

Clerk's Note: On page 14, lines 85 and 88-89 are corrected to include "Section 3.5.8.D,". This text was in the code and inadvertently omitted during final drafting. It was not changed by the approval of ZTA 18-06. Further, on line 84 a comma is removed to correct a typographical error.

CORRECTED

Ordinance No.: 18-52

Zoning Text Amendment No.: 18-06

Concerning: MPDU – Bonus Density

Draft No. & Date: 4 - 9/24/18

Introduced: June 19, 2018

Public Hearing: September 11, 2018

Adopted: October 9, 2018

Effective: October 29, 2018

**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:

<u>DIVISION 3.3.</u>	<u>"Residential Uses"</u>
<u>Section 3.3.2.</u>	<u>"Group Living"</u>
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"
<u>Section 4.7.1.</u>	<u>"General Provisions"</u>

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.*

OPINION

Zoning Text Amendment No. 18-06 was introduced on July 19, 2018. 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, as introduced, used 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, as introduced, 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.

After the introduction of ZTA 18-06 and before the public hearing, Councilmember Floreen recommended increased bonus densities. Councilmember Floreen also recommended allowing bonus density for more than 12.5% off-site MPDUs or alternative payments. Additionally, she recommends allowing public benefit points for all projects with more than 12.5% MPDUs.

In its report to the Council, the Montgomery County Planning Board recommended approval of ZTA 18-06 with the amendments proposed by Councilmember Floreen.

The Council’s public hearing was conducted on September 11, 2018. All speakers supported Councilmember Floreen’s proposed amendments to the draft as introduced. There was a recommendation to allow the MPDU standards and procedures to apply to housing for seniors. The Citizens Coordinating Committee on Friendship Heights, in submitted testimony, recommended: 1) allowing bonus density only for optional method projects that provide amenities; 2) prohibiting bonus density for the MPDUs required by law; 3) prohibiting additional height that impacts residential (single-family) neighborhoods; 4) addressing recreational needs and amenities; and 5) reviewing Chapter 25A and Chapter 59 to make sure that nothing drops out.

The Council referred the text amendment to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on September 20 and September 24, 2018. As a general matter, the Committee recommending increasing the incentive for more MPDUs but did not want to completely disrupt the Council's density decisions in the Bethesda Overlay zone. The Committee recommended approving ZTA 18-06 with revisions:

- 1) increase bonus densities above 15% MPDUs in 2 additional steps; the text for each zone would be amended to:

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 {mapped density or the density allowed under the standard density of the zone} plus an increase of:

- a. 0.88% for each 0.1% increase in MPDUs above 12.5% up to and including 15%;
 - b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15% up to and including 20%; or
 - c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.
- 2) delete the maximum density bonus in all zones;
 - 3) allow public benefit points for all projects with more than 12.5% MPDUs, even when more MPDUs were required by law;
 - 4) under MPDU provision for Living Facilities for Seniors or Persons with Disabilities, satisfy Chapter 25A standards (alternative payments and alternative locations allowed); and
 - 5) further revise Section 4.5.2 concerning density in the CR family of zones to apply the bonus provisions noted in 1) a, b, and c above to areas outside of the Bethesda Overlay zone and adding the following provision:

In the Bethesda Overlay zone, residential density may be increased above the mapped residential FAR by 17.5% plus 0.1% for each 0.1% increase in MPDUs above 17.5%.

The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 18-06 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-3.3 is amended as follows:**

2 **Division 3.3. Residential Uses**

3 * * *

4 **Section 3.3.2. Group Living**

5 * * *

6 **C. Independent Living Facility for Seniors or Persons with Disabilities**

7 * * *

8 **2. Use Standards**

9 * * *

10 c. Where an Independent Living Facility for Seniors or Persons
11 with Disabilities is allowed as a conditional use, it may be
12 permitted by the Hearing Examiner under all limited use
13 standards, Section 7.3.1, Conditional Use, and the following
14 standards:

15 * * *

16 iii. A minimum of 15% of the dwelling units is permanently
17 reserved for households of very low income, or 20% for
18 households of low income, or 30% for households of
19 MPDU income, and otherwise satisfies Chapter 25A. If
20 units are reserved for households of more than one of the
21 specified income levels, the minimum percentage must
22 be determined by agreement with the Department of
23 Housing and Community Affairs under Executive
24 regulations. Income levels are defined in Section 1.4.2,
25 Defined Terms.

26 **Sec. 2. DIVISION 59-4.4 is amended as follows:**

27 **Division 4.4. Residential Zones**

28 * * *

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

30 * * *

31 **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]] <u>See Specification for Density</u>			2
Specification for Density				
<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. 4.4.7.B.2]]4.4.7.B.1 plus an increase of:</u></p> <p><u>a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;</u></p> <p><u>b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or</u></p> <p><u>c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.</u></p> <p><u>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.7.C.1.]]</u></p>				

32 * * *

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

34 * * *

35 **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]] <u>See Specification for Density</u>			3.6		
Specification for Density						
<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. [[4.4.8.B.2]]4.4.8.B.1 plus an increase of:</u></p> <p>a. <u>0.88% for each .1% increase in MPDUs above 12.5%, up to and including 15%;</u> b. <u>22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or</u> c. <u>30% plus 0.1% for each 0.1% increase in MPDUs above 20%.</u></p> <p><u>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.8.C.1.]]</u></p>						

36 * * *

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

38 * * *

39 **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]] <u>See Specification for Density</u>			5		
Specification for Density						
<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. [[4.4.9.B.2]]4.4.9.B.1 plus an increase of:</u></p> <ul style="list-style-type: none"> a. <u>0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;</u> b. <u>22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or</u> c. <u>30% plus 0.1% for each 0.1% increase in MPDUs above 20%.</u> <p><u>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.9.C.1.]]</u></p>						

40 * * *

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

42 * * *

43 **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>See Specification for Density</u>		
<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. 4.4.10.B.2 plus an increase of:</p> <ul style="list-style-type: none"> a. <u>0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;</u> b. <u>22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or</u> c. <u>30% plus 0.1% for each 0.1% increase in MPDUs above 20%.</u> <p>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.10.C.1.]]</p>			

44 * * *

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

46 * * *

47 **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>See Specification for Density</u>		
<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. 4.4.11.B.2 plus an increase of:</p> <ul style="list-style-type: none"> a. <u>0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;</u> b. <u>22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or</u> c. <u>30% plus 0.1% for each 0.1% increase in MPDUs above 20%.</u> <p>[[The maximum density allowed under this provision may not exceed the maximum density under</p>			

Sec. 4.4.11.C.1.]]

48 * * *

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

50 * * *

51 **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>See Specification for Density</u>		
<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:</p> <ul style="list-style-type: none"> a. <u>0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;</u> b. <u>22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or</u> c. <u>30% plus 0.1% for each 0.1% increase in MPDUs above 20%.</u> <p>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.12.C.1.]]</p>			

52 * * *

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

54 * * *

55 **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>See Specification for Density</u>		
<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</p>			

under Sec. 4.4.13.B.2 plus an increase of:

- a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;
- b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or
- c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.

[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.13.C.1.]]

56 * * *

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

58 * * *

59 **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>See Specification for Density</u>			
<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:</u></p> <ul style="list-style-type: none"> a. <u>0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;</u> b. <u>22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or</u> c. <u>30% plus 0.1% for each 0.1% increase in MPDUs above 20%.</u> <p>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.14.C.1.]]</p>				

60 * * *

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

62 * * *

63 **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] See Specification for Density			
<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:</u></p> <p><u>a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;</u></p> <p><u>b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or</u></p> <p><u>c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.</u></p> <p><u>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.15.C.1.]]</u></p>				

64 * * *

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

66 * * *

67 **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>See Specification for Density</u>			
<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:</u></p> <ul style="list-style-type: none"> <u>a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;</u> <u>b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or</u> <u>c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.</u> <p><u>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.16.C.1.]]</u></p>				

68 * * *

69 **Sec. 3. DIVISION 59-4.5 is amended as follows:**

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

71 * * *

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

73 **A. Density and Height Limits**

- 74 1. Density is calculated as an allowed floor area ratio (FAR).
- 75 2. Each CRN, CRT, and CR zone classification is followed by a number
- 76 and a sequence of 3 additional symbols: C, R, and H, each followed
- 77 by another number where:
 - 78 a. The number following the classification is the maximum total
 - 79 FAR allowed unless additional FAR is allowed under Section
 - 80 4.5.2.C or Section [4.7.3.D.6.c]4.5.2.D;

- 81 b. The number following the C is the maximum nonresidential
82 FAR allowed;
- 83 c. The number following the R is the maximum residential FAR
84 allowed[[,]] unless additional residential FAR is allowed under
85 Section 3.5.8.D, Section 4.5.2.C, or Section
86 [4.7.3.D.6.c]4.5.2.D; and
- 87 d. The number following the H is the maximum building height in
88 feet allowed unless additional height is allowed under Section
89 3.5.8.D, Section 4.5.2.C, Section [4.7.3.D.6.c]4.5.2.D, or
90 Section 4.5.2.A.2.e.
- 91 e. With Planning Board approval, any Optional Method project in
92 a CR zone that includes the provision of a major public facility
93 under Section 4.7.3.A may add the height of any floor mostly
94 used for above grade parking to the maximum height otherwise
95 allowed, when the major public facility diminishes the ability of
96 the applicant to provide parking at or below grade.
- 97 3. The following limits apply unless additional total FAR, residential
98 FAR, or height [[is]] are allowed under Section 4.5.2.C, Section
99 [4.7.3.D.6.c]4.5.2.D, or Section 4.5.2.A.2.e:

100 * * *

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

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

- 105 1. [[Residential density equals]] Except in the Bethesda Overlay zone,
106 residential density may be increased above the mapped residential

- 107 FAR by: [plus an increase of .88% for each .1% increase in MPDUs
 108 above 12.5%]
- 109 a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and
 110 including 15%;
- 111 b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up
 112 to and including 20%; or
- 113 c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.
- 114 2. [[The increased residential density under this provision is limited to
 115 the first 15% of MPDUs in the project.]] In the Bethesda Overlay
 116 zone, residential density may be increased above the mapped
 117 residential FAR by 17.5% plus 0.1% for each 0.1% increase in
 118 MPDUs above 17.5%.
- 119 3. Total density may be increased above the number following the
 120 zoning classification on the zoning map by an amount equal to the
 121 residential density achieved under Sec. 4.5.2.C.1.
- 122 4. Any increase in density allowed under this section must be calculated
 123 after the base density of the property has been increased under Sec.
 124 4.5.2.B for development using FAR averaging.
- 125 [[3]]5. To achieve an increase in density under Section 4.5.2.C, at least one
 126 more MPDU than would be required at 12.5% must be provided.
- 127 [[4]]6. The floor area counted as MPDU floor area includes a proportional
 128 share of the gross floor area not devoted to residential units.
- 129 [[5]]7. The height limit of the applicable zone and master plan does not apply
 130 to the extent required to provide the MPDUs. The additional height is
 131 calculated as the floor area provided for MPDUs above 12.5% divided
 132 by the average residential floor plate area, where each whole number
 133 and each remaining fraction allows an increase of 12 feet.

134 **[C]D. Special Provisions for "T" Zones Translated from Certain Zones**
 135 **Existing Before October 30, 2014**

- 136 1. These special provisions apply to certain properties rezoned by
 137 District Map Amendment to implement this Chapter and are indicated
 138 on the zoning map as the zoning classification followed by a T, such
 139 as "CR2.0 C1.5 R1.5 H75 T".
- 140 2. For Commercial/Residential-zoned properties designated with a T, the
 141 following provisions apply:
- 142 a. Residential density may be increased above the number
 143 following the R on the zoning map in proportion to:
- 144 i. any MPDU density bonus achieved under Section 4.5.2.C
 145 [Chapter 25A for providing more than 12.5% of the
 146 residential units as Moderately Priced Dwelling Units
 147 (MPDUs)]; or
- 148 ii. any workforce housing floor area that satisfies Chapter
 149 25B; however, the increased residential density under
 150 this provision is limited to 10% of the floor area
 151 indicated on the zoning map.
- 152 [b. Total density may be increased above the number following the
 153 zoning classification on the zoning map by an amount equal to
 154 the residential density bonus achieved.
- 155 c. In any case, to achieve a density bonus under Section 4.5.2.C.2,
 156 at least one more MPDU than would be required at 12.5% must
 157 be provided.]
- 158 [d]b. On a property within a designated central business district
 159 mapped at a height up to 145 feet, height may be increased

160 above the number following the H on the zoning map by up to
161 1.5 times if:
162 i. the height is the minimum necessary for both:
163 (A) the floor area devoted to a publicly owned or
164 operated facility; plus
165 (B) the floor area provided for workforce housing
166 units, divided by the average residential floor plate
167 area, where each whole number and each
168 remaining fraction allows an increase of 12 feet; or
169 ii. additional height is specifically recommended for the
170 provision of MPDUs above 12.5% in an applicable
171 master plan.

172 [e]c. Property within a designated central business district and not
173 located in a designated density transfer area[,] is exempt from
174 Section 4.5.2.B.2.d.

175 [f]d. Height on a portion of a building may be increased above the
176 number following the H on the zoning map so long as the
177 average height of the building is no greater than the maximum
178 height allowed by the mapped zone. Average building height is
179 calculated as the sum of the area of each section of the roof
180 having a different height multiplied by that height, divided by
181 the total roof area. Height is measured at the midpoint of each
182 roof section along each frontage.

183 [g]e. Any density or height increases under Section 4.5.2.C or
184 Section 4.5.2.D [[requires]] require site plan approval under
185 Section 7.3.4.

186 * * *

187 **Section 4.5.4. Optional Method Development**

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

189 * * *

190 **B. Development Standards**

191 * * *

192 2. Lot, Density, and Height

- 193 a. Lot standards for detached house, duplex, and townhouse
- 194 building types are determined by the site plan approval process
- 195 under Section 7.3.4.
- 196 b. The maximum total, nonresidential, and residential FARs and
- 197 the maximum height are established by the mapped zone unless
- 198 increased under Section 4.5.2.C and Section
- 199 ~~[4.7.3.D.6.c]~~4.5.2.D.
- 200 c. In the CR zone, a designated historic resource that does not
- 201 occupy more than 10% of the gross floor area is excluded from
- 202 the FAR calculation.

203 * * *

204 **Sec. 4. DIVISION 59-4.6 is amended as follows:**

205 **Division 4.6. Employment Zones**

206 * * *

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

208 **A. Density and Height Limits**

- 209 1. Density is calculated as an allowed floor area ratio (FAR).
- 210 2. Each GR, NR, LSC, and EOF zone classification is followed by a
- 211 number and symbol: H, which is followed by another number where:
- 212 a. The number following the classification is the maximum total
- 213 FAR allowed unless additional FAR is allowed under Section

- 214 4.6.2.C or Section [4.7.3.D.6.c]4.6.2.D; and
- 215 b. The number following the H is the maximum building height in
- 216 feet allowed unless additional height is allowed under Section
- 217 [4.7.3.D.6.c]4.6.2.C.
- 218 3. The following limits apply unless additional total FAR, residential
- 219 FAR, or height [[is]] are allowed under Section 4.6.2.C and Section
- 220 [4.7.3.D.6.c]4.6.2.D.

221 * * *

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

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

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

225 Chapter 25A, the following provisions apply:

- 226 1. Residential density [[equals the maximum residential density allowed
- 227 in the zone]] may be increased above the mapped residential FAR by:
- 228 [plus an increase of .88% for each .1% increase in MPDUs above
- 229 12.5%]
- 230 a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and
- 231 including 15%;
- 232 b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up
- 233 to and including 20%; or
- 234 c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.
- 235 2. [[The increased residential density under this provision is limited to
- 236 the first 15% of MPDUs in a project.]] Total density may be increased
- 237 above the number following the zoning classification on the zoning
- 238 map by an amount equal to the residential density achieved under Sec.
- 239 4.6.2.C.1.

- 240 3. Any increase in density allowed under this section must be calculated
241 after the base density of the property has been increased under Sec.
242 4.6.2.B for development using FAR averaging.
- 243 ~~[[3]]~~4. To achieve an increase in density under Section 4.6.2.C, at least one
244 more MPDU than would be required at 12.5% must be provided.
- 245 ~~[[4]]~~5. The floor area counted as MPDU floor area includes a proportional
246 share of the gross floor area not devoted to residential units.
- 247 ~~[[5]]~~6. The height limit of the applicable zone and master plan does not apply
248 to the extent required to provide the MPDUs. The additional height is
249 calculated as the floor area provided for MPDUs above 12.5% divided
250 by the average residential floor plate area, where each whole number
251 and each remaining fraction allows an increase of 12 feet.

252 * * *

253 **[C]D. Special Provisions for "T" Zones Translated from Certain Zones**
254 **Existing Before October 30, 2014**

- 255 1. These special provisions apply to certain properties rezoned by
256 District Map Amendment to implement this Chapter and are indicated
257 on the zoning map as the zoning classification followed by a T, such
258 as "EOF2.0 H60 T".
- 259 2. For Employment-zoned properties designated with a T, the following
260 provisions apply:
- 261 a. [Residential density may be increased above the maximum
262 allowed in the zone in proportion to any MPDU density bonus
263 achieved under Chapter 25A for providing more than 12.5% of
264 the residential units as Moderately Priced Dwelling Units
265 (MPDUs).
- 266 b.] In the LSC zone, to allow construction of all workforce housing

267 units ~~[[on-site]]~~ on site, residential density may be increased by
268 a maximum of 5% and building height may be increased up to a
269 maximum building height of 200 feet. Density and building
270 height may only be increased to the extent required for the
271 number of workforce housing units that are constructed.

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

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

277 * * *

278 **Section 4.6.4. Optional Method Development**

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

280 * * *

281 **B. Development Standards**

282 * * *

283 **2. Lot, Density, and Height**

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

286 b. The maximum total FAR and the maximum height are
287 established by the mapped zone unless increased under Section
288 ~~[4.7.3.D.6.c.]~~4.6.2.C or Section 4.6.2.D.

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

292 * * *

293 **Sec. 5. DIVISION 59-4.7 is amended as follows:**

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

295 **Section 4.7.1. General Provisions**

296 * * *

297 **B. General Public Benefit Considerations**

298 ~~[[Granting]]~~ Except for providing MPDUs exceeding 12.5% of a project's
299 dwelling units, granting points as a public benefit for any amenity or project
300 feature otherwise required by law is prohibited. In approving any incentive
301 FAR based on the provision of public benefits, the Planning Board must
302 consider:

303 * * *

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

305 * * *

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

307 * * *

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

311 [a.] Points are calculated as follows:

312 [i]a. 12 points are granted for every 1% of MPDUs greater than
313 12.5%. Any fraction of 1% increase in MPDUs entitles the
314 applicant to an equal fraction of 12 points.

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

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

319 [iv]d. In any case, for [density and] points to be awarded, at least one

320 more MPDU than would be required at 12.5% must be provided
321 to take advantage of the MPDU public benefit points in any
322 zone.

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

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

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

333 i. If a project exceeds 12.5% MPDUs, the height limit of
334 the applicable zone and master plan does not apply to the
335 extent required to provide the MPDUs. The additional
336 height is calculated as the floor area provided for MPDUs
337 above 12.5% divided by the average residential floor
338 plate area, where each whole number and each remaining
339 fraction allows an increase of 12 feet.

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

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

346 * * *

347 **Sec. 6. DIVISION 59-4.9 is amended as follows:**

348 **Division 4.9. Overlay Zones**

349 * * *

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

351 * * *

352 **B. Optional Method**

353 **1. In General**

354 The TDR Overlay optional method of development permits an
355 increase in the maximum residential density, if the development
356 satisfies the requirements for optional method development using
357 Transferable Development Rights under Section 4.9.17.B.

358 * * *

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

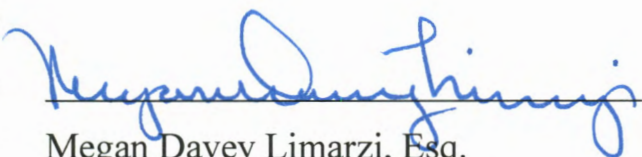
- 360 i. A property developed under Section 4.9.17.B must
361 satisfy Chapter 25A.
- 362 ii. [A density bonus allowed under Chapter 25A] Any
363 increase in density allowed under the optional method of
364 development for the provision of MPDUs is calculated
365 after the base density of the property has been increased
366 under Section 4.9.17.B through TDRs.
- 367 iii. In a Rural Residential or Residential zone with a TDR
368 density designation of less than three units per acre,
369 development using TDRs and providing MPDUs above
370 12.5% must follow the requirements under optional
371 method MPDU Development. Any other optional method
372 development in a Rural Residential or Residential zone
373 must satisfy the requirements of Section 4.9.16.B.

374 * * *

375 **Sec. 7. Effective date.** This ordinance becomes effective 20 days after the
376 date of Council adoption.

377

378 This is a correct copy of Council action.

379 A handwritten signature in blue ink, appearing to read 'Megan Davey Limarzi', is written over a horizontal line.

381 Megan Davey Limarzi, Esq.
382 Clerk of the Council