- 660 Director. The Planning Director must review the revised application for
- 661 completeness within 2 days after receipt.]
- 662 [5. After the Planning Director verifies that the application is complete, the
- 663 applicant must file the final application with the Planning Director, who

will accept the application and establish a hearing date under Section 7.3.5.C.]

[6. Public notice is required under Division 7.5.]

[C. Hearing Date]

The Planning Board must schedule a public hearing to begin within 60 days after the date an application is accepted. The applicant may request an extension with Planning Board approval. Any extension of the public hearing must be noticed on the hearing agenda with the new public hearing date indicated.]

[D. Review and Recommendation]

[1. State and County Agencies

a. Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted.

b. The applicant must submit revised drawings to address the comments a minimum of 20 days before the date of the hearing. The Planning Director may extend the deadline if the applicant submits a written request within 5 days after the revised drawings were due.]

[2. Planning Director

The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.]

[3. Withdrawal of an Application

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a headquarters plan.]

[E. Necessary Findings]

[1. When reviewing an application, the approval findings apply only to the site covered by the application.]

- [2. To approve a Signature Business Headquarters plan, the Planning Board must find that the proposed development:
- a. satisfies any previous approval that applies to the site, unless exempt under Section 3.5.8.D.2 or amended;
 - b. satisfies the applicable use and development standards and general requirements of this Chapter;
 - c. satisfies the applicable requirements of Chapter 19 and Chapter 22A;
 - d. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;
 - e. substantially conforms with the intent of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;
 - f. will be located within the same Metro Station Policy Area as all other phases of the Signature Business Headquarters;
 - g. on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:
 - i. the applicant agrees to enter into a traffic mitigation agreement that provides an action plan for substantial achievement of the applicable NADMS goal;
 - ii. parking below the minimum required under Section 6.2.4 is provided; and
 - iii. transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and

- h. will be served by adequate public services and facilities,
including schools, police and fire protection, water, sanitary
sewer, public roads, storm drainage, and other public facilities.]

[F. Decision]

- [1. The Planning Board must act upon the close of the record of the public hearing by majority vote of those present at the public hearing to approve, approve with modifications or conditions, or deny the application. The Planning Board must issue a resolution reflecting its decision within 7 days of the Planning Board vote.]
- [2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within 30 days after the Planning Board's action to the Circuit Court and thereafter to the Court of Special Appeals.]
- [3. Final Signature Business Headquarters plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval.]

[G. Conforming Permits]

For any development requiring a Signature Business Headquarters plan, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless the Planning Board has approved a Signature Business Headquarters plan and a bond has been approved under Section 7.3.5.K.4.]

[H. Duration of Approval]

- [1. A Signature Business Headquarters plan expires unless a certified Signature Business Headquarters plan is approved by the Planning Director within 24 months after the date the resolution is mailed.]

- [2. A Signature Business Headquarters plan does not become effective until a record plat is recorded that satisfies any approved subdivision plan for the subject property.]
- [3. Development activities under Section 7.3.5 must satisfy the certified Signature Business Headquarters plan and any conditions of approval.]
- [4. If the Planning Board approves a Signature Business Headquarters plan, the applicant must have a building permit application, accepted by the Department of Permitting Services, that includes the core and shell of the principal building within two years of the date of the Planning Board's resolution. Within two years after the Department of Permitting Services accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit. The deadlines under this section may not be extended. If an applicant fails to comply with any of the deadlines under this section, the applicable phase of the Signature Business Headquarters plan approval is revoked.]

[I. Recording Procedures

The certified Signature Business Headquarters plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.]

[J. Amendments

Any property owner may apply for a Signature Business Headquarters plan amendment to change a certified Signature Business Headquarters plan. There are two types of amendments: a major and a minor amendment.]

[1. Major Amendment

- a. A major amendment includes any request to:
 - i. increase density or height by more than that allowed under a minor amendment (Section 7.3.5.J.2);

- ii. decrease open space;
- iii. deviate from a condition of approval; or
- iv. alter a basic element of the plan.
- b. Public notice is required under Division 7.5.
- c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original Signature Business Headquarters plan.]

[2. Minor Amendment

- a. A minor amendment includes any request to:
 - i. increase density by up to 10% or 30,000 square feet, whichever is less, provided the increase is less than or equal to the total mapped density;
 - ii. increase height by up to 10%, provided the height is less than or equal to the height allowed under Section 3.5.8.D; or
 - iii. change an ancillary use, a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan.

A minor amendment also includes a reduction in approved parking to satisfy Article 59-6. A minor amendment does not include any change that prevents circulation on any street or path.

- b. Public notice is required under Division 7.5.
- c. A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an

objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing is required. A public hearing must be held under the same procedures as an original application.]

[K. Compliance and Enforcement]

[1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified Signature Business Headquarters plan, it may:

- a. impose a civil fine or administrative civil penalty authorized by Chapter 50 (Section 50-10.6.D);
- b. suspend or revoke Signature Business Headquarters plan approval;
- c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified Signature Business Headquarters plan;
- d. allow the applicant to propose modifications to the certified Signature Business Headquarters plan; or
- e. take any combination of these actions.]

[2. If the Planning Board or its designee finds that the applicant has failed to comply with a compliance program approved under Section 7.3.5.K.1.c, the Planning Board may, without holding any further hearing, take any of the actions identified in Section 7.3.5.K.1.a. through Section 7.3.5.K.1.e.]

[3. If the Planning Board suspends or revokes a Signature Business Headquarters plan, DPS must immediately suspend any applicable building permit under which construction has not been completed or withhold

any applicable use-and-occupancy permit, until the Planning Board reinstates the Signature Business Headquarters plan or approves a new plan for the development.]

- [4. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified Signature Business Headquarters plan in an amount set by the Planning Board. If such surety is required, DPS must not issue a building permit or use-and-occupancy permit until such surety is accepted.]

[Section 7.3.6. Biohealth Priority Campus Plan]

[A. Applicability and Description]

- [1. A Biohealth Priority Campus plan provides a detailed overview of a proposed Biohealth Priority Campus. A Biohealth Priority Campus plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.]
- [2. A Biohealth Priority Campus plan may be phased, with each phase approved separately under this section.]
- [3. A Biohealth Priority Campus plan may encompass all or part of any property on which the Biohealth Priority Campus will be located and must demonstrate its relation to and coordination with other applicable approvals or submittals. Any amendment to a previously approved plan may follow the timeframe for review under Section 7.3.6.B.3 through Section 7.3.6.B.6, Section 7.3.6.C, and Section 7.3.6.D.]

[B. Application Requirements]

- [1. Ownership

- 852 a. An applicant must own the subject property or be authorized by
853 the owner to file the application.
- 854 b. If any land or right-of-way encompassed by a Biohealth Priority
855 Campus plan application is owned or controlled by the State,
856 County, or any other entity or agency, a written agreement or
857 authorization from that entity or agency must be submitted with
858 the Biohealth Priority Campus plan application.]
- 859 [2. A Biohealth Priority Campus plan application must include:
- 860 a. a legally binding commitment or other evidence accepted by the
861 Planning Director that the Biohealth Priority Campus will meet
862 the requirements of Section 3.5.8.E.1;
- 863 b. an application form and fees required by the Planning Director;
- 864 c. a vicinity map at 1" = 200", and a site map showing existing
865 buildings, structures, circulation routes, significant natural
866 features, historic resources, and zoning and legal descriptions on
867 the proposed development site and within 500 feet of the
868 perimeter boundary;
- 869 d. a list of abutting and confronting property owners in the State tax
870 records;
- 871 e. a list of any civic, homeowners, and renters associations that are
872 registered with the Planning Department and located within ½
873 mile of the site;
- 874 f. documentation of property interest in the proposed development
875 site under Section 7.3.6.B.1 and, if applicant is not the property
876 owner, documentation from the property owner authorizing the
877 application;

- g. a statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application;
- h. verification that the applicant has posted notice on the property, notified affected properties, and held a pre-submittal community meeting that followed the Planning Department’s Administrative Procedures for Development Review process;
- i. a Traffic Statement or Study accepted by the Planning Director, if not submitted with a previous or concurrent application;
- j. environmental documentation or exemption for:
 - i. an approved Natural Resources Inventory/Forest Stand Delineation;
 - ii. a Stormwater Management Concept Application or, if required, a Water Quality Plan Application; and
 - iii. a final Forest Conservation Plan application;
- k. existing and proposed dry and wet utility plan;
- l. plans of proposed development showing:
 - i. use, ground-floor layout, building footprints, massing, and heights of all on-site buildings and structures, and approximate footprints and height for buildings located on abutting and confronting lots;
 - ii. required open spaces and recreational amenities;
 - iii. detailed layout and dimensions for all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
 - iv. grading;
 - v. landscaping and lighting; and

m. a development program and inspection schedule detailing the construction schedule for the project.]

[3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 3 business days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.]

[4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 2 business days after receipt.]

[5. Once the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.6.C.]

[6. Public notice is required under Division 7.5.]

[C. Hearing Date]

The Planning Board must schedule a public hearing to begin 60 to 65 days after the date an application is accepted. If the next regularly scheduled hearing date would fall after the 60- or 65-day period due to a holiday or recess, then the next regularly scheduled hearing date should be used. The applicant may request an extension with Planning Director approval. Any extension of the public hearing must be noticed on the hearing agenda with the new public hearing date indicated.]

[D. Review and Recommendation]

[1. State and County Agencies

- a. Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted. If no comments are submitted within that time, the reviewing agency or utility's portion of the application is deemed approved.
- b. The applicant must submit revised drawings to address the comments a minimum of 25 days before the date of the hearing. The Planning Director may extend the deadline if the applicant submits a written request within 5 days after the revised drawings were due.]

[2. Planning Director

The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.]

[3. Withdrawal of an Application

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a Biohealth Priority Campus plan.]

[E. Necessary Findings]

- [1. When reviewing an application, the approval findings apply only to the site covered by the application.]
- [2. To approve a Biohealth Priority Campus plan, the Planning Board must find that the proposed development:
 - a. satisfies any previous approval that applies to the site, unless exempt under Section 3.5.8.E.2 or amended;
 - b. satisfies the applicable use and development standards and general requirements of this Chapter;

- c. satisfies the applicable requirements of Chapter 19 and Chapter 22A;
- d. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;
- e. substantially conforms with the intent of the applicable master plan, existing and approved or pending adjacent development, the requirements of this chapter, and any guidelines approved by the Planning Board that implement the applicable plan;
- f. if on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:
 - i. the applicant agrees to enter into a Transportation Demand Management plan that provides an action plan for substantial achievement of the applicable NADMS goal;
 - ii. parking below the minimum required under Section 6.2.4 is provided; and
 - iii. transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and
- g. will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.]

[F. Decision]

- [1. The Planning Board must act upon the close of the record of the public hearing by majority vote of those present at the public hearing to approve, approve with modifications or conditions, or deny the

application. The Planning Board must issue a resolution reflecting its decision within 7 days of the Planning Board vote.]

[2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within 30 days after the Planning Board's action]

[3. Within 30 days of submission, the final Biohealth Priority Campus plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval. If the certified plans do not address or comply with the Planning Board's approval, the plans will be rejected with comments for the applicant to address. If no action is taken by the Planning Director within 30 days, the plan is deemed approved and certified.]

[G. Conforming Permits

For any development requiring a Biohealth Priority Campus plan, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless the Planning Board has approved a Biohealth Priority Campus plan and a bond has been approved under Section 7.3.6.K.4.]

[H. Duration of Approval]

[1. A Biohealth Priority Campus plan expires unless a certified Biohealth Priority Campus plan is approved by the Planning Director within 24 months after the date the resolution is mailed.]

[2. A Biohealth Priority Campus plan does not become effective until a record plat, if required, is recorded that satisfies any approved subdivision plan for the subject property. If no record plat is required, then the Biohealth Priority Campus plan becomes effective upon certification under Section 7.3.6.F.3.]

- [3. Development activities under Section 7.3.6 must satisfy the certified Biohealth Priority Campus plan and any conditions of approval.]
- [4. If the Planning Board approves a Biohealth Priority Campus plan, the applicant must have a building permit application, accepted by DPS, that includes the core and shell of the principal building within two years of the date of the Planning Board’s resolution. Within two years after DPS accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit.]
- [5. The deadlines under Section 7.3.6.H may be extended with approval of the Planning Board by up to 18 months.]
- [6. If an applicant fails to comply with any of the deadlines within this section, the Biohealth Priority Campus plan approval shall be revoked. The applicant may request reinstatement of a revoked approval within 30 days of revocation. After holding a hearing on the reinstatement, the Planning Board may reinstate the approval and extend the deadline for good cause shown.]

[I. Recording Procedures

The certified Biohealth Priority Campus plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.]

[J. Amendments

Any property owner may apply for a Biohealth Priority Campus plan amendment to change a certified Biohealth Priority Campus plan. There are two types of amendments: a major and a minor amendment.]

[1. Major Amendment

- a. A major amendment includes any request to:

- i. increase density or height by more than that allowed under a minor amendment (Section 7.3.6.J.2);
- ii. decrease open space;
- iii. deviate from a condition of approval; or
- iv. alter a basic element of the plan.
- b. Public notice is required under Division 7.5.
- c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original Biohealth Priority Campus plan.]

[2. Minor Amendment

- a. A minor amendment includes any request to:
 - i. increase density by up to 10% or 15,000 square feet, provided the increase is less than or equal to the total mapped density, including any density increases or bonuses;
 - ii. increase height by up to 10%, provided the height is less than or equal to the height and any increases allowed under Section 3.5.8.D; or
 - iii. change an ancillary use, a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan.

A minor amendment also includes a reduction in approved parking to satisfy Article 59-6. A minor amendment does not include any change that prevents circulation on any street or path.]

- b. Public notice is required under Division 7.5.
- c. A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing is required. A public hearing must be held under the same procedures as an original application.]

[K. Compliance and Enforcement]

- [1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified Biohealth Priority Campus plan, it may:
 - a. impose a civil fine or administrative civil penalty authorized by Chapter 50 (Section 50-10.6.D);
 - b. suspend or revoke the non-compliant portion of the Biohealth Priority Campus plan approval;
 - c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified Biohealth Priority Campus plan;
 - d. allow the applicant to propose modifications to the certified Biohealth Priority Campus plan; or
 - e. take any combination of these actions.]
- [2. If the Planning Board or its designee finds that the applicant has failed to comply with a compliance program approved under Section 7.3.6.K.1.c, the Planning Board may, without holding any further

hearing, take any of the actions identified in Section 7.3.6.K.1.a through Section 7.3.6.K.1.e.]

[3. If the Planning Board suspends or revokes all or any portion of a Biohealth Priority Campus plan, DPS must immediately suspend any applicable building permit under which construction has not been completed or withhold any applicable use-and-occupancy permit, until the Planning Board reinstates the applicable portion of the Biohealth Priority Campus plan or approves a new plan for the development.]

[4. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified Biohealth Priority Campus plan in an amount set by the Planning Board. If such surety is required, DPS must not issue a building permit or use-and-occupancy permit until such surety is accepted.]

[Section 7.3.7. Mixed-Income Housing Community Plan]

[A. Applicability and Description]

A Mixed-Income Housing Community plan provides a detailed overview of a proposed Mixed-Income Housing Community. A Mixed-Income Housing Community plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.]

[B. Application Requirements]

[1. Ownership]

a. An applicant must own the subject property or be authorized by the owner to file the application.

b. If any land or right-of-way encompassed by a Mixed-Income Housing Community plan application is owned or controlled by

the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the Mixed-Income Housing Community plan application.]

- [2. A Mixed-Income Housing Community plan application must include:
 - a. a legally binding commitment or other evidence accepted by the Planning Director that the Mixed-Income Housing Community will meet the requirements of Section 3.3.4;
 - b. an application form and fees required by the Planning Director;
 - c. a vicinity map at 1" = 200", and a site map showing existing buildings, structures, circulation routes, significant natural features, historic resources, and zoning and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
 - d. a list of abutting and confronting property owners in the State tax records;
 - e. a list of any civic, homeowners, and renters associations that are registered with the Planning Department and located within ½ mile of the site;
 - f. documentation of property interest in the proposed development site under Section 7.3.7.B.1 and, if applicant is not the property owner, documentation from the property owner authorizing the application;
 - g. a statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application;

- 1143 h. verification that the applicant has posted notice on the property,
- 1144 notified affected properties, and held a pre-submittal community
- 1145 meeting that followed the Planning Department’s Administrative
- 1146 Procedures for Development Review process;
- 1147 i. a Traffic Statement or Study accepted by the Planning Director,
- 1148 if not submitted with a previous or concurrent application;
- 1149 j. environmental documentation or exemption for:
- 1150 i. an approved Natural Resources Inventory/Forest Stand
- 1151 Delineation;
- 1152 ii. a Stormwater Management Concept Plan application or, if
- 1153 required, a Water Quality Plan application; and
- 1154 iii. a final Forest Conservation Plan application;
- 1155 k. existing and proposed dry and wet utility plan;
- 1156 l. plans of proposed development showing:
- 1157 i. use, ground-floor layout, building footprints, massing, and
- 1158 heights of all on-site buildings and structures, and
- 1159 approximate footprints and height for buildings located on
- 1160 abutting and confronting lots;
- 1161 ii. required open spaces and recreational amenities;
- 1162 iii. detailed layout and dimensions for all sidewalks, trails,
- 1163 paths, roadways, parking, loading, and bicycle storage
- 1164 areas;
- 1165 iv. grading;
- 1166 v. landscaping and lighting; and
- 1167 m. a development program and inspection schedule detailing the
- 1168 construction schedule for the project.]

- [3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 3 business days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.]
- [4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 2 business days after receipt.]
- [5. Once the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.7.C.]
- [6. Public notice is required under Division 7.5.]

[C. Hearing Date

The Planning Board must schedule a public hearing to begin 60 to 65 days after the date an application is accepted. If the next regularly scheduled hearing date would fall after the 60- or 65-day period due to a holiday or recess, then the next regularly scheduled hearing date should be used. The applicant may request an extension with Planning Director approval. Any extension of the public hearing must be noticed on the hearing agenda with the new public hearing date indicated.]

[D. Review and Recommendation]

- [1. State and County Agencies
 - a. Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted. If no comments are submitted within that time, the

reviewing agency or utility’s portion of the application is deemed approved.

- b. The applicant must submit revised drawings to address the comments a minimum of 25 days before the date of the hearing. The Planning Director may extend the deadline if the applicant submits a written request within 5 days after the revised drawings were due.]

[2. Planning Director

The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.]

[3. Withdrawal of an Application

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a Mixed-Income Housing Community plan.]

[E. Necessary Findings]

[To approve a Mixed-Income Housing Community plan, the Planning Board must find that the proposed development:]

- [1. satisfies any previous approval that applies to the site, unless exempt under Section 3.3.4 or amended;]
- [2. satisfies the applicable use and development standards and general requirements of this Chapter;]
- [3. satisfies the applicable requirements of Chapter 19 and Chapter 22A;]
- [4. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;]
- [5. substantially conforms with the intent of the applicable master plan, existing and approved or pending adjacent development, the

requirements of this Chapter, and any guidelines approved by the Planning Board that implement the applicable plan;]

[6. if on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:

a. the applicant agrees to enter into a Transportation Demand Management plan that provides an action plan for substantial achievement of the applicable NADMS goal;

b. parking below the minimum required under Section 6.2.4 is provided; and

c. transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and]

[7. will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.]

[F. Decision]

[1. The Planning Board must act upon the close of the record of the public hearing by majority vote of those present to approve, approve with modifications or conditions, or deny the application. The Planning Board must issue a resolution reflecting its decision within 7 days of the Planning Board vote.]

[2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within 30 days after the Planning Board's action.]

- [3. Within 30 days of submission, the final Mixed-Income Housing Community plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval. If the certified plans do not address or comply with the Planning Board's approval, the plans will be rejected with comments for the applicant to address. If no action is taken by the Planning Director within 30 days, the plan is deemed approved and certified.]

[G. Conforming Permits]

For any development requiring a Mixed-Income Housing Community plan, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit unless the Planning Board has approved a Mixed-Income Housing Community plan and a bond has been approved under Section 7.3.7.K.4.]

[H. Duration of Approval]

- [1. A Mixed-Income Housing Community plan expires unless a certified Mixed-Income Housing Community plan is approved by the Planning Director within 24 months after the date the resolution is mailed.]
- [2. A Mixed-Income Housing Community plan does not become effective until a record plat, if required, is recorded that satisfies any approved subdivision plan for the subject property. If no record plat is required, then the Mixed-Income Housing Community plan becomes effective upon certification under Section 7.3.7.F.3.]
- [3. Development activities under Section 7.3.7 must satisfy the certified Mixed-Income Housing Community plan and any conditions of approval.]
- [4. If the Planning Board approves a Mixed-Income Housing Community plan, the applicant must have a building permit application, accepted by DPS, that includes the core and shell of the principal building within

24 months of the date of the Planning Board’s resolution. Within 24 months after DPS accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit.]

[5. The deadlines under Section 7.3.7.H may be extended with approval of the Planning Board by up to 18 months.]

[6. If an applicant fails to comply with any of the deadlines within this section, the Mixed-Income Housing Community plan approval shall be revoked. The applicant may request reinstatement of a revoked approval within 30 days of revocation. After holding a hearing on the reinstatement, the Planning Board may reinstate the approval and extend the deadline for good cause shown.]

[I. Recording Procedures

The certified Mixed-Income Housing Community plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.]

[J. Amendments

Any property owner may apply for a Mixed-Income Housing Community plan amendment to change a certified Mixed-Income Housing Community plan. There are two types of amendments: a major and a minor amendment.]

[1. Major Amendment

a. A major amendment includes any request to:

- i. increase density or height by more than that allowed under a minor amendment (Section 7.3.7.J.2);
- ii. decrease open space;
- iii. deviate from a condition of approval; or
- iv. alter a basic element of the plan.

b. Public notice is required under Division 7.5.

- c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original Mixed-Income Housing Community plan.]

[2. Minor Amendment

- a. A minor amendment includes any request to:
 - i. increase density by up to 10% or 15,000 square feet, provided the increase is less than or equal to the total mapped density, including any density increases or bonuses;]
 - ii. increase height by up to 10%, provided the height is less than or equal to the height and any increases allowed under Section 3.5.8.D;
 - iii. change an ancillary use, a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan; or
 - iv. a reduction in approved parking to satisfy Article 59-6, but not any change that prevents circulation on any street or path.]
- b. Public notice is required under Division 7.5.
- c. A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing

is required. A public hearing must be held under the same procedures as an original application.]

[K. Compliance and Enforcement]

[1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified Mixed-Income Housing Community plan, it may:

- a. impose a civil fine or administrative civil penalty authorized by Chapter 50 (Division 50-10.6.D);
- b. suspend or revoke the non-compliant portion of the Mixed-Income Housing Community plan approval;
- c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified Mixed-Income Housing Community plan;
- d. allow the applicant to propose modifications to the certified Mixed-Income Housing Community plan; or
- e. take any combination of these actions.]

[2. If the Planning Board or its designee finds that the applicant has failed to comply with a compliance program approved under Section 7.3.7.K.1.c, the Planning Board may, without holding any further hearing, take any of the actions identified in Section 7.3.7.K.1.a through Section 7.3.7.K.1.e.]

[3. If the Planning Board suspends or revokes all or any portion of a Mixed-Income Housing Community plan, DPS must immediately suspend any applicable building permit under which construction has not been completed or withhold any applicable use-and-occupancy permit, until the Planning Board reinstates the applicable portion of the Mixed-

Income Housing Community plan or approves a new plan for the development.]

- [4. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified Mixed-Income Housing Community plan in an amount set by the Planning Board. If such surety is required, DPS must not issue a building permit or use-and-occupancy permit until such surety is accepted.]

* * *

1364 **Sec. 7. DIVISION 59-7.5 is amended as follows:**

1365 **Division 7.5. Notice Standards**

1366 **Section 7.5.1. Notice Required**

1367 Notice is required for each application according to the following table:

Application	Newspaper	Pre-Submittal Meeting	Application Sign	Application Notice	Hearing Notice	Resolution Notice	Building Permit Sign Notice	Website Posting
* * *								
Regulatory Approvals								
* * *								
Site Plan		x	x	x	x	x		x
<u>Expedited Approval Plan</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>
[Signature Business Headquarters Plan]		[x]	[x]	[x]	[x]	[x]		[x]
[Biohealth Priority Campus Plan]		[x]	[x]	[x]	[x]	[x]		[x]
[Mixed-Income Housing Community]		[x]	[x]	[x]	[x]	[x]		[x]
* * *								
Amendments to Approvals								
* * *								
Minor Site Plan Amendment				x				x
<u>Major Expedited Approval Plan Amendment</u>			<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>

<u>Minor Expedited Approval Plan Amendment</u>				<u>x</u>				
[Major Signature Business Headquarters Plan Amendment]			[x]	[x]	[x]	[x]		[x]
[Minor Signature Business Headquarters Plan Amendment]				[x]				
[Major Biohealth Priority Campus Plan]			[x]	[x]	[x]	[x]		[x]
[Minor Biohealth Priority Campus Plan]				[x]				

KEY: x = Required

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* * *

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Sec. 8. Short title. This zoning text amendment may be cited as part of the

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“More Housing N.O.W. (New Options for Workers)” package.

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* * *

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Sec. 9. Effective date. This ordinance becomes effective 20 days after the

1374

date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

January 28, 2025

Colleagues:

For your consideration, we are enclosing the details of an ambitious workforce housing package which takes five steps to increase the supply of housing, drive down costs, and increase pathways to homeownership for the hard-working residents of Montgomery County.

With the high cost of housing squeezing families and holding back our economy, the **More Housing N.O.W. (*New Options for Workers*)** package helps build more homes that are affordable to teachers, firefighters, police officers, biotech and healthcare workers, and everyone in, or striving to be in, the middle class.

Homes are too expensive in Montgomery County. We all know it. Consider the following figures:

- Not only are we starting from a high level, but it's getting increasingly expensive. Housing price increases have outpaced inflation and income growth since the mid-1990s.
- Between 2023 and 2024, the average sold price across all unit types increased by 6.5%, while wages have only increased by 1.5%
- In 2024, the average sale price for a single family detached home was \$1.02 million. To afford this house, a couple would need a combined income of approximately \$340,000, far exceeding Montgomery County's area median income for a couple at \$123,800. Townhomes, which are on average smaller than detached units, sold for an average of \$583,000. A couple would need a combined income of \$197,000 to afford this house.

Working families and young professionals are feeling the squeeze. According to the [Comptroller of Maryland's 2024 State of the Economy Report](#), housing affordability and availability is hurting efforts to attract new residents who could fill job vacancies, noting “prospective businesses turning down potential location plans to Maryland due to insufficient workforce housing.” Similarly, a recent supply/demand analysis by the Montgomery Planning Department, we are facing a deficit of over 12,000 rental units that are affordable to incomes at 70-120% of area median income (AMI). This forces these workers to swallow exorbitant housing costs *or* compete with residents at lower income bands for less expensive options. Both are bad outcomes.

The status quo is unsustainable and makes our County less attractive to families, workers, entrepreneurs, and businesses.

To address this crisis, we must act boldly. Now.

The More Housing N.O.W. package takes five bold steps to increase housing supply, reduce costs, and expand pathways to homeownership for hardworking Montgomery County residents:

Building More Workforce Housing

1. **Workforce Housing ZTA:** Allow more residential building types along corridors with a workforce housing requirement
 - a. Allow more residential building types through optional method development along corridors with a 15% workforce housing requirement in the R-200, R-90, R-60, and R-40 zones.
 - b. Corridors included are Boulevards, Downtown Boulevards, Downtown Streets, Controlled Major Highways, and Town Center Boulevards that have a master planned width greater than 100 feet and 3+ existing travel lanes
 - c. Density capped at 1.25 FAR
 - d. Maximum height is 40 feet
 - e. Require 15% of units satisfy the definition of workforce housing, with a minimum of 1 workforce housing unit for structures that have 3 or more units
 - f. Maintain existing workforce housing definition of 120% AMI, which is currently approximately \$148,000 for 2 persons or \$185,000 for a family of four
2. **Workforce Housing Opportunity Fund:** New countywide fund to incentivize the construction of workforce units
 - a. \$4 million in initial funding

- b. Eligible projects must provide at least 30% workforce units
- c. Workforce units must be affordable to 80% AMI (area median income), on average

Converting Highly Vacant Office to Housing

- 3. **Office to Housing ZTA:** Create an expedited approval process for projects that convert high-vacancy commercial properties to residential use
 - a. Applies to the Commercial-Residential, NR, and EOF zones
 - b. Retail or office building that is at least 50% vacant
 - c. Remove residential restriction on FAR, so that total commercial-residential FAR can be used for residential
 - d. In red policy areas, must be for the apartment-building type; may include townhomes outside of the red policy area
 - e. Must pull a building permit within 2 years of approval
- 4. **Office to Housing PILOT Bill:** Establish a payment in lieu of taxes (PILOT) for conversion of high-vacancy commercial properties to residential use
 - a. Retail or office building that is at least 50% vacant
 - b. 100% tax abatement for 25 years for qualifying projects
 - c. Minimum 15% MPDU requirement

Pathways to Homeownership

- 5. **Budget:** Double the County's investment in the Homeowner Assistance Program from \$4 million to \$8 million in the FY26 Housing Initiative Fund (HIF)
 - a. Funds may be used in partnership with the State's Maryland Mortgage Program (which allows the household to receive both down payment assistance and lower rate mortgage) and through the Housing Opportunities Commission's Montgomery County Homeownership Assistance Fund (McHAF).
 - b. Up to \$25,000 may be granted to a first-time buyer thus providing support for up to 160 qualified applicants. Up to \$1.0 million is reserved for County and MCPS employees under the Montgomery Employee Down Payment Assistance Loan (MEDPAL)

Many thanks to Council President Kate Stewart, Councilmembers Dawn Luedtke, Marilyn Balcombe, and Laurie-Anne Sayles who have already signed on as co-sponsors as well as the many community advocates and housing experts for their strong support of this package which we will be unveiling today at noon. We would welcome additional

cosponsors prior to introduction of the legislative aspects of the package, scheduled for February 4.

We have appended the zoning text amendments, legislation, and some supporting materials to assist your review of the proposal. We appreciate your thoughtful consideration of this package and hope to earn your support for it in the coming weeks and months.

Our housing crisis is a serious and urgent matter. There is no time to wait.

Sincerely,

Handwritten signature of Andrew Friedson in black ink.

Andrew Friedson
Councilmember, District 1

Handwritten signature of Natali Fani-González in black ink.

Natali Fani-González
Councilmember, District 6

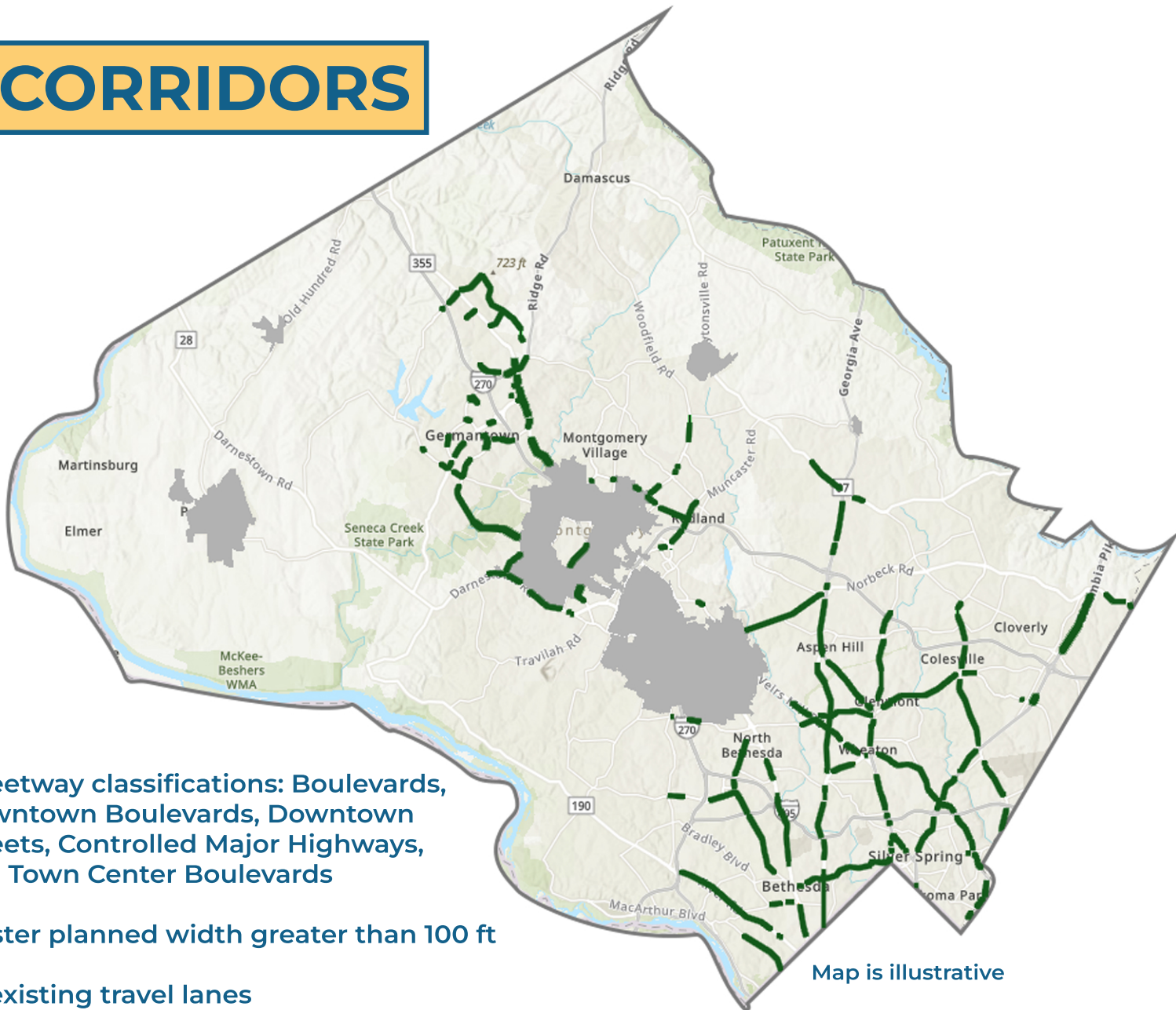
Attachments:

1. Workforce Housing ZTA Corridors Map
2. Workforce Housing ZTA
3. Office to Housing ZTA
4. Office to Housing Pilot Bill

More Housing N.O.W.

New Options for Workers

CORRIDORS



Racial Equity and Social Justice Impact Statement for Zoning Text Amendment

Office of Legislative Oversight

ZTA 25-03: EXPEDITED APPROVALS - COMMERCIAL TO RESIDENTIAL RECONSTRUCTION

SUMMARY

The Office of Legislative Oversight (OLO) cannot predict which groups of stakeholders – developers, constituents in need of market rate housing or those in need of affordable housing, will benefit the most from ZTA 25-03: Expedited Approvals - Commercial to Residential Reconstruction. Nor can OLO discern whether ZTA 25-03 will create more housing units across the County overall. Thus, OLO cannot predict the impact of this ZTA on the County's overall supply of housing or its effects on RESJ.

PURPOSE OF RESJ STATEMENTS

RESJ impact statements (RESJIS) for zoning text amendments (ZTAs) evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other people of color (BIPOC) and communities with low incomes with a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF ZTA 25-03

The purpose of ZTA 25-03 is to create a new use in the Zoning Ordinance under the Group Living category for Commercial to Residential Reconstruction use (CRR). The use will permit the conversion of a commercial building that is 50 percent vacant into a 100 percent residential development in certain zones. The ZTA establishes special provisions and exemptions removing density and height restrictions assigned within the following zones:

- Commercial Residential Town (CRT);
- Commercial Residential Neighborhood (CRN);
- Commercial Residential (CR);
- Neighborhood Retail (NR); and
- Employment Office (EOF).

The ZTA creates a new expedited review process that exempts the CRR use from site plan and sketch plan reviews. ZTA 25-03 also consolidates all existing expedited regulatory reviews (i.e., plan reviews for: Signature Business Headquarters, Biohealth Priority Campus, and Mixed Income Community) and the CRR use into one plan review.

The Council introduced ZTA 25-03, Expedited Approvals - Commercial to Residential Reconstruction, on February 4, 2025. A companion Subdivision Regulation Amendment 25-01 Administrative Subdivisions – Expedited Approval Plan was also introduced on February 4, 2025.

This RESJ impact statement (RESJIS) builds on the following OLO RESJ impact statements completed for:

- ZTA 22-07: Residential Multi-Unit Low Density –R-30 Optional Method Development;³

RESJ Impact Statement

Zoning Text Amendment 25-03

- ZTA 23-02: Regulatory Approvals - Mixed-Income Housing Community;⁴
- ZTA 25-02: Workforce Housing – Development Standards⁵, and
- Expedited Bill 2-25: Taxation-Payment in Lieu of Taxes-Affordable Housing-Amendments.⁶

For background on residential segregation and racial inequities in housing security, affordability, and development in Montgomery County, please refer to these RESJISs.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 25-03 on RESJ in the County, OLO recommends considering two questions:

- Who would primarily benefit or be burdened by this ZTA?
- What racial and social inequities could the passage of this ZTA weaken or strengthen

OLO considered the potential benefits and burdens of ZTA 25-03 for three sets of stakeholders:

- **Housing developers and property owners** who renovate, rebuild, and convert under-utilized buildings with vacant office or retail components into residential use could benefit from ZTA 25-03. Its provisions exempting eligible conversions from the rigorous regulatory review process and increasing densities could enhance the profitability of commercial to residential conversions. As observed in Table 1 (Appendix), White residents are over-represented among real estate business owners in the County, and as observed in Table 2, White and Asian residents have the highest rates of property ownership. These data points suggest that White and Asian residents are over-represented among developers likely to benefit from this ZTA.
- **Constituents in need of market-rate housing** could also benefit from this ZTA if it spurs the development of additional residential housing. As observed in Table 2, White and Asian residents have the highest rates of homeownership and lowest rates of housing cost burden among homeowners. These data points suggest that White and Asian residents are over-represented among constituents in need of market rate housing likely to benefit from this ZTA.
- **Constituents in need of affordable housing** could also benefit from this ZTA if it spurs the development of additional affordable housing through the County's Moderately Priced Dwelling Units (MPDUs) requirements for new development. As observed in Table 3, Black and Latinx residents have the highest rates of residing in renter-occupied households and of housing cost burden among renters. These data points suggest that Black and Latinx residents are over-represented among constituents in need of affordable housing likely to benefit from this ZTA.

Overall, OLO anticipates that ZTA 25-03 could generate benefits for housing developers and constituents in need of housing - market rate and affordable. The benefits of additional affordable housing units could disproportionately benefit Latinx and Black households, reducing racial and ethnic disparities in housing and advancing RESJ. This disproportionate benefit to Latinx and Black households, however, could be more than offset by the potential gains to housing developers and constituents in need of market rate housing resulting from ZTA 25-03 that would disproportionately benefit White and Asian households and in turn widen racial and ethnic disparities in housing.

RESJ Impact Statement

Zoning Text Amendment 25-03

Conclusion. OLO cannot predict which groups of stakeholders – developers, constituents in need of market rate housing or those in need of affordable housing, will benefit the most from ZTA 25-03. Nor can OLO discern whether ZTA 25-03 will create more housing units across the County overall. Thus, OLO cannot predict the impact of this ZTA on the County’s overall supply of housing or its effects on RESJ.

RECOMMENDED AMENDMENTS

Bill 44-20 amending the County’s Racial Equity and Social Justice Act⁷ requires OLO to consider whether recommended amendments to narrow racial and social inequities are warranted in developing RESJ impact statements for zoning text amendments. OLO cannot discern the anticipated impact of ZTA 25-03 on RESJ in the County. Consequently, the actual yield of affordable housing attainable through this ZTA is neither quantifiable nor could be estimated practically. Therefore, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council’s decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the ZTA under consideration.

Appendix

Table 1: Percent of Real Estate and Rental and Leasing Business Owners by Race and Ethnicity, Montgomery County

Race and Ethnicity ⁸	Real Estate and Rental and Leasing Business Owners (NAICS 53) ⁹¹⁰	Population
Asian	12.4	15.3
Black	5.1	18.5
White	82.3	46.6
Latinx	3.9	20.0

Source: 2022 American Business Survey (Table AB2200CSA01) and 2022 American Community Survey 5-Year Estimates (Table DP05), Census Bureau.

RESJ Impact Statement

Zoning Text Amendment 25-03

Table 2: Homeownership and Cost Burden Rates of Homeowners. Montgomery County, 2023

Race and Ethnicity	Homeownership Rate	Homeowner Cost Burden Rate
White	74%	20%
Black	44%	39%
Asian	75%	28%
Latinx ¹¹	49%	31%

Source: Table S0201, 2023 American Community Survey 1-Year Estimates, Census Bureau

Table 3: Renter-Occupied Households and Cost Burden Rates of Renter Households. Montgomery County, 2023

Race and Ethnicity	Renter-Occupied Households	Rent Burden Rate
White	26%	50%
Black	56%	58%
Asian	25%	41%
Latinx	51%	60%

Source: Table S0201, 2023 American Community Survey 1-Year Estimates, Census Bureau

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.raciaequitytools.org/glossary>

² Ibid.

³ OLO RESJ Impact Statement for ZTA 22-07. Office of Legislative Oversight, August 15, 2022.

<https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/ZTA/2022/ZTA22-07.pdf>

⁴ OLO RESJ Impact Statement for ZTA 23-02. Regulatory Approvals - Mixed-Use Housing Community. Office of Legislative Oversight, August 15, 2022. <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/ZTA/2023/ZTA23-02.pdf>

⁵ OLO RESJ Impact Statement for ZTA 25-02 Workforce Housing – Development Standards.

<https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/ZTA/2025/ZTA25-02.pdf.pdf>

⁶ OLO RESJ Impact Statement for Expedited Bill 2-25 Taxation – Payments in Lieu of Taxes – Affordable Housing – Amendments. [Racial Equity and Social Justice Impact Statement for Expedited Bill 2-25E](#)

⁷ Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.

https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682_1_12149_Bill_44-20_Signed_20201211.pdf

⁸ Estimates for Native American and Pacific Islander community members were not available for data points in this RESJIS.

⁹ The Real Estate and Rental and Leasing Sector includes establishments that rent, lease, or otherwise allow the use of their own real estate or other assets by others. This sector also includes establishments primarily engaged in managing real estate for others, selling, renting, and/or buying real estate for others, and appraising real estate- as cited in RESJ Impact Statement for Bill 2-25

¹⁰ Margins of error for these data points may be large-as cited in RESJ Impact Statement for Bill 2-25.

¹¹ Latinx is an ethnicity rather than a race; therefore, Latinx people are included in multiple racial groups throughout this impact statement unless where otherwise noted. Estimates for Native American and Pacific Islander constituents not available for all data points presented in impact statement.

CLIMATE ASSESSMENT FOR

ZTA 25-03, EXPEDITED APPROVALS - COMMERCIAL TO RESIDENTIAL RECONSTRUCTION

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of master plans and zoning text amendments (ZTAs) on the county's contribution to addressing climate change. These assessments provide the County Council with a better understanding of the potential climate impacts and implications of proposed master plans and ZTAs, at the county level. The scope of the Climate Assessments is limited to addressing climate change, specifically the effect of land use recommendations in master plans and ZTAs on greenhouse gas (GHG) emissions and sequestration, and how actions proposed by master plans and ZTAs could improve the county's adaptive capacity to climate change and increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed master plans and ZTAs may impact GHG emissions and community resilience.

SUMMARY

Depending on the number, type, size, density, and location commercial to residential reconstruction resulting from ZTA 25-03, minor negative and positive local impacts on greenhouse gas emissions and minor positive local impacts on carbon sequestration considering transportation, building embodied emissions, energy, and land cover change and management-related factors. Minor to moderate negative and minor positive local impacts on community resilience, and minor to moderate positive local impacts on adaptive capacity are expected considering exposure, sensitivity, and adaptive capacity-related factors.

BACKGROUND AND PURPOSE OF ZTA 25-03

ZTA 25-03 was introduced on February 4, 2025, sponsored by Councilmembers Friedson and Fani-González, and co-sponsored by Council President Stewart and Councilmembers Balcombe, Luedtke, and Sayles. ZTA 25-03 will create the Commercial to Residential Reconstruction use, which will be defined as a building that is converted or demolished from a 50% vacant commercial building to a

residential building. This new use will be allowed in the Commercial/Residential, Neighborhood Retail (NR), and Employment Office (EOF) zones. ZTA 25-03 will also remove the residential restriction on FAR in the NR and EOF zones, so that total commercial-residential FAR can be used for residential.

VARIABLES THAT COULD AFFECT THE ASSESSMENT

CLIMATE-RELATED VARIABLES

Transportation- Vehicle miles traveled by type, Number of trips, Non-vehicle modes of transportation, Public transportation use.

Building Embodied Emissions – Building square footage, Building life span, Pavement infrastructure, Material waste produced, Use of green building materials.

Energy – Electricity usage, Electricity efficiency.

Land Cover and Management –Area of non-forest tree canopy, Area of green cover.

COMMUNITY RESILIENCE-RELATED VARIABLES

Exposure-Related Factors – Activity in flood-risk areas, Activity in urban heat island.

Sensitivity-Related Factors –Change to non-forest tree canopy, Change to quality or quantity of other green areas, Change to impacts of heat, Change in perviousness, Change in stormwater management system treatments, Change to water quality or quantity.

ADAPTIVE CAPACITY-RELATED VARIABLES

Change to accessibility or prevalence of community and public spaces, Change to access to transportation, Change to community connectivity, Change in distribution of resources and support

ANTICIPATED IMPACTS

GREENHOUSE GAS EMISSIONS, CARBON SEQUESTRATION, AND DRAWDOWN

Depending on the number, type, size, density, and location of new residential construction resulting from this ZTA 25-03, is anticipated to have minor negative and positive local impacts on greenhouse gas emissions and minor positive local impacts on carbon sequestration. [Note: The *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*

indicate that carbon sequestration, drawdown, and reduction are generally used interchangeably. The *Recommendations* document uses the term sequestration.]

Transportation-related minor positive or negative impacts are expected depending on the level of densification of a project and associated increases or decreases in Vehicle Miles Traveled (VMT) and number of trips. Transportation-related minor to moderate positive impacts are expected due to potential long-term increases in non-vehicular modes of transportation and public transportation use.

Building embodied emissions-related minor positive or negative impacts are expected depending on the level of densification of a project and associated increases or decreases in building square footage and pavement infrastructure. Building embodied emissions-related minor positive impacts are expected due to longer building life spans in projects that involve adaptive reuse of existing buildings, and projects that use green building materials in new construction. Building embodied emissions-related minor negative impacts are expected for projects that involve the production of material waste from tear down and rebuild activities.

Energy-related negative impacts on the one hand are expected to be minor due to increased electricity usage on a total grid scale. On the other hand, minor positive energy-related impacts are expected due to decreased usage of natural gas, as well as decreases in electricity use and slight increases in energy efficiency on a per-capita basis.

Depending on existing site conditions, land cover change and management-related minor positive impacts on carbon sequestration associated with some projects could occur due to increases in tree canopy and other green areas that may occur through redevelopment.

COMMUNITY RESILIENCE AND ADAPTIVE CAPACITY

Depending on the number, type, size, density, and location of new residential construction resulting from ZTA 25-03, minor to moderate negative and minor to moderate positive local impacts are anticipated on community resilience (exposure and sensitivity-related factors) and minor to moderate positive local impacts are anticipated on adaptive capacity factors.

Depending on the location of projects with respect to flood hazard area mapping currently under development as part of the county's *Comprehensive Flood Management Plan*, exposure-related minor to moderate negative impacts could occur due to potential increases of activity in flood risk areas. Similarly, depending on the location of projects, exposure-related minor to moderate negative impacts could occur due to potential increased exposure to noise.

Depending on existing site conditions, sensitivity-related minor positive impacts associated with some projects could occur due to increases in non-forest tree canopy and other green areas that may occur through redevelopment. Likewise, depending on existing site conditions, sensitivity-related minor positive impacts associated with some projects could occur due to decreased heat impacts, decreases in impervious surfaces, and increases in pervious cover that generally result from redevelopment. In

general, sensitivity-related minor to moderate positive impacts are expected due to improved stormwater management systems, decreased stormwater runoff, and increased water quality that are required for redevelopment.

Adaptive capacity-related minor to moderate positive impacts are expected due to increases in accessibility or prevalence of community and public spaces, access to transportation, increases in community connectivity, and change in distribution of resources and support through mixed use development.

RELATIONSHIP TO GREENHOUSE GAS REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

The CAP details the effects of a changing climate on Montgomery County and includes interagency strategies to reduce greenhouse gas emissions and climate-related risks to the county's residents, businesses, and the built and natural environment.

The CAP includes 86 climate actions as a pathway to meet the county's ambitious climate goals while building a healthy, equitable, and resilient community. Each county department has responsibilities for specific climate actions that are relevant to the work of that department. The following section provides a list of the CAP action items relevant to Montgomery Planning and pertain to ZTA 25-02. While it is not possible to know the rate of implementation, development, funding, or other implications, each CAP action item was rated as high, medium, low, negative, or not addressed for its potential to reduce GHG gas emissions, sequester carbon, and support other CAP climate actions.

Building Actions

- B-5: All-Electric Building Code for New Construction. LOW. Depending on the amount of new construction resulting from this ZTA, there is the potential for increased use of electricity vs fossil fuels.
- B-6: Disincentivize and/or Eliminate Natural Gas in New Construction. LOW. Depending on the amount of new construction resulting from this ZTA, there is the potential for decreased use of natural gas in new construction.
- B-7: Net zero Energy Building Code for New Construction. LOW. Depending on the amount of new construction resulting from this ZTA, there is the potential for increased number of net zero energy buildings.

Carbon Sequestration Actions

- S-2: Retain and Increase Tree Canopy. LOW. Depending on existing site conditions, slight increases in tree canopy associated with some projects could be expected to result from this ZTA.

RECOMMENDED AMENDMENTS

Depending on the number, type, size, density, and location of new residential construction ZTA 23-10 will likely result in a range of mostly minor, and some moderate, local positive and negative impacts on the County's goals regarding greenhouse gas emissions, sequestration, community resilience, and adaptive capacity, and Planning Staff does not have any recommended climate-related amendments to add. The ZTA does not offer obvious additional opportunities to significantly mitigate negative impacts or enhance positive climate change-related impacts beyond the potential benefits as discussed in this assessment.

SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

The climate assessment for ZTA 25-03 was prepared using the methodology for ZTAs contained within the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County, December 1, 2022*.

March 10, 2025

To: The Honorable Kate Stewart
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Zoning Text Amendment 25-02, Workforce Housing – Development Standards
Zoning Text Amendment 25-03, Expedited Approvals – Commercial to Residential Reconstruction
Subdivision Regulation Amendment 25-01, Administrative Subdivision – Expedited Approval Plan
Bill 2-25, Payment In Lieu of Taxes – Affordable Housing

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on March 6, 2025, and by a vote of 5:0 supported Zoning Text Amendment (ZTA) 25-02 with amendments, and by a vote of 4:0 (Commissioner Bartley absent) supported ZTA 25-03 with amendments, Subdivision Regulation Amendment (SRA) 25-01 with amendments, and Bill 2-25 with amendments. This package of legislation, also known as More Housing N.O.W. (New Options for Workers), aims to create more housing supply for the county's middle class by allowing new housing types, expanding the Workforce Housing program, and facilitating the redevelopment of underutilized commercial land.

The Planning Board is very appreciative of the county's efforts in tackling our housing crisis through various means, and the More Housing N.O.W. package is another set of tools to address this crisis. The Board supports the policy directions set forth in the legislation and has included a more detailed list of specific recommendations to strengthen the initiatives (Attachment C).

ZTA 25-02 provides select corridor fronting locations the opportunity for targeted infill development of single-family neighborhood compatible developments of duplexes, triplexes, townhouses and small apartments that include new Workforce Housing Units. This ZTA sets a framework of expected development standards and review procedures through a new optional method of development. Many of the projects anticipated through ZTA 25-02 are small and may not be financially or physically feasible without thoughtful relief of requirements including stormwater management, parking, Workforce Housing, and site plan review. We recommend expanding the ZTA to give special consideration to exempting small optional method projects from site plan or establish an administrative-type site plan process that both expedites and reduces the submittal and review requirements.

The intent of ZTA 25-03, to renovate or redevelop existing commercial spaces for residential uses, is also well supported by the Planning Board. This ZTA creates a new use for Commercial to Residential Reconstruction and expedites the review and permitting process for qualifying applications. This ZTA also modifies the Employment Zones to encourage more housing options in our largely single-use commercial areas. The Planning Board's recommended technical adjustments are included in Attachment C.

SRA 25-01 creates a new Administrative Subdivision for Commercial to Residential Reconstruction. The Planning Board's main recommendation to the SRA is to consolidate some of the existing Administrative Subdivisions into a single expedited approval Administrative Subdivision, similar to the Expedited Approval Plan effort in ZTA 25-03.

Bill 2-25 expands the county's Payment In Lieu of Taxes (PILOT) program to qualifying residential reconstructions that provide at least 15% of units affordable to households below 60% AMI. The Planning Board recommends the council should allow the PILOT for both rental and for sale projects, since many current office to residential conversions in the county were for condominium projects.

The Planning Board is appreciative of its opportunity to review and provide comments on the More Housing N.O.W. package and looks forward to helping implement some of these new development options in the future. As always, Planning Staff are available to answer any questions or assist as these items work through the deliberative process.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, March 6, 2025.



Artie L. Harris
Chair

Attachments:

- A – Planning Board Staff Report
- B – Staff Report Attachments
- C – Planning Board recommended modifications

MORE HOUSING N.O.W. (NEW OPTIONS FOR WORKERS PACKAGE)

ZTA 25-02 – WORKFORCE HOUSING – DEVELOPMENT STANDARDS

**ZTA 25-03 – EXPEDITED APPROVALS – COMMERCIAL TO RESIDENTIAL
RECONSTRUCTION**

SRA 25-01 – ADMINISTRATIVE SUBDIVISION – EXPEDITED APPROVAL PLAN

BILL 2-25 – PAYMENT IN LIEU OF TAXES – AFFORDABLE HOUSING

Description

The More Housing N.O.W. (New Options for Workers) is a package of two zoning text amendments, a subdivision regulation amendment, a bill, and an investment in a Workforce Housing Opportunity Fund that together aim to create more housing opportunities for the middle class. The goals include building more workforce housing, converting vacant commercial spaces into housing opportunities, and establishing new pathways to homeownership.

ZTA 25-02
ZTA 25-03
SRA 25-01
Bill 2-25

Completed: 02--27

MCPB
Item No. 5
03-06-2025

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Summary

ZTA SPONSORS

Lead Sponsors:

Councilmembers Friedson and Fani-Gonzalez

Cosponsors:

Council President Stewart, and Councilmembers Luedtke, Balcombe, and Sayles

INTRODUCTION DATE

February 4, 2025

COUNCIL PUBLIC HEARING DATE

March 11, 2025

REVIEW BASIS

Chapters 50 & 59

- ZTA 25-02 Workforce Housing – Development Standards would allow additional types of residential dwelling units along select transportation corridors through a new Optional Method Workforce Housing development in the R-200, R-90, R-60 and R-40 zones.
- ZTA 25-03 Expedited Approvals – Commercial to Residential Reconstruction creates a new Commercial to Residential Reconstruct use and establishes a new expedited review process.
- SRA 25-01 Administrative Subdivisions – Expedited Approval Plan creates a new administrative subdivision for the new use Commercial to Residential Reconstruct.
- Bill 2-25 Payment in Lieu of Taxes – Affordable Housing would establish a new Payment in Lieu of Taxes (PILOT) opportunity for development applications that provide a substantial investment in affordable housing.

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SECTION 1 – BACKGROUND

More Housing N.O.W.

The More Housing N.O.W. (New Options for Workers) is a package of two zoning text amendments, a subdivision regulation amendment, a bill, and an increase in funding through an opportunity fund and an assistance program that are aimed at creating more housing for the middle class. The package is designed to increase new housing supply, reduce housing costs, and expand pathways to homeownership.

[ZTA 25-02 Workforce Housing – Development Standards](#)

ZTA 25-02 (Attachment A) is intended to accelerate the construction of Workforce Housing through the creation of a new Optional Method Workforce Housing (OMWH) development. The OMWH would be available to parcels that meet the following conditions:

- residential detached properties in the R-200, R-90, R-60 or R-40 zone.
- fronting a street classified as a Boulevard, Downtown Boulevard, Downtown Street, Town Center Boulevard, or Controlled Major Highway, with at least 3 total travel lanes and a master-planned right-of-way greater than 100 feet.
- site plan approval

The OMWH would allow additional building types in the residential detached zones including a new triplex building type, and the addition of apartment buildings that can meet the development standards. OMWH developments would need to provide 15% of units as Workforce Housing. The ZTA also updates the development standards tables of all the existing zones and methods of development within the zoning code that allow townhouses to also allow triplex buildings.

This map generally identifies the parcels that are the subject of ZTA 25-02 as introduced on February 4, 2025: mcatlas.org/housingnow

[ZTA 25-03 Expedited Approvals – Commercial to Residential Reconstruction](#)

ZTA 25-03 (Attachment B) directly addresses some of the challenges with converting underutilized commercial spaces into residential uses. Elements of the ZTA include:

- a new “Commercial to Residential Reconstruction” use, which is any site with an existing multi-story commercial use that is at least 50% vacant and is proposed to be redeveloped as a residential use.
- removing any limitations on residential development in the NR and EOF zones and allowing commercial FAR to be converted into residential FAR

- streamlining the existing regulatory plans under Section 7.4. into a single new “Expedited Approval Plan”

[SRA 25-01 Administrative Subdivisions – Expedited Approval Plan](#)

SRA 25-01 (Attachment C) is a companion to ZTA 25-03 and would establish a new expedited Commercial to Residential Reconstruct administrative subdivision plan.

[Bill 2 -25 Taxation – Payments in Lieu of Taxes – Affordable Housing - Amendments](#)

Bill 2-25 would establish a Payment in Lieu of Taxes (PILOT) for certain conversions of high vacancy commercial properties to residential use. Elements of the PILOT include:

- Requires the Finance Department director to offer a PILOT for certain conversions of high vacancy commercial properties to residential.
- Exempts 100% of real property tax for 25 years.
- Requires the conversion to provide 15% affordable units that are affordable for at least 25 years at 60% or less of Area Median Income

[Workforce Housing Opportunity Fund](#)

The More Housing N.O.W. package would create a new \$4 million countywide fund to incentivize the construction of workforce units.

[Homeowner Assistance Program](#)

The More Housing N.O.W. package would double the County’s investment in the Homeowner Assistance Program from \$4 million to \$8 million in the FY26 Housing Initiative Fund (HIF). The HIF is a locally funded affordable housing tool that provides flexible loans and grants to help create and preserve affordable housing in Montgomery County. Administered by the County’s Department of Housing and Community Affairs, the HIF is used in many strategic and significant ways to advance virtually all of the County’s affordable housing priorities.

Workforce Housing Program

Many of the elements of the More Housing N.O.W. package involve the use of the county’s [Workforce Housing](#) program. The Workforce Housing Program is intended to be affordable to households with incomes that are too high to be eligible to participate in the Moderately Priced Dwelling Unit (MPDU) Program, generally serving households in the 70% - 120% Area Median Income (AMI) range.

Table 1 Household size and maximum income for Workforce Housing

Household Size	Maximum Income
1	\$130,000
2	\$148,500
3	\$167,000
4	\$185,500
5	\$200,500

The Workforce Housing Program (WFH) was created to increase the availability of housing in the county for public employees and other workers whose income cannot support the high cost of housing that is located close to their workplace and to assist county employers in reducing critical labor shortages of skilled and semi-skilled workers by providing housing that will be accessible to the workers' workplaces.

More Housing N.O.W. and Corridor Planning

The More Housing N.O.W. package promotes the creation of additional housing, and ZTA 25-02 is particularly focused on new, slightly denser housing options (up to 1.25 FAR) along select roadways. Planning Staff commend these efforts as a first step in achieving more development along corridors. However, More Housing N.O.W. and ZTA 25-02 are not a substitute for corridor planning. There is some overlap but major differences between the scope and scale of a corridor plan and ZTA 25-02.

ZTA 25-02 promotes duplexes, triplexes, townhouses and small-scale apartment buildings along any of five street classifications (Downtown Boulevard, Downtown Street, Town Center Boulevard, Boulevard, and Controlled Major Highway), with master-planned right-of-way exceeding 100 feet and with three or more existing lanes of traffic. Growth Corridors are more specific and are largely aligned with Montgomery County's planned premium transit network, including Metrorail's Red Line service and Montgomery County's planned bus rapid transit network.

Corridor planning focuses on comprehensive planning for the nine *Thrive Montgomery 2050*-designated Growth Corridors, including higher-density, transit-supportive land use, premium multimodal transportation, housing for all, design excellence, parks, environment, streetscape and pedestrian-orientation, and zoning. Each corridor plan includes detailed, contextual recommendations for these topics, refined through extensive community engagement and technical analysis of existing conditions. Comparatively, ZTA 25-02 has a much narrower focus on expanding moderate-density housing options through housing policy and zoning.

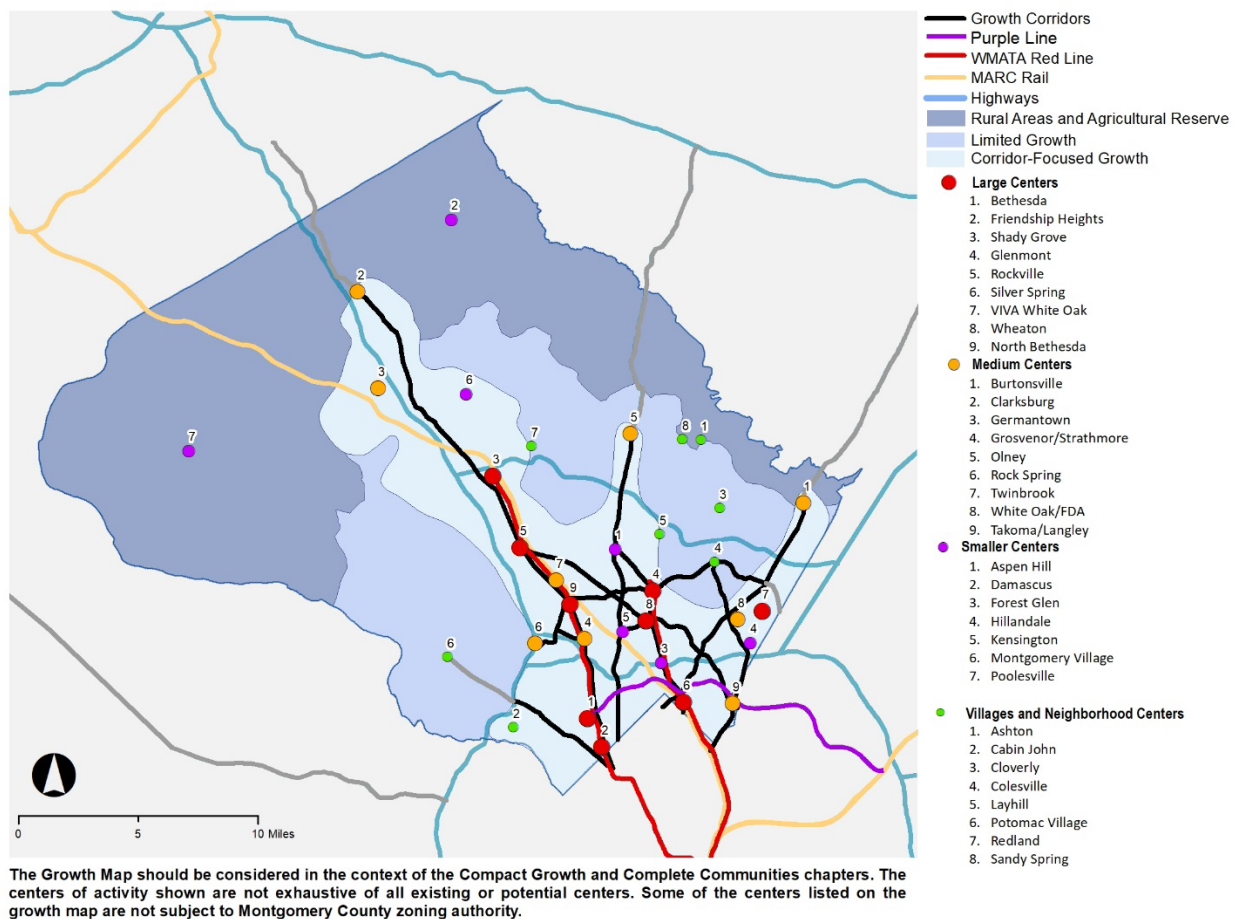


Figure 1: *Thrive Montgomery 2050*-designated Growth Corridors are shown as black lines.

Some of the benefits and features of corridor planning include:

- Corridor plans evaluate land use and zoning to achieve BRT-supportive densities. Corridor plans comprehensively consider zoning along growth corridors to facilitate infill development and redevelopment near existing and planned transit, services, and amenities to maximize the efficiency of public investment.
- Corridor plans present an opportunity to re-envision residential, institutional, and commercial properties along corridors and consider transitions to residential neighborhoods behind the corridors.
- Corridor plans can also provide guidance to consolidate, remove, or relocate driveways and curb cuts to minimize conflicts and maximize transit along corridors, and identify priorities, supported by community engagement, to inform future facility plans for bus rapid transit.
- Corridor planning focuses on the relationship between land uses, building forms, and multimodal transportation to improve safety and walkability by reducing traffic speeds, ensuring safe crossings and providing designated spaces for walking and bicycling.

- Corridor plans evaluate needed community amenities, and open spaces and can facilitate the implementation of streetscape design standards.

In the current FY 25 budget year, Montgomery Planning is actively working on the University Boulevard Corridor Plan, with the Georgia Avenue Corridor Plan kicking off soon.

SECTION 2 – SUMMARY OF RECOMMENDED CHANGES

Below is a summary of the changes Planning Staff is recommending to the two ZTAs and one SRA discussed in this staff report.

ZTA 25-02 Workforce Housing – Development Standards

- Modify line 13 – definition of Triplex - to include reference Section 4.1.5.C. building types in the C/R and Employment zones.
- Either:
 - Add to the ZTA an amendment to Section 59-3.3.1. to create a new use for Three-Unit Living, including appropriate use standards and amend the Use Table in Section 3.1.6. to add Three-Unit Living with permitted and limited uses mimicking those of Townhouse Living, **or**
 - amend Section 59-3.3.1.E the definition of Multi-Unit Living to include Triplex buildings, and amend the limited use standards for multi-unit living in Section 3.3.1.E.2.a. to allow multi-unit living in a Triplex building type in all the zones/methods of development that allow Townhouse Living, and update the use table to ensure Multi-Unit Living is shown as a limited use in all the zones that currently permit Townhouse Living as a limited or permitted use.
- Modify line 53 to remove reference to “Commercial/Residential, and Employment.”.
- Modify the table on line 61 to add a separate column for the Triplex building type rather than combining it with the Townhouse building type.
- Modify the ZTA to include Section 4.1.5 Building Types in the Commercial/Residential, Employment, and Industrial Zones to add in a Triplex building as Section 4.1.5.C.
- Modify the ZTA to include Section 4.1.6 Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones to add Triplex as allowed in the C/R and Employment zones.
- consider an exemption of very small (single lot) applications for OMWH or consider a follow-up ZTA to establish an administrative site plan approval process for smaller developments.
- Relocate the FAR density standard on line 108 to each OMWH development standard table in the R-200, R-90, R-60 and R-40, and consider setting the allowed FAR based on the underlying zone’s other limitations on lot coverage, setbacks, and height.

- In the Development Standards for all OMWH, clarify an applicant must provide at least 15% workforce housing units “for any development constructing” 3 or more units (lines 111-113), and remove maximum building height and minimum lot size standards which are already located in the development standards tables for each zone (lines 114-116).
- Amend line 122 to clarify the front lot line of any lot or parcel included in an application’s tract must abut the specified roadway.
- Remove Controlled Major Highway from the list of applicable roadway types on line 123.
- Update the ZTA to include the parking table Section 6.2.4.B. to include Three-Unit Living (if also agreeing to add Three-Unit living to Household Uses).
- Set a Development Standard for Workforce Housing Projects at 1 space per dwelling, or base parking on the number of bedrooms similar to Multi-Unit living (after line 120).
- Expand the applicability of site coverage to all building types.
- Reduce the minimum lot size for Townhouse in the OMWH to 1,200 square feet.
- Modify lot area (per unit) to either reflect per unit ‘average,’ or delete entirely and utilize a site area per unit standard.
- Replace lot coverage standards with site coverage standards.

ZTA 25-03 Expedited Approvals – Commercial to Residential Reconstruction

- Amend line 40 to include a two-year look-back period of vacancy.
- Amend line 52 to clarify the “approval of an Expedited approval Plan for” a Commercial to Residential Reconstruction.
- Amend 3.3.2.B.3.c. (Lines 65-68) to require the use to satisfy Townhouse Building and Apartment Building rather than Townhouse Living and Multi-Unit Living.
- Revisit the goal statements for the Employment Zones under Section 4.6.1.
- Add GR to the list of eligible zones for converting commercial FAR to residential FAR (line 245).
- Modify the ZTA to remove the Specification for Density sections in tables 4.6.3.C and 4.6.3.E., or keep the specification but clarify it only applies to the GR zone.

SRA 25-01 Administrative Subdivisions – Expedited Approval Plan

- Reorganize Section 50.6.1 to either:
 - Consolidate sections E. Biohealth Priority Campus, F. Biohealth Priority Campus, and G. Mixed-Income Housing Community into a single Administrative Plan type that is available to any of the above uses, plus the Commercial to Residential Reconstruct, or
 - Update the section references in E., F., and G. to all reference the Board approving an Expedited Approval Plan under Section 59-7.3.5.

SECTION 3 – ZTA 25-02 ANALYSIS AND RECOMMENDATIONS

ZTA 25-02, Workforce Housing – Development Standards (Attachment A) establishes a new Optional Method Workforce Housing standard of development in the R-200, R-90, R-60, and R-40 zones, under certain conditions, that would allow the use of additional higher density building types and greater flexibility in design in exchange for a minimum percentage of workforce housing units, additional review scrutiny and the provision of public amenities. ZTA 25-02 also provides additional flexibility in the existing optional methods of development throughout all the applicable zones in the code by introducing a new triplex building type. The following sections walk through the ZTA as introduced and include Planning Staff recommendations at the end of each section.

Division 59-1.4. Defined Terms

ZTA 25-02 introduces the term “Triplex” to the Zoning Code. Consistent with the other building types in the code (such as Detached House, Duplex, Townhouse, and Apartment), the definition refers readers to the definition located in Section 4.1.3. Building Types in the AG, Rural Residential, and Residential Zones (line 13). Planning Staff notes that the other building type definitions located in the Defined Terms section include a reference to Section 4.1.5. Building types in the C/R, Employment, and Industrial Zones as well, which is missing for Triplex. This should be corrected for consistency. The ZTA also modifies the definition of Usable Area (lines 15-19) to include Workforce Housing as a third type of development (in addition to MPDU and Cluster Development) that relies on Usable Area for determining density.

Recommendation – support and modify line 13 as follows to reference Section 4.1.5.C. building types in the C/R and Employment zones.

Triplex: See Section 4.1.3.C. and Section 4.1.5.C

Division 59-3.1. Use Table

SECTION 59-3.1.6. USE TABLE

The Use Table in Section 3.1.6. is modified slightly to change Multi-Unit Living from only a C (conditional use) to an L/C (limited or conditional use) for the R-200, R-90, R-60, and R-40 zones. This change allows Multi-Unit living as part of the new Optional Method Workforce Housing development, discussed later in this report. With a L/C, applicants have the option to meet the limited use standards, but if they are unable, they can apply for a conditional use.

Recommendation – support

SECTION 59-3.3.1. HOUSEHOLD LIVING

Division 59.3.3.1. ZTA 25-02 as introduced, does not amend Household Living, however Planning Staff recommends that this section be amended to accommodate the Triplex building type added with the ZTA.

Currently, the zoning code includes various types of household living, each with a specific definition based on the building type it can be placed in. These include:

- Single-Unit Living – one dwelling unit contained in a Detached House building type.
- Two-Unit Living – 2 dwellings contained in a Duplex building type.
- Townhouse Living – 3 or more dwelling units in a Townhouse building type.
- Multi-Unit Living – dwelling units in an Apartment or Multi-Use building type.

Based on the existing definitions, there is no household living use that would occupy a Triplex building type. Planning Staff recommend two options for addressing this.

Option 1: adding a new use, both to Household Living under 3.3.1., and to the Use Table under 3.1.6. for Three-Unit Living.

Recommendation: add to the ZTA an amendment to Section 59-3.3.1. to create a new use for Three-Unit Living, including appropriate use standards, and a definition as follows:

Three-Unit Living means 3 dwellings contained in a Triplex building type.

Recommendation: amend the Use Table in Section 3.1.6. to add Three-Unit Living with permitted and limited uses mimicking those of Townhouse Living.

Option 2: Redefine Multi-Unit Living to include the Triplex building type.

Recommendation: amend Section 59-3.3.1.E to redefine Multi-Unit Living as follows:

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

Recommendation: amend the limited use standards for multi-unit living in Section 3.3.1.E.2.a. to allow multi-unit living in a Triplex building type in all the zones/methods of development that allow Townhouse Living.

Recommendation: Update the use table to ensure Multi-Unit Living is shown as a limited use in all the zones that currently permit Townhouse Living as a limited or permitted use.

Division 59-4.1. Rules for All Zones

DIVISION 59-4.1.3. BUILDING TYPES IN THE AGRICULTURAL, RURAL RESIDENTIAL, AND RESIDENTIAL ZONES.

This section of the code is where the definitions for the various building types allowed are located. Currently, the section includes definitions for a Detached House, Duplex, Townhouse, and Apartment Building. The ZTA proposes adding Triplex as a new building type and modifying Townhouse and Apartment.

SECTION 4.1.3.C: TRIPLEX

ZTA 25-02 adds Triplex as a new building type allowed in the Agricultural, Rural Residential, and Residential Zones. This is shown on lines 40-44 with an included definition and example image. The Triplex is defined as a building containing 3 dwelling units where each dwelling unit is separated vertically or horizontally by a party wall. A Triplex may contain ancillary nonresidential uses such as a Home Occupation or Family Day Care.

Triplexes are distinct from the Townhouse building type because Townhouses only allow for vertical separation between units, whereas a Triplex allows vertical or horizontal separation. Allowing ancillary nonresidential uses is consistent across the existing residential building types except for the Apartment Building. Triplex is added as the new 4.1.3.C., since the density is between Duplex and Townhouse.

Section 4.1.3.D: Townhouse

Since Section 4.1.3.C is added for Triplex, Townhouse is shifted to Section 4.1.3.D. Additionally, the minimum unit count for Townhouse building types is increased from 3 to 4 units.

Section 4.1.3.E. Apartment

Since Section 4.1.3.C is added for Triplex, Apartment is shifted to Section 4.1.3.E. Additionally, the minimum unit count for Apartment building types is increased from 3 to 4 units.

The final change to note also in the section for Apartment is on lines 52-53 of the ZTA, clarifying that commercial uses are restricted to the R-30, R-20, R-10, Commercial/Residential, and Employment Zone. Currently, the Apartment building type allows up to 10% of the gross floor area to act as an allowed Retail/Service use regardless of the underlying zone. This change is being made because the Apartment building type is being added as an allowed building type in the Optional Method Workforce Housing development, however, no Retail/Service uses are envisioned for the applicable Residential Detached zones. Planning Staff note that this addition on lines 52-53 should only reference the R-30, R-20 and R-10 zones and not include reference to the Commercial/Residential and Employment Zones, as definitions of building types in those zones are located in Section 4.1.5. of the code.

Recommendation – support, and remove reference to “Commercial/Residential, and Employment” from line 53.

[D]E. Apartment Building

An apartment building is a building containing [3] 4 or more dwelling units vertically and horizontally arranged. In the R-30, R-20, R-10, [[Commercial/Residential, and Employment zones,]] an [An] apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a [multi use] multi-use building.

DIVISION 59-4.1.4. BUILDING TYPES ALLOWED BY ZONE IN THE AGRICULTURAL, RURAL RESIDENTIAL, AND RESIDENTIAL ZONES.

This section, included in lines 58-69 of the ZTA, is a table (line 61) and associated key offering users a quick reference to which building types are allowed in each zone and by which development method. The ZTA makes changes to the development options and the building type. The first change adds WFH (Work Force Housing optional method) as a development option allowing Duplex, Triplex or Townhouse, and Apartment building types to the table and the key. The second change adds Triplex as a building type as an addition to the Townhouse building type column in the table. There is some inconsistency with how ZTA 25-02 handles Triplex buildings. In certain circumstances, Triplex and Townhouse are shown as separate building types with separate development standards, and in other sections they are combined. Because there are at least some instances where Triplex and Townhouse are treated as separate building types, Planning Staff recommends Triplex be added as a new column between Duplex and Townhouse. The same applicable zones and methods of development that apply to the Townhouse building type would apply to the Triplex building type.

Recommendation – support and add a separate column for the Triplex building type rather than combining it with the Townhouse building type. See the inserted column with the double border around the Triplex column in table 2 below.

Table 2 Building Types allowed by Zone in the Agricultural, Rural Residential, and Residential Zones, as amended.

	Detached House	Duplex	<u>Triplex</u>	[Triplex or] Townhouse	Apartment Building
Agricultural Zone					
Agricultural Reserve (AR)	A	--	<u>==</u>	--	--
Rural Residential Zones					
Rural (R)	A	--	<u>==</u>	--	--
Rural Cluster (RC)	A	--	<u>==</u>	--	--
Rural Neighborhood Cluster (RNC)	A	A	<u>A</u>	A	--
<u>Residential Detached Zones</u>					

Residential Estate - 2 (RE-2)	A	TDR	<u>TDR</u>	TDR	TDR
Residential Estate - 2C (RE-2C)	A	MPDU	<u>MPDU</u>	MPDU	--
Residential Estate - 1 (RE-1)	A	MPDU	<u>MPDU</u>	MPDU	--
Residential - 200 (R-200)	A	MPDU, TDR, WFH	<u>MPDU</u> , <u>TDR, WFH</u>	MPDU, TDR, WFH	TDR, WFH
Residential - 90 (R-90)	A	MPDU, CD, TDR, WFH	<u>MPDU</u> , <u>TDR, WFH</u>	MPDU, CD, TDR, WFH	TDR, WFH
Residential - 60 (R-60)	A	MPDU, CD, TDR, WFH	<u>MPDU</u> , <u>TDR, WFH</u>	MPDU, CD, TDR, WFH	TDR, WFH
Residential - 40 (R-40)	A	A	<u>MPDU</u> , <u>WFH</u>	MPDU, WFH	[--] WFH
<u>Residential Townhouse Zones</u>					
Townhouse Low Density (TLD)	A	A	<u>A</u>	A	--
Townhouse Medium Density (TMD)	A	A	<u>A</u>	A	--
Townhouse High Density (THD)	A	A	<u>A</u>	A	--
<u>Residential Multi-Unit Zones</u>					
Residential Multi-Unit Low Density - 30 (R-30)	A	A	<u>A</u>	A	A
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	<u>A</u>	A	A
Residential Multi-Unit High Density - 10 (R-10)	A	A	<u>A</u>	A	A

DIVISION 59-4.1.5. AND 59-4.1.6. BUILDING TYPES ALLOWED – COMMERCIAL/RESIDENTIAL, EMPLOYMENT, AND INDUSTRIAL ZONES.

The ZTA does not currently include amendments to Section 4.1.5. Building Types in the Commercial/Residential, Employment, and Industrial Zones, or Section 4.1.6. Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones. Planning Staff recommend the ZTA be updated to include these two sections. The ZTA shows an intent to add the Triplex building to the development standards tables in the C/R and Employment Zones, therefore adding that building type to the list of allowed buildings in those zones is needed. The definition would be the same as in Section 4.1.3. and the Triplex would be allowed in all of the C/R and Employment zones.

Recommendation –Modify the ZTA to include Section 4.1.5 Building Types in the Commercial/Residential, Employment, and Industrial Zones to add in a Triplex building as Section 4.1.5.C

C. Triplex

A triplex is a building containing 3 dwelling units where each dwelling unit is separated vertically or horizontally by a party wall. A triplex may contain ancillary, nonresidential uses, such as a Home Occupation or Family Day Care.

Recommendation -- Modify the ZTA to include Section 4.1.6 Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones to add Triplex as allowed in the C/R and Employment zones as shown in Table 3 below with the double border around the Triplex column.

Table 3 Building Types allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones, as amended.

	Detached House	Duplex	<u>Triplex</u>	Apartment Building	Multi Use Building	General Building
<u>Commercial/Residential Zones</u>						
CR Neighborhood (CRT)	A	A	<u>A</u>	A	A	A
CR Town (CRN)	A	A	<u>A</u>	A	A	A
CR	A	A	<u>A</u>	A	A	A
<u>Employment Zones</u>						
General Retail (GR)	A	A	<u>A</u>	A	A	A
Neighborhood Retail (NR)	A	A	<u>A</u>	A	A	A
Life Science Center (LSC)	A	A	<u>A</u>	A	A	A
Employment Office (EOF)	A	A	<u>A</u>	A	A	A
<u>Industrial Zones</u>						
Light Industrial (IL)	--	--	<u>--</u>	--	A	A
Moderate Industrial (IM)	--	--	<u>--</u>	--	A	A
Heavy Industrial (IH)	--	--	<u>--</u>	--	A	A

Division 59-4.3. Rural Residential Zones

This section of the ZTA, starting on line 71, is a simple update to the existing development standards tables for the RNC Zone - standard method of development, and optional method MPDU development. The top row of the standards tables is updated to add Triplex as an allowed building type, sharing the same building type column as Townhouse. Townhouse and Triplex building types share many characteristics such as the lots for individual dwellings often being very small, and associated landscaping, open spaces, and parking in adjacent off-lot parcels. The resulting standards

for Townhouses and Triplexes are frequently based on site area and coverage associated with a building, rather than individual lots.

Recommendation: support

Division 59-4.4. Residential Zones

Within Division 59-4.4. are numerous changes proposed by the ZTA. These include the creation of a new Optional Method Workforce Housing Development, new development standards tables for the Optional Method Workforce Housing development, and updates to existing development standards tables to the cluster and MPDU optional methods of development.

SECTION 4-4.2.C. OPTIONAL METHOD WORKFORCE HOUSING DEVELOPMENT

This section of the ZTA, spanning from lines 83 – 137, is the primary policy change that would be implemented by ZTA 25-02, if adopted. This section establishes the new Optional Method Workforce Housing (OMWH) development. The intent of the OMWH is to allow different building types and flexibility in lot layout in exchange for providing workforce housing units that satisfy Chapter 25B.

DEVELOPMENT APPROVAL PROCEDURE

Lines 95-96 of the ZTA under Development Approval Procedures specify that approval of OMWH development is contingent on a site plan approval. There is no minimum size of an OMWH based on the development standards tables discussed later in the ZTA. While lot consolidation or development of larger properties is not prohibited, most development in the OMWH is intended to be small-scale redevelopment of individual residential properties. Planning Staff is concerned that requiring a full site plan process for developments that may only contain a few housing units could be very onerous, costly and prohibitive. Planning Staff recommends the Council consider options to allow very small projects, such as single lot redevelopment, to not require a site plan. An alternative recommendation would be to establish an administrative site plan process that has an expedited timeline and the potential for approval by the Planning Director.

Recommendation: consider an exemption of very small (single lot) OMWH applications or consider a follow-up ZTA to establish an administrative site plan approval process for smaller developments.

WORKFORCE HOUSING DEVELOPMENT ACROSS DIFFERENT ZONES

Lines 97-106 allow an OMWH development to span across different zones are consistent with similar provisions for the Optional Method MPDU and Cluster development options. This provision allows for a site within multiple residential detached zones to develop under a single consistent development including shared density but requires the building types and development standards of the underlying zone to remain.

Recommendation: support

DENSITY AND USABLE AREA

Lines 107-109 set the maximum total density allowed in any OMWH project at 1.25 FAR and permits the density to be calculated based on the usable area of the tract. The requirement to base density on usable area is consistent with other optional method development methods. Usable area is defined as the area of a tract that development density is calculated on for optional method development projects. If environmental buffers cover 50% or more of the tract, any area exceeding 50% is reduced from the tract area. However, for most OMWH projects it is not anticipated that environmental buffers would exceed 50% so density would be based on the full tract area. The code defines a tract as a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title.

Planning Staff appreciates the OMWH measuring density based on FAR rather than units per acre. This method provides some incentive for an applicant to create smaller units that fit within the allowed building envelope. However, specifying density for OMWH in this section of the code is not consistent with other optional methods of development. Typically, density is discussed in the development standards tables within each zone. Planning Staff recommends the OMWH be consistent with other optional methods of development and remove density from line 108 of the ZTA and instead locate it in each OMWH development standard table in the R-200, R-90, R-60 and R-40 zones. The Council should also consider varying the allowed density within each zone considering the maximum achievable density discussed above.

Planning Staff also recommends that the Council consider varying the amount density across all four zones. Other optional method developments base the allowed density on the underlying zone's base density. Further, Planning Staff considered what density a property could achieve based on the proposed setbacks, lot coverages, and building heights. The maximum FAR a project could achieve is approximately 1 FAR in R-200, 1.2 FAR in R-90, 1.4 FAR in R-60, and 1.6 FAR in R-40. Allowing a standard for density that is not actually achievable may set false expectations.

Recommendation: support density as an FAR and relocate the density standard to each OMWH development standard table in the R-200, R-90, R-60 and R-40, and consider setting the allowed FAR based on the underlying zone's other limitations on lot coverage, setbacks, and height.

DEVELOPMENT STANDARDS FOR WORKFORCE HOUSING PROJECTS

Lines 110-120 contain a series of standards that would apply to all developments utilizing the OMWH, including:

- a. 15% of all units should be Workforce Housing units.
- b. maximum building height is 40 feet.
- c. minimum site size is the minimum lot size in the underlying zone.
- d. parking must be located behind the front building line.
- e. driveway access is limited to one per street frontage.

Standard a. starts on line 111 and describes the requirement for OMWH developments to provide a minimum of 15% workforce housing as a requirement for development. It further stipulates a minimum of one workforce housing unit is required for developments of 3 units or more. The intent is to not require workforce housing if the OMWH is used to create one duplex unit, but would require workforce housing for anything larger.

For clarity, Planning Staff recommends:

- Clarifying that the 15% workforce housing requirement applies to any development constructing 3 or more units.
- Removing Standards b. and c. (lines 114-116) as they are duplicative to standards that are within the development standards table and do not need to be repeated here.

The last two standards that refer to parking and driveway access Planning Staff support as introduced.

Recommendation: support with the following changes:

a. An applicant must provide at least 15% workforce housing units that satisfy Chapter 25B; [[with a minimum of one workforce housing unit for construction of]] for any development constructing 3 or more units.

[[b. The maximum height for all buildings is 40 feet.]]

[[c. The minimum site size is the minimum lot size in the underlying zone.]]

[[d]] b. Off-street parking must be located behind the front building line.

[[e]] c. Driveway access is limited to one driveway per street frontage unless additional driveway access is approved by an appropriate agency with jurisdiction over the right-of-way.

APPLICABLE CORRIDORS

The Applicable Corridors section (lines 121-128) specifies which roadways a property must abut a Boulevard, Downtown Boulevard, Downtown Street, Town Center Boulevard, or Controlled Major Highway, with a planned right-of-way greater than 100 feet, with at least 3 existing total travel lanes. The intent is to limit OMWH development to properties along larger roadways where more intensive land use has fewer compatibility impacts, and in many cases, better access to more transportation opportunities. Planning Staff supports this concept, but has two recommendations to improve clarity and practicality. First, it is ambiguous in line 122 whether the front lot line abutting refers to any and all existing lots as part of a tract, any part of the application tract area, or if it refers to all newly created lots. Planning Staff believe the intent is that any and all existing lots and parcels that are part of a OMWH tract should abut the roadway, and recommends amending the language to clarify this. Additionally, Planning Staff have concerns with including Controlled Major Highway as a qualifying

roadway. The description and key features in the Complete Streets Design Guide state these roadways are limited access roadways designed primarily for vehicle mobility, and are generally intended for no or low-intensity development set back from the road (Attachment F). Examples of Controlled Major Highways include Great Seneca Highway, Father Hurley Boulevard, or US 29 north of White Oak. These roadway types are not conducive for new moderate density residential developments and do not have the same form or function as the other major roadways. There are only 27 out of 2,472 parcels located along a Controlled Major Highway, mostly in Germantown along a small portion of MD 355.

Recommendation: support, amend line 122 to read “The front lot line of any lot or parcel included in an application’s tract must abut...” and remove Controlled Major Highway from the list of applicable roadway types on lines 123-124.

DEDICATED LAND

The ZTA section on Dedicated Land (lines 129-133) is the standard language found in all optional methods of development allowing dedicated land for schools or parks to be used toward development density.

Recommendation: support

COMMUNITY WATER AND SEWER

The last section of standards for all OMWH developments is a section on community water and sewer (lines 134-137). This provision would prohibit the OMWH unless the property is connected to community water and sewer systems. This is a reasonable approach since there are areas of residential detached zoning outside of the public water and sewer service areas, and the new building types allowed by the OMWH are of an intensity that should be connected to the public systems.

Recommendation: support

PARKING

The ZTA as introduced does not discuss the parking requirements for Triplex buildings, nor does it provide for any off-street parking reductions for the OMWH developments. Based on the parking table in Section 59-6.2.4. Two-unit living (Duplex building) and Townhouse-Living require parking at 2 spaces per dwelling unit at the base rate. Multi-Unit living bases parking on the number of bedrooms, with as few as 1 space for an efficiency, and up to 2 spaces at 3+ bedrooms. While the ZTA does not contemplate three-unit living, and therefore does not add it to the parking table, Planning Staff presume that once amended, the ZTA would also require Triplex to park at a rate of two spaces per unit, since the Triplex has been treated as an intermediate density between Duplex and Townhouse in other circumstances.

There are various existing circumstances in the parking division (Division 6) that would allow for reduced parking for a OMWH development, including a 50% reduction in parking for Workforce

Housing units, and zero parking required if a OMWH project falls within ½ mile of a Metro Station or Purple Line station, or within ¼ mile of an existing or funded for construction Bus Rapid Transit Station. However, not all the areas eligible for a OMWH development would qualify for the reduced or zero parking. Just under 600 of the 2,472 eligible parcels (24%) fall within the area exempt from parking. Planning Staff have been advocating for reducing parking for new residential developments, in particular urban infill situations where space is a constraint. As is illustrated in example images in attachment G a parking reduction is practically necessary to accommodate three or more dwellings on an existing R-60 zones lot, and would be beneficial to R-90 and R-200 lots in reducing impervious surfaces and providing green area for residents. Planning Staff recommend creating a new standard for parking under the Development Standards for Workforce Housing (Section 4.4.2.C.4 of the ZTA line 110) setting minimum parking for OMWH projects at 1 space per dwelling. Alternatively, parking for the OMWH developments could be treated like the Multi-Unit living, and base parking requirements across all dwelling types on the number of bedrooms. This would further incentivize providing smaller, more price-attainable dwellings.

Recommendations:

- Update the ZTA to include the parking table in Section 6.2.4.B. to include Three-Unit Living (if also agreeing to add Three-Unit living to Household Uses).
- Set a parking standard in the Development Standards for Workforce Housing Projects at 1 space per dwelling, or set parking based on the number of bedrooms similar to Multi-Unit living.

SECTIONS 4-4.5. THROUGH 4.4.16. STANDARD AND OPTIONAL METHOD STANDARD TABLES

Like the amendments to the Rural Residential Zones discussed before, there are many sections of code where the only proposed amendments with this ZTA are to add the Triplex building type to existing development standards tables where Townhouse buildings are already allowed. Within the Residential zones, this includes the following methods and zones:

- RE-2C, RE-1, and R-200 the MPDU optional method,
- R-90, and R-60 the MPDU and Cluster optional method.
- TLD, TMD, THD, R-30, R-20, and R-10 the Standard, and MPDU optional method

Recommendation: support

SECTIONS 4-4.7. THROUGH 4.4.10. OPTIONAL METHOD WORKFORCE HOUSING STANDARD TABLES

In the R-200, R-90, R-60 and R-40 zones, new development standards tables are added to the code for the OMWH development. Unlike the existing optional method standards tables where MPDU and

Cluster options share a table, the OMWH will be presented on its own standards table (starting on line 150).

These development standards tables differ substantially from those of the MPDU and Cluster options within the applicable zones. The intent of the OMWH is to allow a wider range of building types, including Triplex and Apartment, but to retain compatibility with existing detached houses mostly built under the standard method of development. This means the lot/site coverages and setbacks are similar to the standard method of development, and the site and lot areas correspond with the existing lot area requirements of the standard method. Below is a brief analysis of the different sections of the OMWH standards tables.

Within each OMWH table there are seven distinct sections, each are discussed in more detail below.

BUILDING TYPES

While not numbered as a section (like 1-6 below), building types is the first real section of the standards table and serve as the column headings in the table. The OMWH tables allow for the following building types:

- Duplex
- Triplex
- Townhouse
- Apartment

Detached House is not an allowed building type under the OMWH. This makes sense because this method of development does not anticipate reductions in lot/site size or setbacks, therefore development of a Detached House would continue to utilize the standard method of development from the underlying zones.

Recommendation: support

1. SITE

Under the Site portion of the OMWH standards table are one subsection and two standards:

Dimensions (min)

Usable area

Site coverage (max)

Usable area is the minimum amount of area required to utilize the OMWH. In the R-90, R-60, and R-40 zones, the usable area is set as the same area as the minimum lot size for a Detached House under the standard method. In the R-200 zone, the ZTA has a usable area of 16,000 square feet, which is 4,000 square feet less than a minimum lot in the R-200 zone.

The standard for site coverage is the maximum amount of the site associated with a specific building type that may be covered by a building or structure. Site coverage does not include other impervious surfaces such as driveways or patios. The site coverage proposed for the OMWH is equal to the coverage allowed for a Detached House in the underlying zone's standard method. Site coverage values are provided for Townhouse and Apartment building types but not for Duplex or Triplex which instead are restricted by lot coverage. In most zones and methods of development, Detached House and Duplex are bound by lot coverage whereas Townhouse and Apartment are bound by site coverage. Often individual lot(s) for Townhouse or Apartment buildings may be very small, and other associated site area such as open spaces and parking are on separate parcels. Site coverage averages out the coverage between all the lots and parcels associated with a specific building type. Planning Staff supports continuing to rely on site coverage for Townhouse and Apartment.

Planning Staff also recommends site coverage extend to the Triplex and Duplex building types. Having lot coverage limits for Duplex and Triplex could substantially limit how subdivisions occur for these building types, especially since a likely Triplex form would be what is considered a three-unit Townhouse building now, with a small sized, high lot coverage middle lot, and two end units with larger lots and less lot coverage. Duplexes could also be limited in design, as lot coverage would diminish the ability of an applicant to provide a Duplex with two different size units.

Recommendation: support usable area and site coverage, and recommend expanding the applicability of site coverage to all building types.

2. LOT AND DENSITY

Section 2 of the OMWH standards tables are standards that include four subsections and eight development standards as follows:

Lot(min)

- Lot area (per unit)
- Lot width at front building line
- Lot width at front lot line
- Frontage on street or open space

Density (max)

- Density

Coverage (max)

- Lot

Specification for Lot and Density

- Specification

The values across all four zones for lot area (per unit) align with dividing the usable area into two (Duplex), and three (Triplex). There is not a clear pattern for the townhouse lot area value except that it is appreciably smaller than Triplex. Apartment is listed as n/a, not being subjected to a minimum lot area. The values for lot area for duplex has precedent in code, setting it at half the size of a detached

house. The lot area requirements proposed for Townhouse, especially the R-200 OMWH at 2,000 square feet, are concerning because the lot sizes may be impractical. The largest minimum lot size for a Townhouse in code today is 1,250 square feet, in the TLD zone. In many zones it is under 1,000 square feet (see Table 4 below).

Table 4 Minimum Lot Size for Townhouses Across Zones.

Zone	Standard Method	Optional Method(s)	OMWH
RNC	1,100	1,200	
RE-2C		1,200	
RE-1		1,200	
R-200		1,000	2,000
R-90		1,000 or 1,200	1,200
R-60		1,000 or 1,200	1,000
R-40		No min	1,000
TLD	1,250	800	
TMD	1,100	800	
THD	1,000	800	
R-30	1,000	800	
R-20	1,000	800	
R-10	800	800	
CRN	800		
CRT	800		
CR	800		
GR	900		
NR	900		
LSC	900		
EOF	900		

Middle unit Townhouses are on lots as wide as the Townhouse unit itself. To achieve a 2,000 square foot lot would force a 20-foot-wide townhouse on a 100-foot-deep lot. There is no precedent for Triplex, but Planning Staff assume many Triplex buildings will take the form of a three-unit Townhouse with a middle unit. Planning Staff also note that other zones and methods of development standards tables for Duplex and Townhouse building types refer to this standard as ‘lot area’ and not ‘lot area (per unit)’ as the OMWH tables do. It is not clear why these tables added the ‘per unit’ qualifier to lot area, but believe with additional tweaks it could be used to the OMWH’s advantage. In addition to reducing the minimum lot size for Townhouse in the R-200 zone, Planning Staff recommend one of two possible amendments to this standard for both flexibility and clarity.

- **Option 1** would amend the standard to say, “lot area (per unit average)”. Adding the word average would provide an applicant flexibility to create a variety of lot sizes as part of a Duplex, Triplex, or Townhouse building, without increasing the overall number of units allowed on any given site. As stated before, this flexibility is particularly helpful if as part of a Duplex an applicant wants to create unequal sized units, and with a Triplex or Townhouse

where any middle units would want to be on smaller lots than the end units.

- **Option 2** would remove the lot area requirement and instead add a “Site area per unit” development standard, located in the Section 1. Site portion of the standards table. This approach would mirror how Apartment buildings are treated. This would provide even more flexibility for an applicant to best determine how to subdivide a site, without increasing the overall number of units allowed on the site.

Lot width at front building line is to be determined at site plan, as is the lot width at front lot line for all building types except the Duplex. Lot width at front building line is a measure of how wide a lot is across the front facing wall of a building. Lot width at front lot line is a measure of how wide the lot frontage is abutting the adjacent right-of-way. Having flexibility in both standards is important for providing flexibility in designing the buildings and lot layouts. Frontage on a street or open space is a requirement of any lot from Chapter 50, and remains required with OMWH developments.

Density for the OMWH developments is represented as a FAR, which is different from the other optional methods of development in the residential zones. However, Planning Staff is supportive of this change, because it provides an incentive for an applicant to consider smaller dwellings since the limiting factor is the square footage of the structure, rather than how many units are within the structure. Since unit size is a major factor in price attainability encouraging smaller units should also encourage more affordable units. As Planning Staff discussed previously (page 16 of this staff report), the FAR density has been set as a consistent 1.25 FAR across all four applicable zones, but the Council should consider lowering that density in the R-200 and R-90 zones to be more consistent with the actual development potential of these zones.

The last standard in section 2 is for lot coverage, which applies to the Duplex and Triplex building types. As discussed in section 1 for site standards, Planning Staff recommends removing lot coverage and instead only using site coverage as a standard.

Recommendations

- Reduce the minimum lot size for Townhouse to 1,200 square feet.
- Modify lot area (per unit) to either reflect per unit ‘average,’ or delete entirely and utilize a site area per unit standard. Support the two lot width standards, support using FAR for density and right-size the allowed FAR to the zone’s development potential, and replace lot coverage standards with site coverage standards.

3. PLACEMENT

Section 3. Placement, has four subsections and a total of 14 development standards as follows:

Principal Building Setbacks (min)

Front setback.

Side street setback, abutting lot fronts on the side street and is in a Residential Detached Zone.

Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone.

Side setback, including end unit.

Rear setback.

Specification for Principal Building Setbacks

Specification.

Accessory Structure Setbacks (min)

Front setback.

Side street setback, abutting lot fronts on the side street and is in a Residential Detached Zone.

Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone.

Side setback.

Rear setback on a corner lot where abutting lot fronts on the side street and is in a Residential Detached Zone.

Rear setback, if not otherwise addressed.

Specification for Accessory Structure Setbacks

Specification a.

Specification b.

The standards proposed by the ZTA largely mirror those required for a detached house and accessory structures in the underlying zones standard method. This is a departure from the relaxed standards allowed by other optional methods of development; however, the other methods of development require much larger usable areas and were written for greenfield development where landscaping and open space areas can be placed to screen adjacent development. Keeping the standards matching with the standard method development is one of the major ways the ZTA keeps the OMWH compatible with existing residential detached development.

Recommendation: support

4. HEIGHT

Section 4 of the development standards tables is for building height, and contains one subsection and two development standards:

Height (max)

Principal building, measured to the highest point of any roof.

Accessory structure.

The height for the principal building is set at 40 feet across all four zones, which is equal to the building height currently allowed in the R-200 zone for a building on a lot that is 15,000 – 25,000

square feet in size. In the R-90, R-60 and R-40 zones, standard method building height is limited to 35 feet. The accessory structure height limit for each of the four standards tables matches the same heights allowed by the underlying zone's standard method of development. Planning Staff support the OMWH height of 40 feet considering its identical to, or a modest five-foot increase over standard method. The height should provide enough flexibility for applicants when designing multi-unit stacked structures such as Triplexes or small Apartments.

Recommendation: support

5. FORM

The section on Form includes one subsection and three development standards as follows:

Allowed Building Elements

- Gallery/Awning
- Porch/Stoop
- Balcony

This section is typical in development standards tables, and the proposed standards match those allowed by the standard method of development in the underlying zones.

Recommendation: support

6. BUILDINGS USED FOR AGRICULTURE ASSOCIATED WITH FARMING

This development standard around agricultural buildings, with its single specification may seem unusual but is present in every development standard table for every Rural Residential, and Residential Detached zone, including the other optional methods of development. The only difference in the OMWH is the structure height is limited to 40 feet, rather than 50 feet which is more common in the existing code. Planning Staff finds the 40-foot building height reasonable, and in line with the building height proposed for the principal structures.

Recommendation: support

Division 59-4.5. Commercial/Residential Zones and Division 59-4.6. Employment Zones.

Like the modifications proposed for the existing development standards tables in the Residential zones, the standard method development standards tables for all of the Commercial/Residential, and Employment zones are shown adding the Triplex building type. These are all zones where Duplex and Townhouse buildings are already allowed, making Triplex a logical addition.

Recommendation: support

SECTION 4 – ZTA 25-03 – EXPEDITED APPROVALS – COMMERCIAL TO RESIDENTIAL RECONSTRUCTION

ZTA 25-03, Expedited Approvals – Commercial to Residential Reconstruction (Attachment B) is intended to incentivize residential development in older, underutilized commercial areas. The ZTA does this through three major changes:

1. Creating a new use called Commercial to Residential Reconstruction,
2. Allowing applicants to convert commercial FAR to residential FAR in certain Employment Zones, and
3. Consolidating the existing regulatory plan types of Signature Business Headquarters, Biohealth Priority Campus, and Mixed Income Community, into a new single plan type called Expedited Approval Plan. Additionally, Commercial to Residential Reconstruction is added to the list of uses eligible for the Expedited Approval Plan.

Division 59-1.4. Defined Terms

There are a few text amendments within the Defined Terms section of the code proposed by this ZTA. First, the use Commercial to Residential Reconstruction (CRR) is added to the list of defined terms (line 6), although the proposed definition directs readers to the use standards under Division 3 for the actual definition. Because CRR is added as a new sub-use of Group Living, the other Group Living uses also have their definitions and associated Division 3 section references updated accordingly.

Recommendation: support

Division 59-3.1. Use Table

The Use Table under Section 59.3.1.6. is updated to add the Commercial to Residential Reconstruct use as a new use under the Group Living category (line 23). Keeping the uses listed in alphabetical order necessitates updating the section references for the other Group Living uses in the Use Table. The Use Table allows CRR as a limited use in the CRN, CRT, CR, NR, and EOF zones. Notably absent from the list of applicable zones are the Employment Zones of GR and LSC.

To understand why these two zones were excluded from allowing a CRR, Planning Staff looked at the distribution of all four Employment Zones across the county (Attachment H). The LSC zone is the least widely distributed Employment Zone and the majority of the LSC zoned land is included within the recently adopted Great Seneca Plan and covered by the Great Seneca Science Center (GSSC) Overlay zone. The remaining two LSC zone areas are part of Montgomery College Germantown and the Adventist Hospital in White Oak. Because the GSSC Overlay Zone already incentivizes additional residential development on the LSC zoned properties in a way that implements the visions of the Great Seneca Master Plan and the other LSC zones are existing hospital sites, excluding the LSC zone from a CRR makes sense.

The GR zone is the least common of the four Employment Zones but is more widely distributed across the county, similar to the NR and EOF Zones. The two biggest GR zone areas are Westfield Wheaton and Westfield Montgomery Malls, in addition, there is a scattering of GR properties in unincorporated areas of Gaithersburg and Germantown. Most of the GR zoned development is single-story commercial uses that would not be eligible for a CRR, which requires redevelopment of a property at least 2 stories or more in height. As such, omitting the GR zone from allowing a CRR is also practical. The NR and EOF zones are both more common and more widely distributed throughout the county and have more practical opportunities for redevelopment under a CRR.

Recommendation: support

Division 59-3.3. Residential Uses

SECTION 59-3.3.2.B. GROUP LIVING – COMMERCIAL TO RESIDENTIAL RECONSTRUCTION

The next set of updates with ZTA 25-03 are within the Residential Uses Division, Group Living Section. This is where the use of Commercial to Residential Reconstruction is defined and the use and review standards are presented.

DEFINED

This ZTA defines a Commercial to Residential Reconstruction (lines 34-41) as a vacant office or retail building that is at least 2 stores high and is converted to or demolished and rebuilt as a residential building that qualifies as Townhouse Living, or Multi-Unit Living. The commercial building must have no tenants in 50% of the building at the time of application. Planning Staff has one minor concern with the definition – the requirement of no tenants in 50% of the building at the time of application. Because the intent of the CRR use and the expedited review is to incentivize the reconstruction of vacant commercial spaces, Planning Staff recommends a look-back period to ensure the commercial space has a history of struggling with vacancy, rather than an applicant potentially evicting or not renewing the lease on tenants just before submitting an application. Planning Staff suggest a two-year look-back period, similar to that required by ZTA 25-01 that was also recently introduced by the Council.

Recommendation: support, and amend line 40 to include a look-back period of vacancy to read “that has no tenants in 50% of the building [[at the]] for the two-year period prior to the time of application.”

EXEMPTIONS

The Exemptions section, starting on line 42, exempts a CRR from sketch and site plan, and instead allows the use to be reviewed under the expedited approval plan under Section 7.3.5. The code further

requires any necessary reviews by Chapter 50, and specifies that any amendment to an expedited approval plan for a CRR should be processed as an amendment to an expedited approval plan.

Planning Staff recommend one technical correction. Line 52 of the ZTA refers to approval of a Commercial to Residential Reconstruction plan, however there is no such plan type. Rather, Section 7.3.5 creates a new Expedited Approval Plan, which includes four uses: Signature Business Headquarters, Biohealth Priority Campus, Mixed-Income Housing Community and Commercial to Residential Reconstruction.

Recommendation: support, and amend line 52 to read “after approval of an Expedited approval Plan for a Commercial to Residential Reconstruction [[plan]] is approved...”

USE STANDARDS

The ZTA proposes a couple of additional use standards that apply to a CRR, starting on line 56. The first allows a property under review by a CRR to reallocate the mapped commercial FAR to residential FAR, allowing for a 100% residential project, so long as the total FAR and building height are not exceeded. The remaining two standards require CRR in a red policy area to be built as an Apartment Building type, and in other policy areas to be built satisfying Townhouse Living or Multi-Unit Living.

Planning Staff note that the standard for red policy areas specifies the applicable building type, whereas for non-red policy areas specifies household living types. Planning Staff recommend consistency between these two statutes.

Recommendation: support, but amend 3.3.2.B.3.c. (Lines 65-68) to state “If not in a red policy area, Commercial to Residential Construction must be in a ~~building type that satisfies~~ Townhouse building Living under Section ~~3.3.1.D. 4.1.3.C~~ or ~~Multi-Unit Living~~ Apartment Building under Section ~~3.3.1.E. 4.1.3.D.~~” Planning Staff also note the section references for building types may be different than shown above, if ZTA 25-02 is approved concurrently or before this ZTA, as it modifies the building type section references slightly.

SECTION 59-3 OTHER USES

The next sections of the ZTA only contain minor technical updates, including:

- **Section 3.3.2 Group Living** - updating the section references for the remaining uses as each use shifted down a letter in the alphabet.
- **Section 3.4.2. Charitable, Philanthropic Institution** – removing a hyphen from line 138, and updating the section reference for Residential Care Facilities on lines 157 and 159.
- **Section 3.4.6. Hospital** – updating the section reference for Residential Care Facilities on lines 168-169.

Recommendation: support

Division 59-4.5. Commercial/Residential Zones

SECTION 59-4.5.2. DENSITY AND HEIGHT ALLOCATION

There are several minor technical edits in the ZTA to Section 59-4.5.2. This code section provides special provisions and exemptions for density and height in C/R zones that must be approved through a regulatory approval plan. There are multiple references throughout this section to Signature Business Headquarters plan, Biohealth Priority Campus plan, and Mixed-Income Housing Community plan that are deleted and replaced with the new consolidated term expedited approval plan.

Recommendation: support

SECTION 59-4.5.4. OPTIONAL METHOD DEVELOPMENT

Section 59-4.5.4. Optional Method Development, is another technical update. This section requires optional method developments to receive an approved sketch plan, unless approved by a Signature Business Headquarters or a Biohealth Priority Campus. Those two plan types are removed from the code and replaced with an expedited approval plan.

Recommendation: support

Division 59-4.6. Employment Zones

SECTION 59-4.6.2. DENSITY AND HEIGHT ALLOCATION

There are two sections within Density and Height Allocation with amendments, Density and Height Limits under Section 4.6.2.A., and FAR Averaging under Section 4.6.2.B.

DENSITY AND HEIGHT LIMITS

Starting on line 245, the ZTA adds a new provision under the Density and Height Limits section for Employment Zones. This new section allows properties in the NR and EOF zones to reallocate commercial FAR to residential FAR, so long as the total mapped FAR and height are not exceeded.

This is a major policy shift for the Employment Zones, as residential uses are currently limited to no more than 30% of any total development, regardless of how much FAR is being utilized. This change would allow up to 100% residential developments in these zones. To demonstrate how big of a policy shift this is, below are some general policy and intent statements from Section 4.6.1. for the Employment Zones:

- Permitting nonresidential uses including office, technology, and general commercial with limited residential use
- Promote economic diversity and job creation in development patterns where people can work, learn, and recreate.

- Appropriate for targeting jobs and services to co-locate near housing.
- Residential uses are generally limited to 30% of the total gross floor area on the subject site.

Planning Staff understand the housing shortage the county is facing, and opening up employment areas, especially those with high vacancy to increased residential use is a major step in addressing that shortage. This, however, does not align with the existing policies and goals stated for the Employment Zones. A revisit of the goals for the Employment Zones to emphasize them as more mixed-use or housing-focused, along with a revisit to the Employment Zones in their entirety, should be considered in the future.

As with the Commercial to Residential Reconstruction use, this code section also only provides commercial to residential flexibility for the NR and EOF zones, but not for the GR and LSC zones. However, this provision to reallocate commercial FAR to residential FAR is not predicated on needing an existing two or more-story tall development or a certain level of tenant vacancy. Excluding the LSC zone still has merit since the bulk of that zone is covered by an overlay zone that already allows for more residential development. The GR zone however should be considered for inclusion in this commercial to residential policy change, as it is not limited to properties with at least two existing stories. The largest GR zone properties are two existing shopping malls, and the remaining properties are mostly comprised of restaurants, car washes, and other commercial uses, similar to the NR zone. These GR sites could provide valuable additional space to construct residential uses.

Recommendation: support the policy direction but revisit the goal statements for the Employment Zones and add GR to the list of eligible zones for converting commercial FAR to residential FAR on line 245.

“In the NR, GR and EOF zones, commercial FAR limits on the subject property may be reallocated...”

FAR AVERAGING

The changes proposed by the ZTA under Section 59-4.6.2.B. FAR averaging start on line 250 and are straightforward technical updates, to remove any text for Biohealth Priority Campus plans and replace it with an expedited approval plan.

Recommendation: support

SECTION 59-4.6.3. STANDARD METHOD DEVELOPMENT

ZTA 25-03 does not propose any amendments to Section 59-4.6.3. Standard Method Development for the Employment Zones. Planning Staff recommends this section be added to the ZTA to amend the development standards tables under 4.6.3.C. GR and NR Zones, and E. EOF Zone. Both tables contain a standard called Specification for Density within the Lot and Density section. The specification states “Gross floor area of all House Living uses is limited to 30% of the gross floor area on the subject site.” Removing this specification from the development standards tables would need to be made to allow

the conversion of commercial FAR to residential FAR discussed in the Density and Height Allocation analysis above. If the Council does not agree to allow the commercial to residential conversion for the GR zone, then the specification under 4.6.3.C. would remain, but should be reworded to add “In the GR Zone, gross floor area of all...”

Recommendation: Modify the ZTA to remove the Specification for Density sections in tables 4.6.3.C and 4.6.3.E., or retain the specification but add “In the GR Zone” to exclude the other zones.

SECTION 59-4.6.4. OPTIONAL METHOD DEVELOPMENT

Only one change is made to the Employment Zones Optional Method Development, under the Procedures for Approval, also replacing Biohealth Priority Campus plan with an expedited approval plan.

Recommendation: support

Division 59-7.3. Regulatory Approvals

The last Division of code amended by ZTA 25-03 is Division 59-7.3, Regulatory Approvals. There is amended text in multiple sections including technical updates to the Sketch Plan applicability, the addition of a new plan type called the expedited approval plan, and the removal of existing plans including Signature Business Headquarters plan, Biohealth Priority Campus plan, and Mixed Income Housing Community plan.

SECTION 59-7.3.3. SKETCH PLAN

The proposed amendment to the Sketch Plan section is another technical update to the list of plan types that are exempt from submitting a sketch plan under the optional method of development. This would remove the Signature Business Headquarters plan, Biohealth Priority Campus plan, and Mixed-Income Housing Community plan and replace it with the Expedited Approval Plan.

Recommendation: support

SECTION 59-7.3.5. EXPEDITED APPROVAL PLAN

Section 59-7.3.5. Expedited Approval Plan, starting on line 313, is a new regulatory plan type added to the zoning code with this ZTA. This plan type however is not new in practice, because it is based on the existing Signature Business Headquarters, Biohealth Priority Campus, and Mixed-Income Housing Community plans. These three plan types have been added over the past few years through various

ZTAs to expedite the regulatory review process for targeted uses that are county priorities. With minor exceptions, all three plan types are identical including sharing the following sections:

- **Applicability and Description** – modified to add the uses of Signature Business Headquarters, Biohealth Priority Campus, Mixed-Income Housing Community, and Commercial to Residential Reconstruction as eligible uses.
- **Application Requirements** – Ownership and submittal requirements similar to those of a site plan, except the intake process is expedited.
- **Hearing Date** – Requires the Planning Board hearing no later than 65 days after acceptance of the plan.
- **Review and Recommendation** – Sets an expedited timeframe for agencies and the applicant to respond to Development Review Committee Comments and revised plan submittals.
- **Necessary Findings** – Also similar to the findings of a site plan, except the compatibility findings are removed.
- **Decision** – Requires an expedited timeline for the Planning Board to adopt a resolution of the decision, and sets forth the ability for an aggrieved party to file a petition for judicial review.
- **Conforming Permits** – DPS may not issue a permit for the subject property until the expedited review plan and associated bond is approved.
- **Duration of Approval** – sets forth that the expedited review plans must be certified within 24 months of the resolution date, and that applicants have 2 years from the resolution date to apply for a building permit, and an additional 2 years to obtain the building permit.
- **Recording Procedures** – Requires the Planning Department to maintain a copy of the approved plan and resolution.
- **Amendments** – Allows any project approved by an expedited approval plan to file an amendment to the plan, and sets forth the criteria for a Major or Minor amendment.
- **Compliance and Enforcement** – This section allows the Planning Board to find, after holding a hearing, that an applicant may be out of compliance with their approved plan and to levy certain civil penalties.

Most of these sections and their requirements closely align with the requirements of site plans, with the expedited application, review, and post-approval permit requirements being the main difference. ZTA 25-03 adds CRR as another priority use that would have expedited reviews. Rather than create a fourth, identical plan type, this ZTA consolidates all the existing expedited plan types into one new process.

Recommendation: support

SECTION 59-7.3.#. OTHER APPROVAL PLANS

Much of the remaining volume of the ZTA, from lines 583 – 1263, is the removal of the Signature Business Headquarters plan, Biohealth Priority Campus plan, and Mixed-Income Housing Community plan.

Recommendation: support

SECTION 59-7.5.1. NOTICE REQUIRED

The final section of ZTA 25-03 updates the notice required table. This table shows each notice type as a column labeled across the top, and each plan type as rows labeled on the left. The ZTA removes the three plans and their associated amendments being removed by the ZTA from the table, and adds the expedited approval plan and its amendments.

Recommendation: support

SECTION 5 – SRA 25-01 ADMINISTRATIVE SUBDIVISION – EXPEDITED APPROVAL PLAN

Division 50.6. Administrative Subdivision Plan

SRA 25-01 is introduced (Attachment C) as a companion to ZTA 25-03 to establish a new administrative subdivision plan type for CRR uses, which is required to be heard by the Planning Board within 90 days of submission.

The new administrative subdivision will be located in Section 50-6.1.H. The proposed text starts on line 10 of the SRA and explicitly applies to properties that will be used as a CRR. Like other administrative subdivision plans, many of the findings of a preliminary plan such as adequate public facilities, stormwater management, and forest conservation are still required but do not need to be satisfied until approval of the record plat. The language for this new administrative subdivision is identical to the administrative subdivision plan types for the other expedited approval uses in Chapter 59; Section 6.1.E. Signature Business Headquarters, Section 6.1.F. Biohealth Priority Campus, and Section 6.1.G. Mixed-Income Housing Community.

As part of ZTA 25-03, the existing regulatory plans for Signature Business Headquarters, Biohealth Priority Campus, and Mixed-Income Housing were consolidated into a single new expedited approvals plan. SRA 25-01 however does not propose a similar consolidation of the administrative subdivision plan types under Sections 6.1.E. – 6.1.G.

Recommendation: support adding an administrative plan type to cover CRRs, but consolidate Signature Business Headquarters, Biohealth Priority Campus, Mixed-Income Housing, and Commercial to Residential Reconstruct into one expedited approval plan administrative plan by amending the language of Section 6.1.E. as follows:

E. Subdivision application for property to be used as Signature Business Headquarters under Section 3.5.8.D, a Biohealth Priority Campus under Section 3.5.8.E, a Mixed-Income Housing Community under Section 3.3.4. or a Commercial to Residential Reconstruction under section 3.3.2. of the Zoning Ordinance. A lot or lots created for a Signature Business Headquarters may be approved if:

1. the Planning Board approves a ~~Signature Business Headquarters~~ an Expedited Approval plan under Section 59-7.3.5, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;

The remainder of the existing text under Section 6.1.E. would remain and is identical to the text on lines 17-24 of the SRA. Sections 6.1.F and 6.1.G. of Chapter 50 would be deleted, and there would be no need to create a new Section 6.2.H.

Alternative Recommendation: If consolidation of the administrative subdivision plan types is not pursued, the plan type and section references located in Sections 6.1.E.1, F.1., and G.1. need to be updated as follows:

6.1.E.1. the Planning Board approves [a Signature Business Headquarters] an Expedited Approval plan under Section 59-7.3.5, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;

6.1.F.1. the Planning Board approves [a Biohealth Priority Campus] an Expedited Approval plan under Section ~~59-7.3.6~~ 59-7.3.5, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;

6.1.G.1. the Planning Board approves [a Mixed-Income Housing Community] an expedited approval plan under Section ~~59-7.3.7~~ 59-7.3.5, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;

SECTION 6 – BILL 2-25 TAXATION – PAYMENTS IN LIEU OF TAXES – AFFORDABLE HOUSING - AMENDMENTS

Section 52-24 Payments in Lieu of Taxes for Certain Housing Developments

Bill 2-25 amends Chapter 52 - Taxation, Section 24 - Payments in lieu of taxes for certain housing developments. A Payment In Lieu of Taxes (PILOT) program is essentially a tax abatement that is used to support the construction and preservation of housing in the county.

Currently, the County Code authorizes three ways by which an owner may receive a PILOT.

- The **Standard PILOT** program provides a real property tax abatement in exchange for providing affordable units to low-income residents. The amount of the tax abatement and its terms are negotiated based on the number of affordable units and the duration of their affordability.
- The **“by right” PILOT** abates all County real property taxes for a term of at least 15 years for a rental property owned or controlled by a non-profit if at least 50% of the units are leased to households with incomes no greater than 60% of the area median income (AMI).
- The **Washington Metropolitan Area Transit Authority (WMATA) PILOT** applies to new construction, high-rise residential developments that include at least 50% rental housing and are built on property leased from WMATA in the County. For qualified projects, the WMATA PILOT exempts 100% of the real property tax for 15 years.

Expedited Bill 2-25 expands upon the by-right PILOT and would require the Director of Finance to offer a PILOT for a residential development resulting from the conversion of a property that was designated for commercial use but had at least a 50% vacancy rate at the time of the development application to the Planning Department or Department of Permitting Services. The bill would require a PILOT that would exempt 100% of the real property tax that would otherwise be levied for 25 years.

To be eligible for the PILOT, the project must also rent at least 15% of units to households earning 60% or less of the area median income for 25 years, and the project must meet all the requirements of an expedited approval plan under Section 7.3.5 of Chapter 59. Planning Staff recommends this language be modified slightly to include sales price. Many of the county’s notable existing office-to-residential conversions are condominiums (The Octave, and The Elan, both in Downtown Silver Spring).

Planning Staff recommends the language in lines 41-46 be modified to say “at least 15 percent of the dwelling units located on the property are built under a government regulation or binding agreement with the County limiting the rent or sales price charged for the unit for at least 25 years to make the unit affordable to households earning 60 percent or less of the area median income.”

Recommendation: support, and broaden the affordability language to include for-sale units too.

SECTION 7 – OTHER CONSIDERATIONS

Workforce Housing Program

As mentioned in Section 1, many of the elements of the More Housing N.O.W. package involve the use of the county’s [Workforce Housing](#) program. The Workforce Housing program has seen limited application and success compared to the MPDU program, largely due to the fact it is not mandatory and there have been notable challenges with implementation. These challenges are largely because the rents/sales price often approach unaffordability or close to market rents/sales price quickly.

Recommendation: support, however, while outside the context of this package, and in the future, Chapter 25B’s regulations related to Workforce Housing should be looked at to potentially address challenges and ensure the program is operating efficiently.

Controlled Major Highway Examples



Figure 2-99. Sam Eig Highway near Washingtonian Boulevard



Figure 2-100. Great Seneca Highway from Longdraft Road to Mateny Road



Figure 2-101. Columbia Pike (US Route 29) from Prelude Drive to the Howard County Line

Controlled Major Highways – Street Design Parameters and Priorities

Figure 2-102 presents a summary of Corridor Design Parameters to be used for Controlled Major Highways. Figure 2-103 presents a summary of Cross Section Design Parameters to be used for Controlled Major Highways. For ease of reference, a page reference column is provided to orient the user where each subject is covered in more detail.

Figure 2-102. Corridor Design Parameters for Controlled Major Highways

Design Parameter	Design Guidance	Notes	Page Ref
Target Speed	45-55 MPH	Presence, proximity, and volume of pedestrians, bicyclists, passenger vehicles, transit vehicles, and commercial vehicles shall be considered when determining an appropriate target speed. State law allows Montgomery County to reduce the posted speed limit to not less than 15 mph after performing an engineering and traffic investigation. Where existing posted speeds are less than the target speed: it is not the intent that these speed limits be raised.	267
Maximum # of Vehicle Through Lanes	N/A	See Master Plan of Highways and Transitways for number of travel lanes on specific streets, which supersedes this guidance. These are primarily for new roads and when considering road diets.	161
Maximum Spacing for Protected Crossings	1300'	Site-specific needs and conditions will dictate actual implementation. On streets with operating speeds of 30 mph or more, "protected" crossings include: Traffic/pedestrian signal or PHB, all-way stop control, or grade-separated crossing. Where ranges are provided, the lower end of the range is recommended in commercial areas, on BRT corridors, in BIPPAs, and near schools (or similar destinations).	236
Generally Accepted Minimum Spacing for Signalized Intersections	2700'	Refers to a full signalized intersection or roundabout. These targets are intended to maintain operations at a level that promotes safe movement by all travel modes. Site-specific needs and conditions, as determined through the regulatory approval process or capital project review, will dictate actual implementation.	236

Figure 2-103. Cross Section Design Parameters and Prioritization for Controlled Major Highways

Design Parameter	Design Guidance	Priority	Notes	Page Ref
Street Zone				
Center Median	Required 6'-17'	H	Medians may be wider than dimensions provided in some circumstances. The median may be widened to include left turn lanes at intersections. If the street is planned for a median transitway: transit lane dimensions supersede. Consult MCDOT for detailed info.	163
Dedicated Transitway	Transitway lanes: 13' default, 12' min Transitway buffer: 6' default, 2' min	M	The presence of a dedicated transitway is determined in the Master Plan of Highways and Transitways. If these dimensions vary from those provided in a specific Transitway planning process, those dimensions supersede this document. Dimensions may vary at stations, intersections & other crossing points, and along horizontal curves.	162
Left-Turn Lane	11'	N/A	Dimensions only apply if a left turn lane is provided.	159
Two-Way Left-Turn Lane	N/A	N/A	Two-Way Left-Turn Lanes are not appropriate along this street type.	159
Inside Travel Lane	11'	N/A	This includes the lane against the centerline on undivided roads. Lane width dimensions are intended for typical tangent (straight) sections. Segments with vertical or horizontal curves may require wider pavements per Section 3.3.10 of the AASHTO Green Book.	159

Figure 2-103 (continued)

Design Parameter	Design Guidance	Priority	Notes	Page Ref
Street Zone				
Outside Travel Lane	12'	N/A	Lane width dimensions are intended for typical tangent (straight) sections. Segments with vertical or horizontal curves may require wider pavements per Section 3.3.10 of the AASHTO Green Book. If the outside lane is adjacent to a striped bike lane, the total width (travel lane + bike lane) should be no less than 16'. Guidance also applies to right turn lanes, where needed. Gutter pan is included in Shoulder dimensions (below); however, if there is no Shoulder, gutter pan is included in these dimensions for the outside travel lane.	159
Shoulder	8'	H	Dimensions only apply if a shoulder is necessary. Gutter pan is included in Shoulder dimensions. If there is No Shoulder, the gutter pan is already included in the Outside Travel Lane width.	158
Active Zone				
Street Buffer	As wide as feasible (10' min) Open Section: 15' default, 10' min (see p84)	H	Where a lane within the Street Zone is converted to a street level separated bike lane, the Street Buffer may be reduced to 3' only when implemented by MCDOT as an interim bikeway. Where on-street parking is present, a minimum 3' door swing zone is required between the face of curb and any adjacent pedestrian or bicycle facility.	122
Bikeway	Sidepath on both sides of street: 11' default, 8' min	M	Default bikeway types apply to streets without master planned bikeways. The widths apply to master planned and non-master planned bikeways. If the Bicycle Master Plan recommends something different for a specific street, that supersedes this guidance. Dimensions do not include the street buffer or pedestrian/bicycle buffer (see below). If bikeway is at street level and adjacent to the curb, dimensions include the gutter pan. For corridors designated as Breezeways: the Priority is always High, see additional requirements on pages 197-198 of this Guide, or in the Bicycle Master Plan.	202
Ped / Bike Buffer	6' default, 2' min	H	Provided only if a separated bike lane is provided. These should provide edge detection at minimum on the Bikeway side, and ideally also along the Clear Zone side. Ped/Bike Buffers that are reduced to less than 5' may restrict Street Trees, less than 4' may restrict more substantive street furniture, and less than 3' may restrict most street furniture such that the area may be used as more of an extension of the sidewalk. Consider increasing the Priority to High (H) when reducing beneath a threshold will affect items of particular importance.	181
Sidepath	11' default, 8' min	M	Using the minimum dimension requires a waiver – consult MCDOT.	130
Frontage Zone	N/A	N/A	Frontage Zones are not required along this street type.	131
Maintenance Buffer	N/A	N/A	Structures not part of the roadway design shall not occur in the public ROW. If there is a structure abutting the property line: a maintenance buffer is required even if this table shows a dimension of N/A, unless there is no Sidewalk / Sidepath and the outermost zone is the Street Buffer.	119

Controlled Major Highways – Prioritizing Street Design Features

Figure 2-104 provides a summary of Controlled Major Highway design features in four different categories and identifies what features are required, recommended, optional, and not permitted.

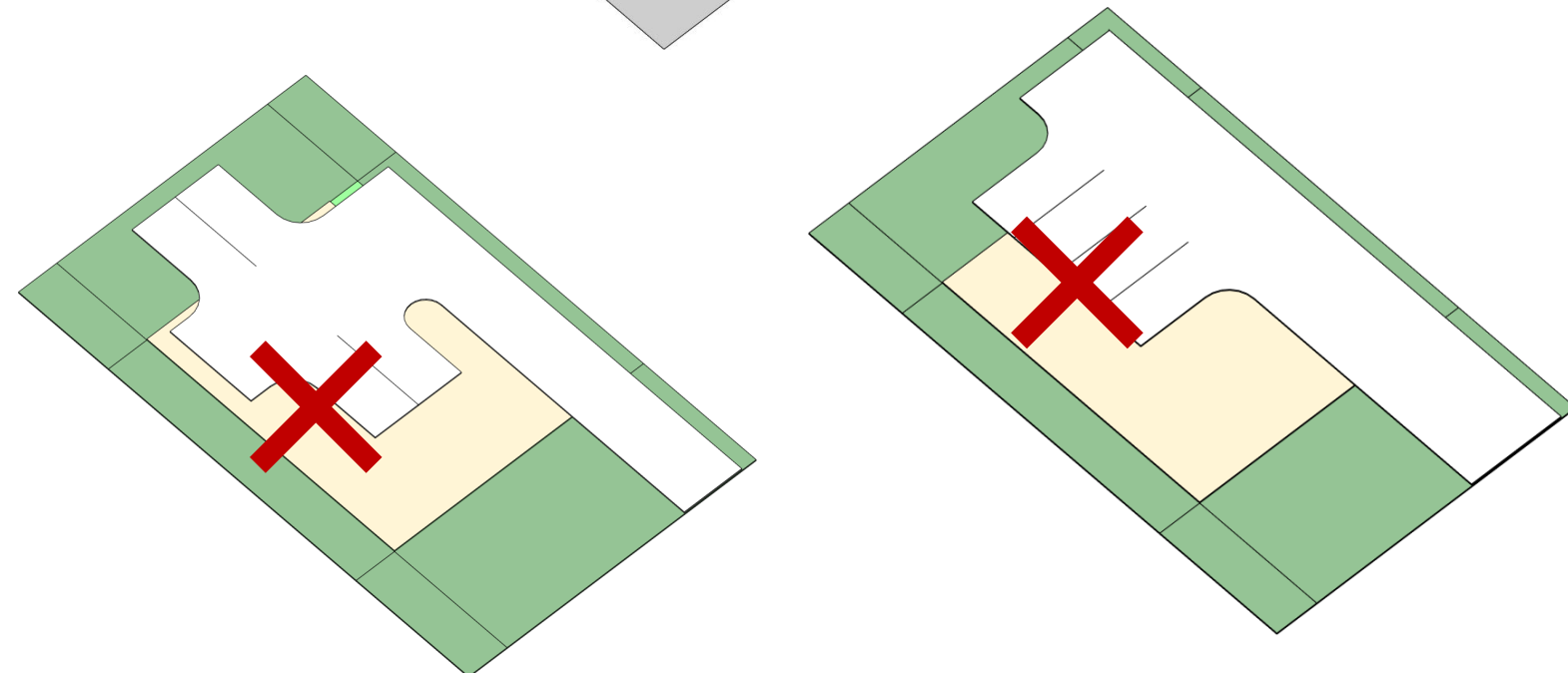
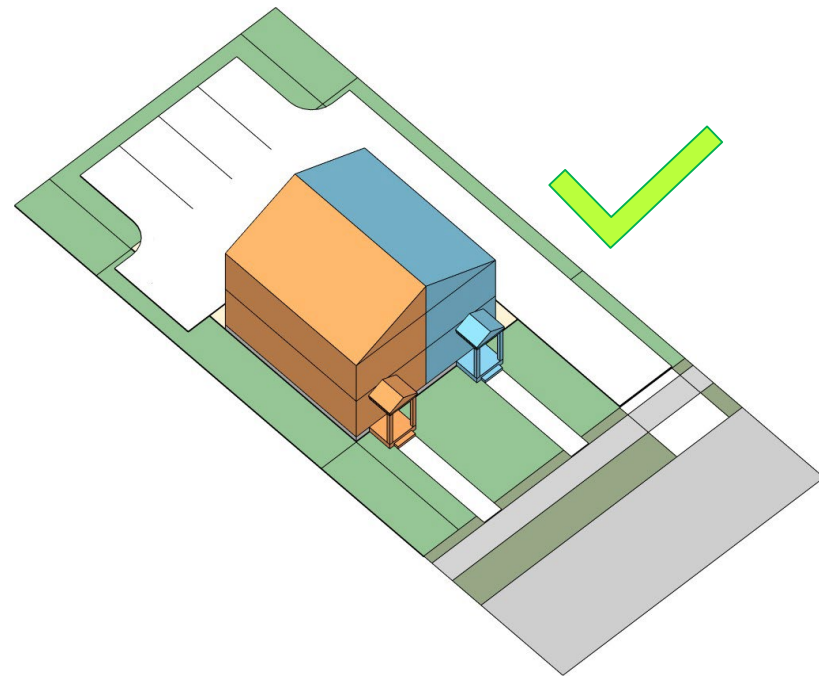
Figure 2-104. Street Design Features for Controlled Major Highways

Legend	■ Required	* Unless determined otherwise by Planning Board	² Required at all intersections with existing or planned separated bike lanes, sidepaths, buffered bike lanes or conventional bike lanes.	Page Ref
	▲ Recommended (Context-Sensitive)	¹ Engineering judgement needed – see Chapter 6: Intersections for details	³ Narrowing lanes down to default dimensions for street type	
ACTIVE ZONE	● Optional (Context-Sensitive)			
	✕ Not Permitted or N/A			
	Trees/Landscaping in Buffer	▲		254
	Green Infrastructure/Rain Gardens	▲		259
	Seating	✕		123
	Bicycle Parking	✕		124
	Recycling/Trash Receptacles	✕		129
	Plazas/Parklets	✕		155
	Bikeshare Stations/Dockless Parking Hubs (if in bikeshare/dockless service area)	✕		125
	Pedestrian-Scale Lighting	○		142
INTERSECTIONS	Pedestrian/Bicycle Wayfinding	○		133
	Sidewalk-Level Driveways	✕		141
	Roundabouts (Modern or Mini)	○ ¹		220
	Crossing Islands	▲		240
	Pedestrian Signals (when traffic signals are present) or Beacons	■		237
	Pedestrian Recall on Signals	✕		243
	Pedestrian Lighting (unless pedestrians are prohibited, e.g., some Controlled Major Highways)	■		143
SPEED MANAGEMENT	Protected Intersections, Bike Boxes, or Two-Stage Queue Boxes	■ ²		224
	Bicycle Markings/Facilities (when bikeways are present)	■		226
	Lane Diet	▲ ³		270
	Road Diet (if volumes meet thresholds for road diet)	○		271
	Speed Humps/Cushions	✕		272
	Speed Tables/Raised Crosswalks	✕		273
	Raised Intersections	✕		273
	Curb Extensions/Bulb Outs	○		273
	Neckdowns/Chokers	○		274
	Traffic Diverters	✕		274
STREET ZONE	Chicanes/Roadway Curvature	✕		275
	Textured Paving Treatment	✕		276
	Green Infrastructure in Median (when median is present)	▲		259
	Street Trees/Landscaping in Median (when median is present)	■		254
	Minimize/Consolidate Driveways	○		141
	Undergrounding Utilities (Master Plan recommendations supersede this guidance)	○		165
	Transit Shelters (where transit routes are present and boarding thresholds are met)	○		138
	Loading/Pick-up and Drop-off Zones	✕		157
	Accessible Parking	✕		153
Carshare Parking	✕		154	
E/V Charging Stations	✕		154	

R-60 Site Standards and Parking Constraints

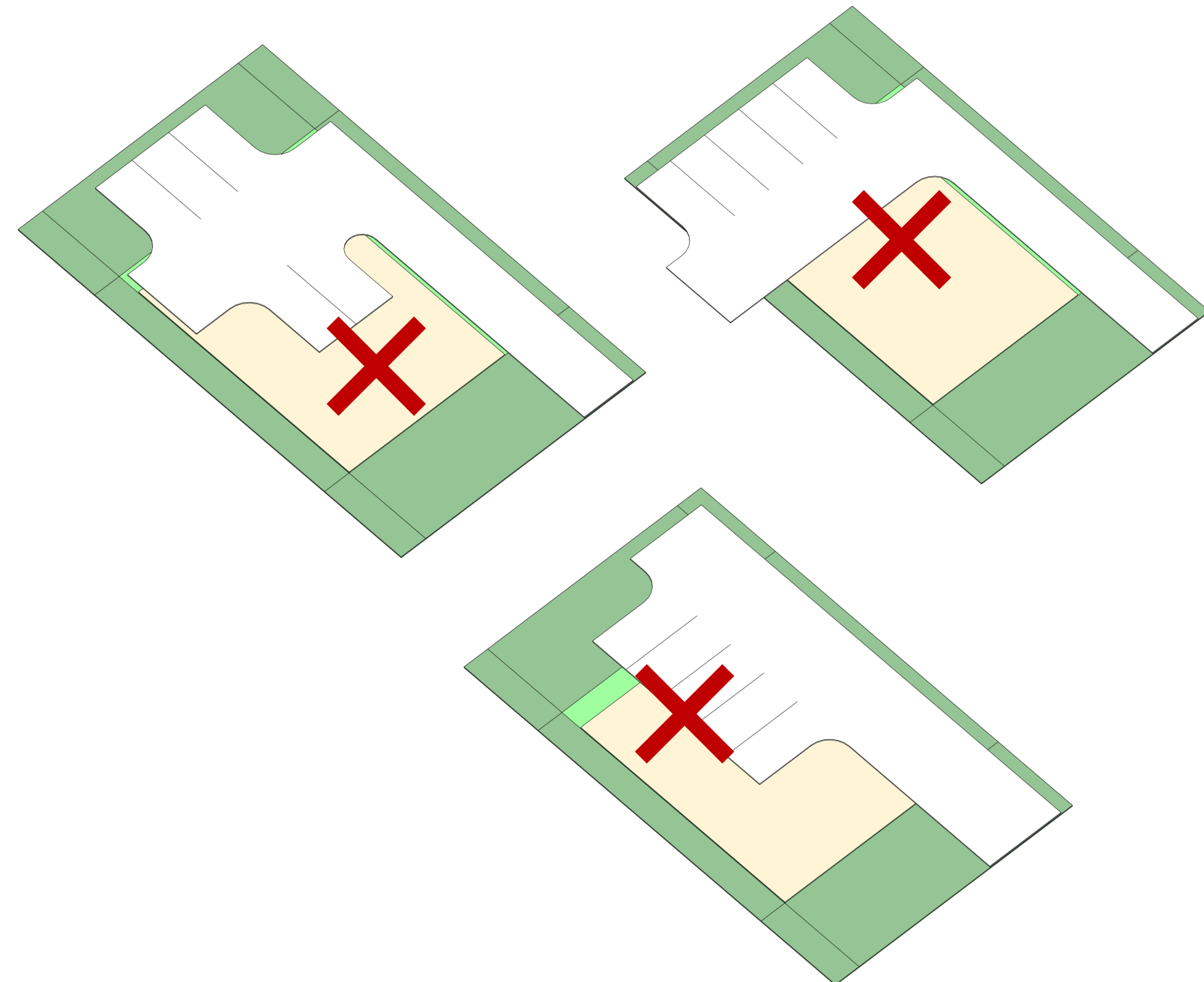
Potential Duplex Layout

- 4 onsite parking spaces
- One configuration works, with all parking in a row
- Buildable area is limited but workable
- No effective green space in the rear
- Other parking configurations are too impactful to buildable area



Potential Triplex Layout

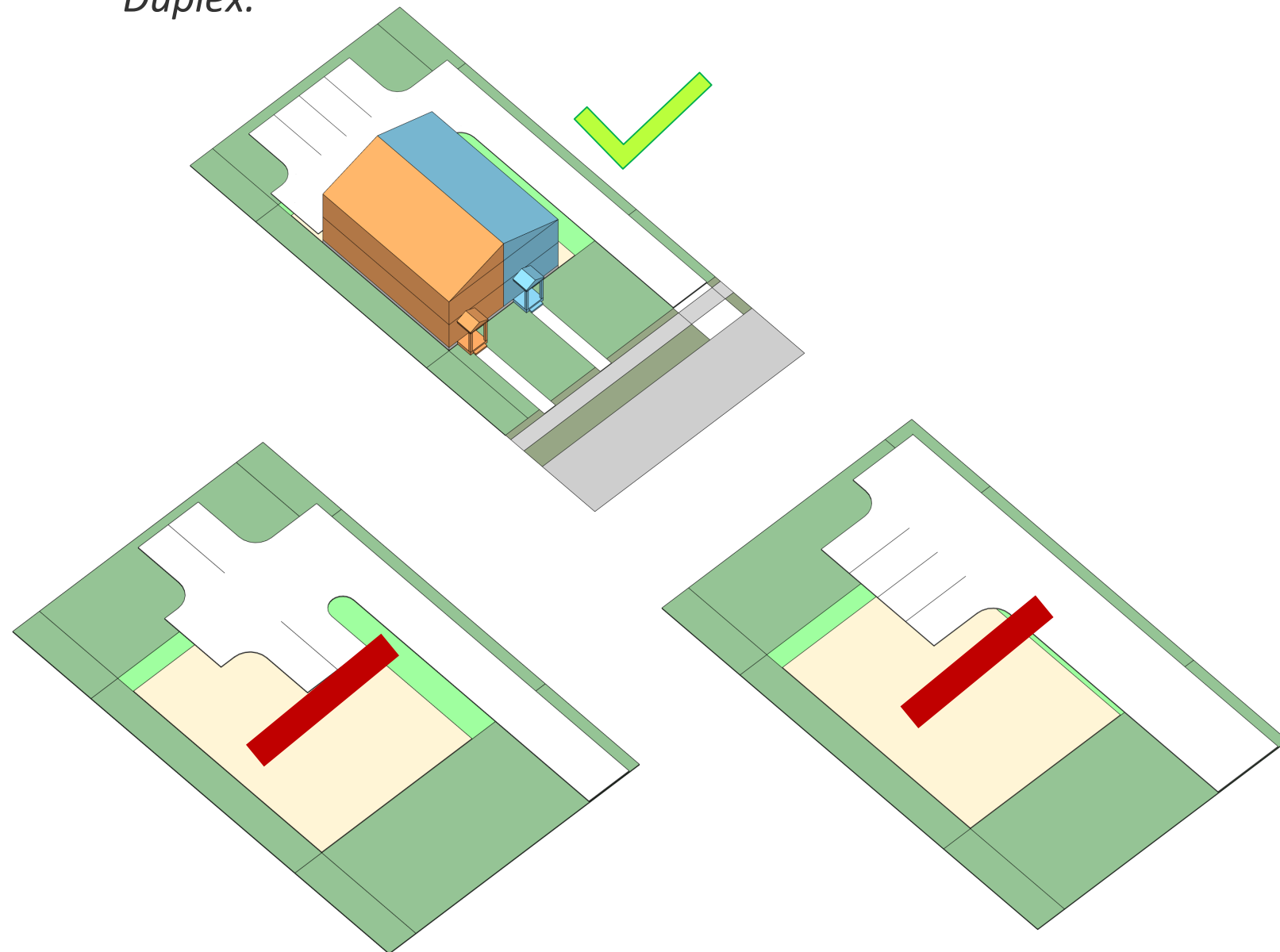
- 5 onsite parking spaces (2 each for market rate, 1 for WH unit)
- In all configurations parking either is too impactful to buildable area, or does not fit on the site



R-90 Site Standards and Parking Constraints

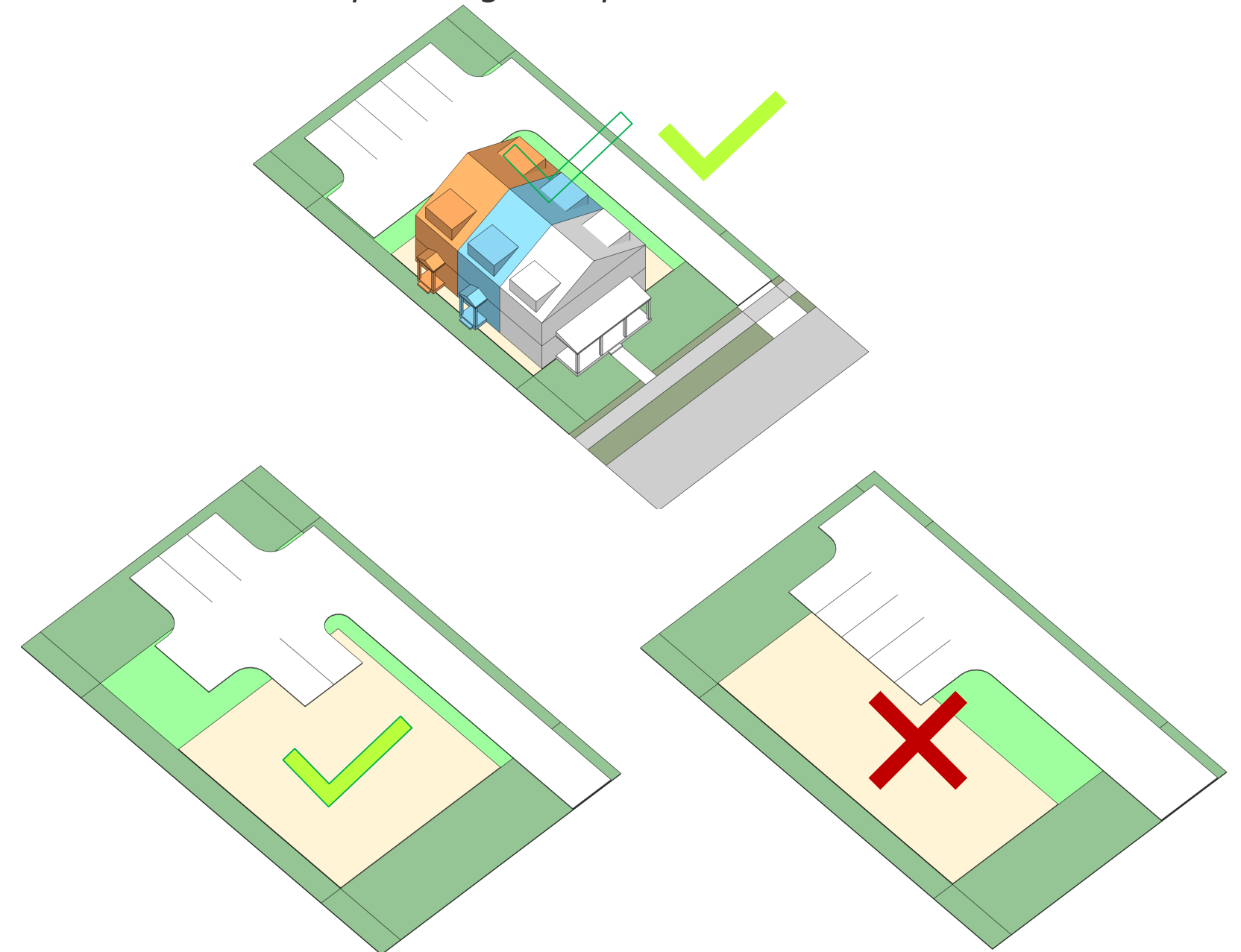
Potential Duplex Layout

- 4 onsite parking spaces
- One configuration works, with all parking in a row
- Buildable area is limited but workable
- No effective green space in the rear
- Other parking configurations have a limited buildable area not suitable to current market standards – larger front setback for Duplex.

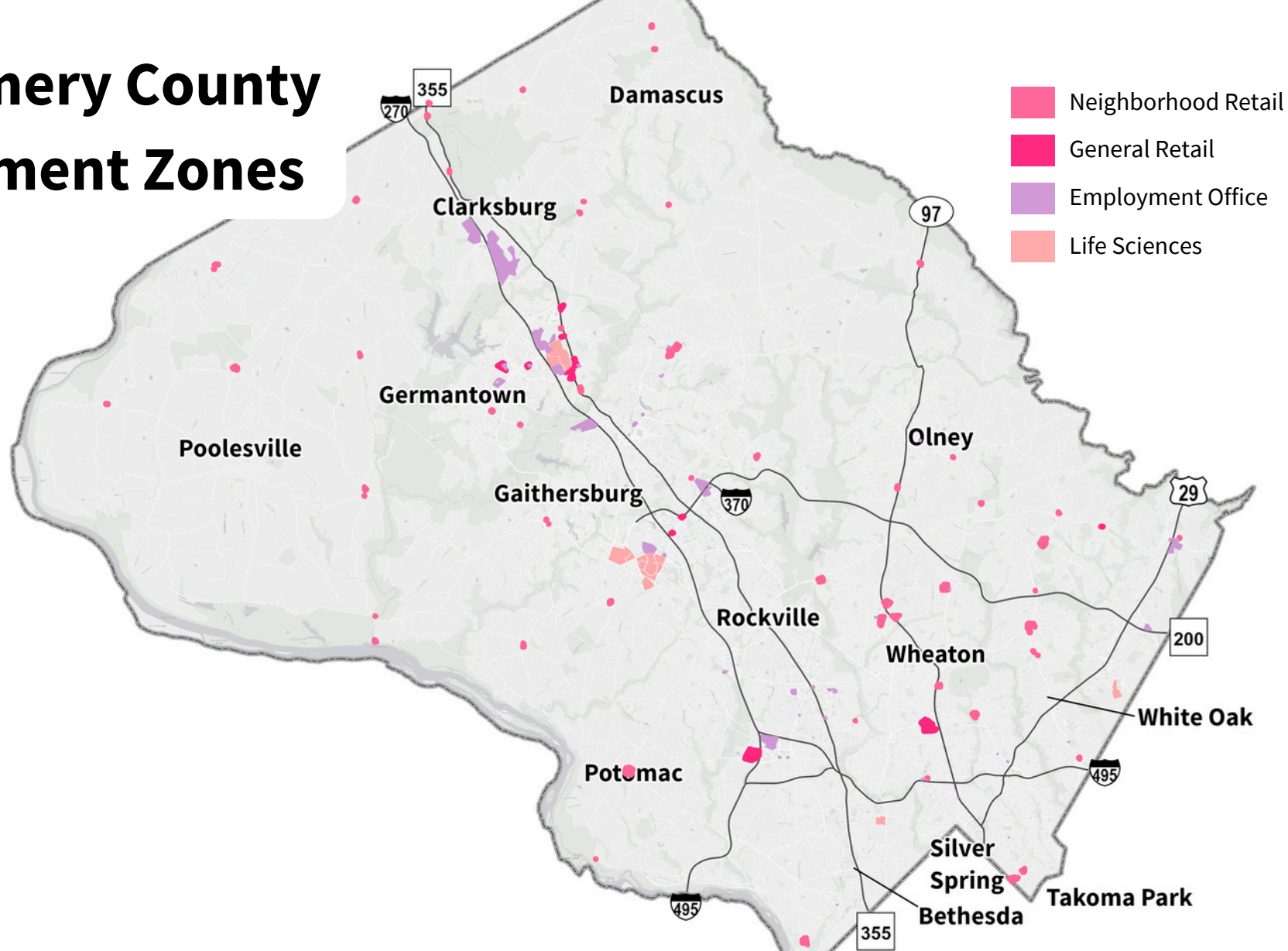


Potential Triplex Layout

- 5 onsite parking spaces (2 each for market rate, 1 for WH unit)
- Two configurations work, with parking all in a row or front to back – smaller front setbacks for Triplex.
- Substantial impact to green space in the rear

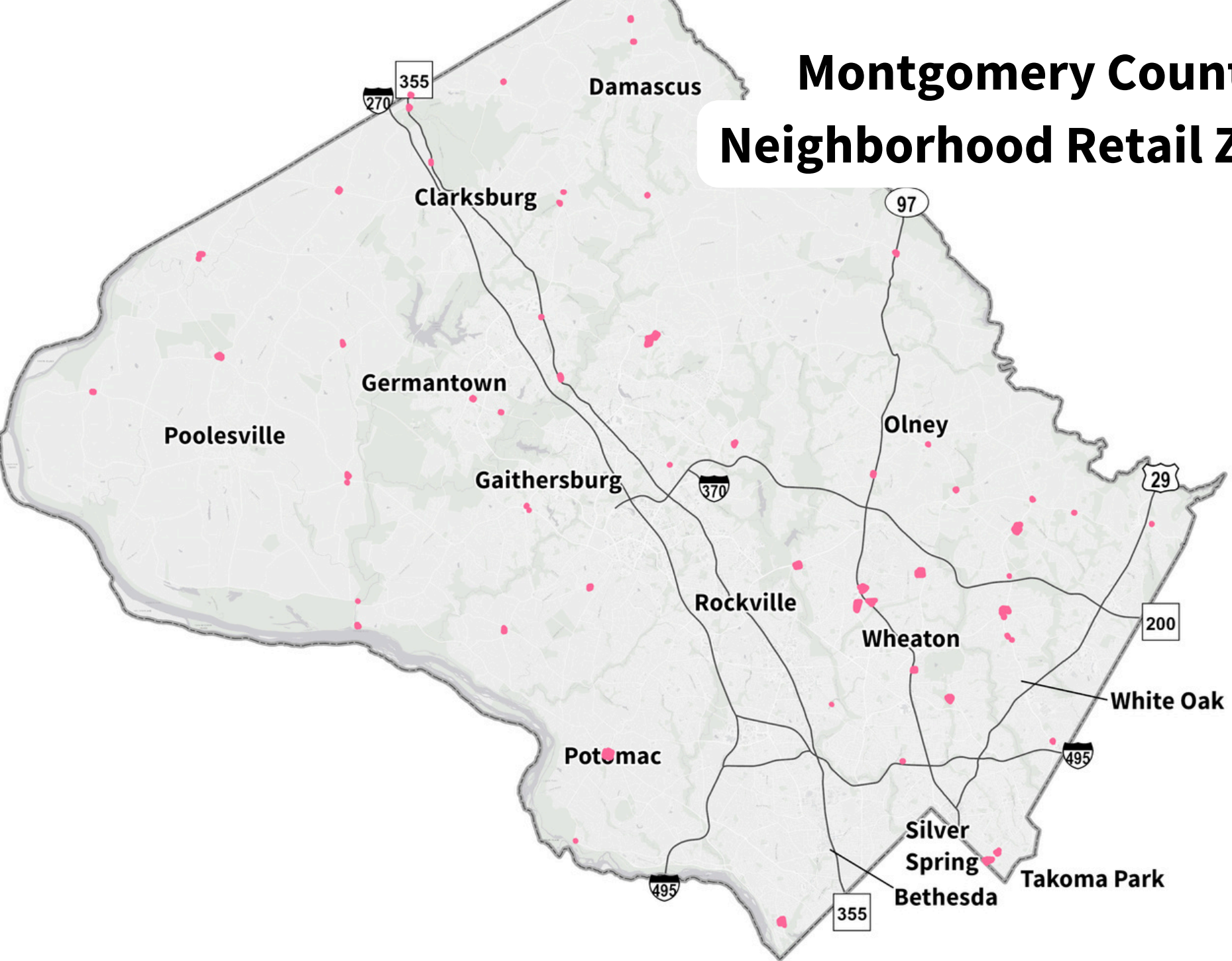


Montgomery County Employment Zones



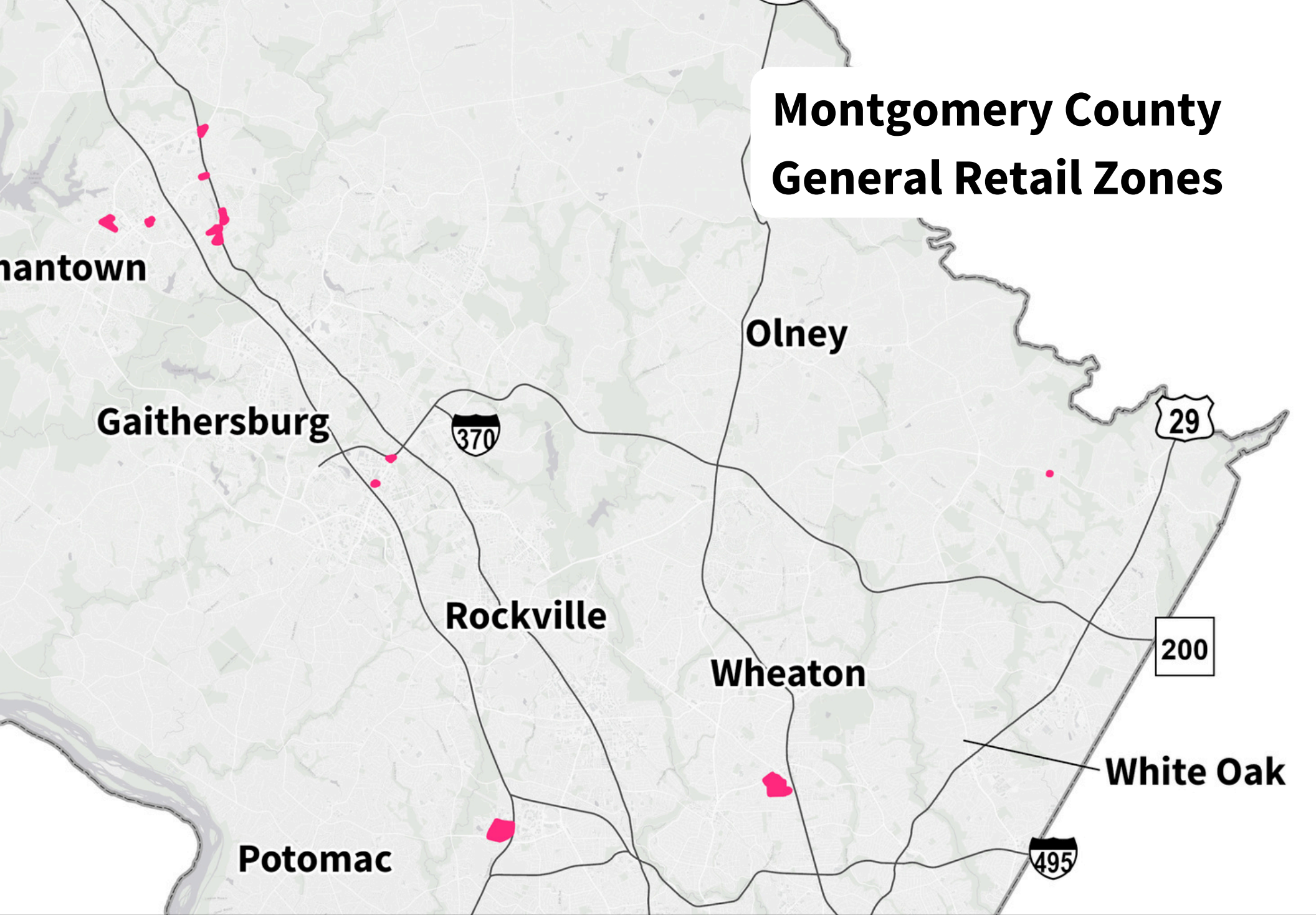
Zone	Property Count	Acreage
Neighborhood Retail	196	253
General Retail	47	183
Employment Office	131	1,008
Life Sciences	64	724 (122)

Montgomery County Neighborhood Retail Zones



Zone	Property Count	Acreage
Neighborhood Retail	196	253 (123)

Montgomery County General Retail Zones



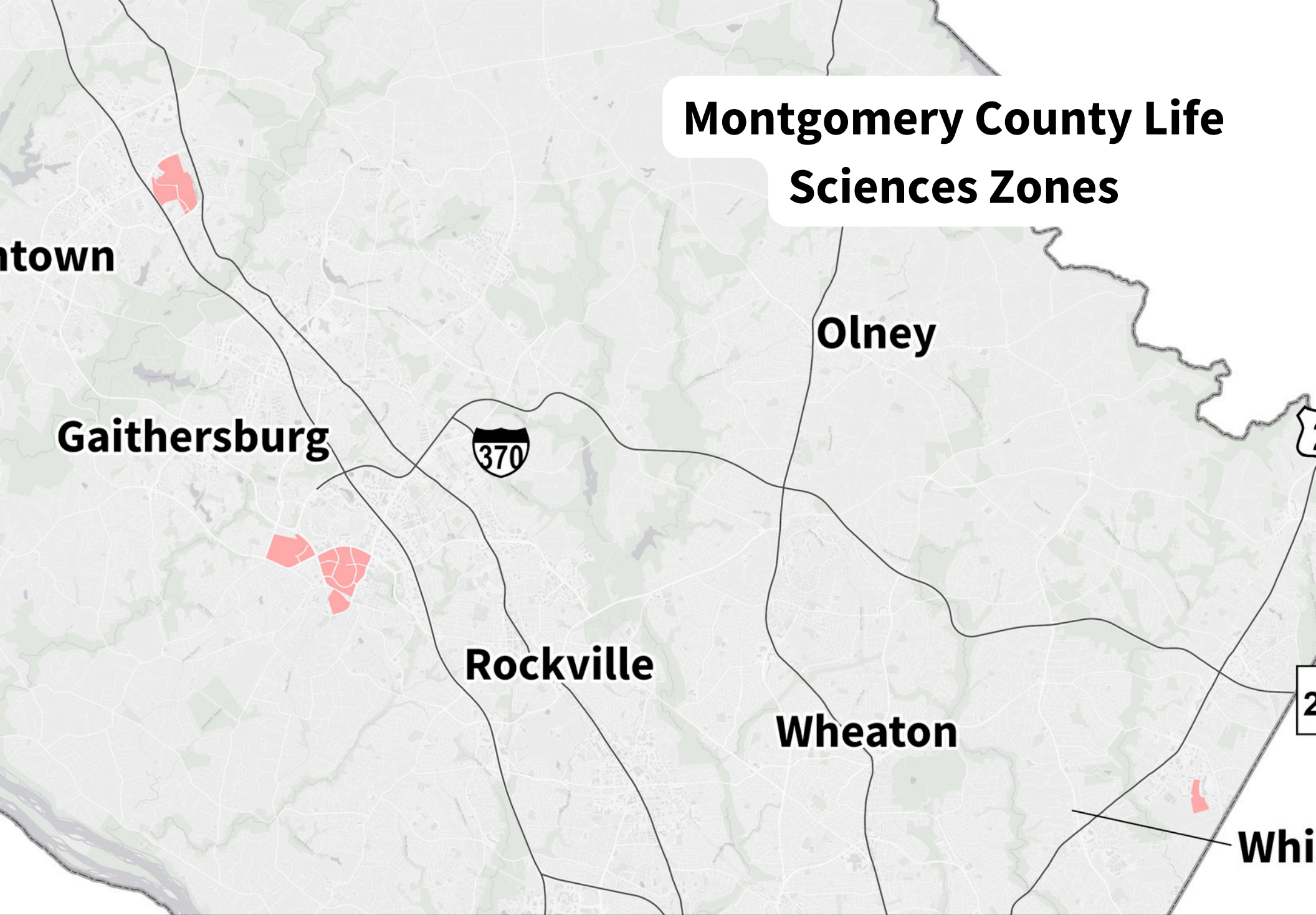
Zone	Property Count	Acreage	
General Retail	47	183	(124)



Montgomery County Employment Office Zones

Zone	Property Count	Acreage	
Employment Office	131	1,008	(125)

Montgomery County Life Sciences Zones



Zone	Property Count	Acreage
Life Sciences	64	724 (126)