

Introduction

MEMORANDUM

June 15, 2018

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst *JLZ*

SUBJECT: Zoning Text Amendment 18-06, MPDU - Bonus Density

PURPOSE: Introduction – ZTA 18-06, MPDU - Bonus Density

When the Planning, Housing, and Economic Development (PHED) Committee considered Bill 34-17 on June 11, the Committee recommended deleting the inappropriately-placed bonus density table in Chapter 25A. The Committee recommended placing all bonus density provisions in the zoning code. A ZTA is necessary to implement the Committee-recommended revisions to Chapter 25A. Councilmember Floreen is the lead sponsor of ZTA 18-06.

ZTA 18-06 would revise or establish Moderately Priced Dwelling Unit (MPDU) bonus density standards for certain Residential, Commercial/Residential, Employment, and Overlay zones and would generally amend provisions concerning MPDUs in the Zoning Ordinance. ZTA 18-06 uses the standards for bonus density currently in Chapter 25A and amends the Zoning Ordinance accordingly. The first 15% of MPDUs in a project would allow bonus density for the project up to a maximum bonus density of 22%. ZTA 18-06 would also apply a bonus density provision to optional method development in the R-200, R-90, R-60, R-40, and TLD zones. Under ZTA 18-06, bonus density would not be limited to the “usable area” of the site.

This packet contains
ZTA 18-06

© number
1 – 19

Zoning Text Amendment No.: 18-06
Concerning: MPDU- Bonus Density
Draft No. & Date: 2 - 6/13/18
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise or establish Moderately-Priced Dwelling Unit (MPDU) density bonus standards for certain Residential, Commercial/Residential, Employment, and Overlay zones; and
- generally amend provisions concerning MPDUs

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

DIVISION 4.4.	“Residential Zones”
Section 4.4.7.	“Residential - 200 Zone (R-200)”
Section 4.4.8.	“Residential - 90 Zone (R-90)”
Section 4.4.9.	“Residential - 60 Zone (R-60)”
Section 4.4.10.	“Residential - 40 Zone (R-40)”
Section 4.4.11.	“Townhouse Low Density Zone (TLD)”
Section 4.4.12.	“Townhouse Medium Density Zone (TMD)”
Section 4.4.13.	“Townhouse High Density Zone (THD)”
Section 4.4.14.	“Residential Multi-Unit Low Density - 30 Zone (R-30)”
Section 4.4.15.	“Residential Multi-Unit Medium Density - 20 Zone (R-20)”
Section 4.4.16.	“Residential Multi-Unit High Density - 10 Zone (R-10)”
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 4.7.	“Optional Method Public Benefits”
Section 4.7.3.	“Public Benefit Descriptions and Criteria”
DIVISION 4.9.	“Overlay Zones”
Section 4.9.17.	“Transferable Development Rights (TDR) Overlay Zone”

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 59-4.4 is amended as follows:

Division 4.4. Residential Zones

* * *

Section 4.4.7. Residential - 200 Zone (R-200)

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C. R-200 Zone, Optional Method Development Standards

1. Site	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
Dimensions (min)				
Usable area	9 acres			5 acres
Specification for Site under MPDU Development				
a. In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 40%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.				
Specification for Site under Cluster Development				
* * *				
Density (max)				
Density (units/acre [of usable area])	[2.44]2.66			2
Specification for Density				
<u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.7.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.7.C.1.</u>				

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Section 4.4.8. Residential - 90 Zone (R-90)

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C. R-90 Zone, Optional Method Development Standards

1. Site	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Dimensions (min)						
Usable area	5 acres			5 acres		
Specification for Site under MPDU Development						
a. In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 50%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.						
Specification for Site under Cluster Development						
* * *						
Density (max)						
Density (units/acre [of usable area])	[4.39]5.90			3.6		
Specification for Density						
<u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.8.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.8.C.1.</u>						

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Section 4.4.9. Residential - 60 Zone (R-60)

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C. R-60 Zone, Optional Method Development Standards

1. Site	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Dimensions (min)						
Usable area	3 acres			5 acres		
Specification for Site under MPDU Development						
a. In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 60%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.						
Specification for Site under Cluster Development						
* * *						
Density (max)						
Density (units/acre [of usable area])	[6.1]8.86			5		
Specification for Density						
<u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.9.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.9.C.1.</u>						

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16 **Section 4.4.10. Residential - 40 Zone (R-40)**

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18 **C. R-40 Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	3 acres		
Density (max)			
Density (units/acre [of usable area])	[10.12]13.29		
<u>Specification for Density</u>			
<p><u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.10.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.10.C.1.</u></p>			

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20 **Section 4.4.11. Townhouse Low Density Zone (TLD)**

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22 **C. TLD Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	20,000 SF		
Density (max)			
Density (units/acre [of usable area])	[9.76]11.07		
<u>Specification for Density</u>			
<p><u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.11.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.11.C.1.</u></p>			

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24 **Section 4.4.12. Townhouse Medium Density Zone (TMD)**

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26 **C. TMD Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	20,000 SF		
Density (max)			
Density (units/acre [of usable area])	[15.25]14.76		
<u>Specification for Density</u>			
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.12.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.12.C.1.</p>			

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28 **Section 4.4.13. Townhouse High Density Zone (THD)**

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30 **C. THD Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	39,200 SF		
Density (max)			
Density (units/acre [of usable area])	[18.30]18.32		
<u>Specification for Density</u>			
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.13.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.13.C.1.</p>			

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32 **Section 4.4.14. Residential Multi-Unit Low Density - 30 Zone (R-30)**

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34 **C. R-30 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Usable area	11,700 SF			
Density (max)				
Density (units/acre [of usable area])	17.69			
<u>Specification for Density</u>				
<p><u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.14.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.14.C.1.</u></p>				

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36 **Section 4.4.15. Residential Multi-Unit Medium Density - 20 Zone (R-20)**

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38 **C. R-20 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Usable area	15,600 SF			
Density (max)				
Density (units/acre [of usable area])	26.47			
<u>Specification for Density</u>				
<p><u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.15.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.15.C.1.</u></p>				

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40 **Section 4.4.16. Residential Multi-Unit High Density - 10 Zone (R-10)**

41 * * *

42 **C. R-10 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Usable area	20,000 SF			
Density (max)				
Density (units/acre [of usable area])	53.07			
<u>Specification for Density</u>				
<p><u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.16.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.16.C.1.</u></p>				

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44 **Sec. 2. DIVISION 59-4.5 is amended as follows:**

45 **Division 4.5. Commercial/Residential Zones**

46 * * *

47 **Section 4.5.2. Density and Height Allocation**

48 **A. Density and Height Limits**

- 49 1. Density is calculated as an allowed floor area ratio (FAR).
- 50 2. Each CRN, CRT, and CR zone classification is followed by a number
51 and a sequence of 3 additional symbols: C, R, and H, each followed
52 by another number where:
 - 53 a. The number following the classification is the maximum total
54 FAR allowed unless additional FAR is allowed under Section
55 4.5.2.C or Section [4.7.3.D.6.c]4.5.2.D;
 - 56 b. The number following the C is the maximum nonresidential

- 57 FAR allowed;
- 58 c. The number following the R is the maximum residential FAR
- 59 allowed unless additional residential FAR is allowed under
- 60 Section 4.5.2.C or Section [4.7.3.D.6.c]4.5.2.D; and
- 61 d. The number following the H is the maximum building height in
- 62 feet allowed unless additional height is allowed under Section
- 63 4.5.2.C, Section [4.7.3.D.6.c]4.5.2.D, or Section 4.5.2.A.2.e.
- 64 e. With Planning Board approval, any Optional Method project in
- 65 a CR zone that includes the provision of a major public facility
- 66 under Section 4.7.3.A may add the height of any floor mostly
- 67 used for above grade parking to the maximum height otherwise
- 68 allowed, when the major public facility diminishes the ability of
- 69 the applicant to provide parking at or below grade.
- 70 3. The following limits apply unless additional total FAR, residential
- 71 FAR, or height is allowed under Section 4.5.2.C, Section
- 72 [4.7.3.D.6.c]4.5.2.D, or Section 4.5.2.A.2.e:

73 * * *

74 **C. Development with Moderately Priced Dwelling Units**

75 For any application that includes more than 12.5% of the gross residential

76 floor area as Moderately Priced Dwelling Units (MPDUs), qualified under

77 Chapter 25A, the following provisions apply:

- 78 1. Residential density equals the mapped residential FAR plus an
- 79 increase of .88% for each .1% increase in MPDUs above 12.5%.
- 80 2. The increased residential density under this provision is limited to the
- 81 first 15% of MPDUs in the project.
- 82 3. To achieve an increase in density under Section 4.5.2.C, at least one
- 83 more MPDU than would be required at 12.5% must be provided.

- 84 4. The floor area counted as MPDU floor area includes a proportional
85 share of the gross floor area not devoted to residential units.
- 86 5. The height limit of the applicable zone and master plan does not apply
87 to the extent required to provide the MPDUs. The additional height is
88 calculated as the floor area provided for MPDUs above 12.5% divided
89 by the average residential floor plate area, where each whole number
90 and each remaining fraction allows an increase of 12 feet.

91 **[C]D. Special Provisions for "T" Zones Translated from Certain Zones**

92 **Existing Before October 30, 2014**

- 93 1. These special provisions apply to certain properties rezoned by
94 District Map Amendment to implement this Chapter and are indicated
95 on the zoning map as the zoning classification followed by a T, such
96 as "CR2.0 C1.5 R1.5 H75 T".
- 97 2. For Commercial/Residential-zoned properties designated with a T, the
98 following provisions apply:
- 99 a. Residential density may be increased above the number
100 following the R on the zoning map in proportion to:
- 101 i. any MPDU density bonus achieved under Section 4.5.2.C
102 [Chapter 25A for providing more than 12.5% of the
103 residential units as Moderately Priced Dwelling Units
104 (MPDUs), qualified under Chapter 25A]; or
- 105 ii. any workforce housing floor area that satisfies Chapter
106 25B; however, the increased residential density under
107 this provision is limited to 10% of the floor area
108 indicated on the zoning map.

- 109 [b. Total density may be increased above the number following the
110 zoning classification on the zoning map by an amount equal to
111 the residential floor area allowed under Sec 4.5.2.D.2.a.
- 112 c. In any case, to achieve a density bonus under Section 4.5.2.C.2,
113 at least one more MPDU than would be required at 12.5% must
114 be provided.]
- 115 [d]b. On a property within a designated central business district
116 mapped at a height up to 145 feet, height may be increased
117 above the number following the H on the zoning map by up to
118 1.5 times if:
- 119 i. the height is the minimum necessary for both:
- 120 (A) the floor area devoted to a publicly owned or
121 operated facility; plus
- 122 (B) the floor area provided for workforce housing
123 units, divided by the average residential floor plate
124 area, where each whole number and each
125 remaining fraction allows an increase of 12 feet; or
- 126 ii. additional height is specifically recommended for the
127 provision of MPDUs above 12.5% in an applicable
128 master plan.
- 129 [e]c. Property within a designated central business district and not
130 located in a designated density transfer area[,] is exempt from
131 Section 4.5.2.B.2.d.
- 132 [f]d. Height on a portion of a building may be increased above the
133 number following the H on the zoning map so long as the
134 average height of the building is no greater than the maximum
135 height allowed by the mapped zone. Average building height is

136 calculated as the sum of the area of each section of the roof
137 having a different height multiplied by that height, divided by
138 the total roof area. Height is measured at the midpoint of each
139 roof section along each frontage.

140 [g]e. Any density or height increases under Section 4.5.2.C or
141 4.5.2.D requires site plan approval under Section 7.3.4.

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143 **Section 4.5.4. Optional Method Development**

144 The CRT and CR zone allow development under the optional method.

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146 **B. Development Standards**

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148 2. Lot, Density, and Height

149 a. Lot standards for detached house, duplex, and townhouse
150 building types are determined by the site plan approval process
151 under Section 7.3.4.

152 b. The maximum total, nonresidential, and residential FARs and
153 the maximum height are established by the mapped zone unless
154 increased under Section 4.5.2.C and Section
155 ~~[4.7.3.D.6.c]~~4.5.2.D.

156 c. In the CR zone, a designated historic resource that does not
157 occupy more than 10% of the gross floor area is excluded from
158 the FAR calculation.

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160 **Sec. 3. DIVISION 59-4.6 is amended as follows:**

161 **Division 4.6. Employment Zones**

162 * * *

163 **Section 4.6.2. Density and Height Allocation**

164 **A. Density and Height Limits**

- 165 1. Density is calculated as an allowed floor area ratio (FAR).
166 2. Each GR, NR, LSC, and EOF zone classification is followed by a
167 number and symbol: H, which is followed by another number where:
168 a. The number following the classification is the maximum total
169 FAR allowed unless additional FAR is allowed under Section
170 4.6.2.C or Section [4.7.3.D.6.c]4.6.2.D; and
171 b. The number following the H is the maximum building height in
172 feet allowed unless additional height is allowed under Section
173 [4.7.3.D.6.c]4.6.2.C.
174 3. The following limits apply unless additional total FAR, residential
175 FAR, or height is allowed under Section 4.6.2.C and Section
176 [4.7.3.D.6.c]4.6.2.D.

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178 **C. Development with Moderately Priced Dwelling Units**

179 For any application that includes more than 12.5% of the gross residential
180 floor area as Moderately Priced Dwelling Units (MPDUs), qualified under
181 Chapter 25A, the following provisions apply:

- 182 1. Residential density equals the maximum residential density allowed in
183 the zone plus an increase of .88% for each .1% increase in MPDUs
184 above 12.5%.
185 2. The increased residential density under this provision is limited to the
186 first 15% of MPDUs in a project.
187 3. To achieve an increase in density under Section 4.6.2.C, at least one
188 more MPDU than would be required at 12.5% must be provided.

- 189 4. The floor area counted as MPDU floor area includes a proportional
190 share of the gross floor area not devoted to residential units.
- 191 5. The height limit of the applicable zone and master plan does not apply
192 to the extent required to provide the MPDUs. The additional height is
193 calculated as the floor area provided for MPDUs above 12.5% divided
194 by the average residential floor plate area, where each whole number
195 and each remaining fraction allows an increase of 12 feet.

196 * * *

197 **[C]D. Special Provisions for "T" Zones Translated from Certain Zones**

198 **Existing Before October 30, 2014**

- 199 1. These special provisions apply to certain properties rezoned by
200 District Map Amendment to implement this Chapter and are indicated
201 on the zoning map as the zoning classification followed by a T, such
202 as "EOF2.0 H60 T".
- 203 2. For Employment-zoned properties designated with a T, the following
204 provisions apply:
- 205 a. [Residential density may be increased above the maximum
206 allowed in the zone in proportion to any MPDU density bonus
207 achieved under Chapter 25A for providing more than 12.5% of
208 the residential units as Moderately Priced Dwelling Units
209 (MPDUs).
- 210 b.] In the LSC zone, to allow construction of all workforce housing
211 units on-site, residential density may be increased by a
212 maximum of 5% and building height may be increased up to a
213 maximum building height of 200 feet. Density and building
214 height may only be increased to the extent required for the
215 number of workforce housing units that are constructed.

216 [c. In any case, to achieve a density bonus under Section 4.6.2.C.2,
217 at least one more MPDU than would be required at 12.5% must
218 be provided.

219 d]b. Any density increase under Section 4.6.2.C requires site plan
220 approval under Section 7.3.4.

221 * * *

222 **Section 4.6.4. Optional Method Development**

223 The LSC and EOF zone allow development under the optional method.

224 * * *

225 B. Development Standards

226 * * *

227 2. Lot, Density, and Height

228 a. Lot standards for detached house, duplex, and townhouse
229 building types are established by the site plan approval process.

230 b. The maximum total FAR and the maximum height are
231 established by the mapped zone unless increased under Section
232 [4.7.3.D.6.c]4.6.2.C or Section 4.6.2.D.

233 c. In the GR, NR, and EOF zones, gross floor area of all
234 Household Living uses is limited to 30% of the gross floor area
235 on the subject site.

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237 **Sec. 4. DIVISION 59-4.7 is amended as follows:**

238 **Division 4.7. Optional Method Public Benefits**

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240 **Section 4.7.3. Public Benefit Descriptions and Criteria**

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242 **D. Diversity of Uses and Activities**

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244 **6. Moderately Priced Dwelling Units:** There is no limitation on the
245 number of points for providing more than 12.5% of the residential
246 units as MPDUs as required under Chapter 25A.

247 [a.] Points are calculated as follows:

248 [i]a. 12 points are granted for every 1% of MPDUs greater than
249 12.5%. Any fraction of 1% increase in MPDUs entitles the
250 applicant to an equal fraction of 12 points.

251 [ii]b. An additional 2 points are granted for every 1% of 2-bedroom
252 MPDUs not otherwise required.

253 [iii]c. An additional 5 points are granted for every 1% of 3-bedroom
254 MPDUs.

255 [iv]d. In any case, for [density and] points to be awarded, at least one
256 more MPDU than would be required at 12.5% must be provided
257 to take advantage of the MPDU public benefit points in any
258 zone.

259 [v]e. For a project providing a minimum of 15% MPDUs, one less
260 benefit category than is required under Section 4.5.4.A.2 and
261 Section 4.6.4.A.2 must be satisfied. A project that provides a
262 minimum of 20% MPDUs does not have to satisfy any other
263 benefit category under Section 4.5.4.A.2 and Section 4.6.4.A.2.

264 [b. In a zone with a "T" designation, if a project exceeds 12.5%
265 MPDUs, residential density may be increased under
266 Section 4.5.2.C in the Commercial/Residential zones or under
267 Section 4.6.2.C in the Employment zones.

268 c. In a zone without a "T" designation:

269 i. If a project exceeds 12.5% MPDUs, the height limit of

270 the applicable zone and master plan does not apply to the
271 extent required to provide the MPDUs. The additional
272 height is calculated as the floor area provided for MPDUs
273 above 12.5% divided by the average residential floor
274 plate area, where each whole number and each remaining
275 fraction allows an increase of 12 feet.

276 ii. For a project providing less than 15% MPDUs, the gross
277 floor area of any MPDUs provided above 12.5% is
278 exempt from the calculation of FAR.

279 iii. For a project providing a minimum of 15% MPDUs, the
280 gross floor area of all MPDUs provided is exempt from
281 the calculation of FAR.]

282 * * *

283 **Sec. 5. DIVISION 59-4.9 is amended as follows:**

284 **Division 4.9. Overlay Zones**

285 * * *

286 **Section 4.9.17. Transferable Development Rights (TDR) Overlay Zone**

287 * * *

288 **B. Optional Method**

289 **1. In General**

290 The TDR Overlay optional method of development permits an
291 increase in the maximum residential density, if the development
292 satisfies the requirements for optional method development using
293 Transferable Development Rights under Section 4.9.17.B.

294 * * *

295 **d. Development with Moderately Priced Dwelling Units**

296 i. A property developed under Section 4.9.17.B must

- 297 satisfy Chapter 25A.
- 298 ii. [A density bonus allowed under Chapter 25A] Any
- 299 increase in density allowed under the optional method of
- 300 development for the provision of MPDUs is calculated
- 301 after the base density of the property has been increased
- 302 under Section 4.9.17.B through TDRs.
- 303 iii. In a Rural Residential or Residential zone with a TDR
- 304 density designation of less than three units per acre,
- 305 development using TDRs and providing MPDUs above
- 306 12.5% must follow the requirements under optional
- 307 method MPDU Development. Any other optional method
- 308 development in a Rural Residential or Residential zone
- 309 must satisfy the requirements of Section 4.9.16.B.

310 * * *

311 **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the

312 date of Council adoption.

313

314 This is a correct copy of Council action.

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316 _____

317 Megan Davey Limarzi, Esq.

318 Clerk of the Council