

Zoning Text Amendment No.: 21-07
Concerning: Density and Height
Allocation –
Development with
Moderately Priced
Dwelling Units
Draft No. & Date: 1 – 9/2/2021
Introduced: October 5, 2021
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 Sponsors: Council President Hucker and Councilmember Riemer
Co-Sponsor: Councilmember Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- exempt applications with 100% moderately-priced dwelling units (MPDUs) from mapped FAR limits; and
- generally amend the density provisions for MPDUs

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

Division 4.5 “Commercial/Residential Zones”
Section 4.5.2. “Density and Height Allocation”

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:

1 **Sec. 1. DIVISION 59-4 is amended as follows:**

2 * * *

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

4 * * *

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

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

- 9 1. Except in the Bethesda Overlay zone, residential density may be
10 increased above the mapped residential FAR by:
- 11 a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to
12 and including 15%;
 - 13 b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%,
14 up to and including 20%; or
 - 15 c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.
- 16 2. In the Bethesda Overlay zone, residential density may be increased
17 above the mapped residential FAR by 17.5% plus 0.1% for each 0.1%
18 increase in MPDUs above 17.5%.
- 19 3. Total density may be increased above the number following the
20 zoning classification on the zoning map by an amount equal to the
21 residential density achieved under Sec.4.5.2.C.1.
- 22 4. Any increase in density allowed under this section must be calculated
23 after the base density of the property has been increased under
24 Sec.4.5.2.B for development using FAR averaging.
- 25 5. To achieve an increase in density under Section 4.5.2.C, at least one
26 more MPDU than would be required at 12.5% must be provided.

- 27 6. The floor area counted as MPDU floor area includes a proportional
28 share of the gross floor area not devoted to residential units.
- 29 7. The height limit of the applicable zone and master plan does not apply
30 to the extent required to provide the MPDUs. The additional height is
31 calculated as the floor area provided for MPDUs above 12.5% divided
32 by the average residential floor plate area, where each whole number
33 and each remaining fraction allows an increase of 12 feet.
- 34 8. In the CR or CRT zones, an application with 100% of the units under
35 a government regulation or binding agreement that limits for at least
36 30 years the price or rent charged for each unit such that the average
37 cost of all units is affordable to households earning less than 60% of
38 the area median income (AMI), adjusted for family size, is exempt
39 from the FAR limits of the underlying zone provided the maximum
40 density does not exceed 2.5 FAR.

41 * * *

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

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45 This is a correct copy of Council action.

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48 Selena M. Singleton, Esq.

49 Clerk of the Council