

Ordinance No: 15-34
Zoning Text Amendment No: 04-11
Concerning: MPDUs – Building Coverage
and Green Area Standards – Multi-Family
Zones
Draft No. & Date: 2 – 11/30/04
Introduced: July 20, 2004
Public Hearing: 9/23/04; 7:30 p.m.
Adopted: November 30, 2004
Effective: April 1, 2005

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

By: Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- eliminating the building coverage requirement and reducing the green area requirement [[in all multiple-family residential zones for any development containing MPDUs on-site]] under the special regulations for Moderately Priced Dwelling Units in the multi-family zones.

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

DIVISION 59-C-2	“RESIDENTIAL ZONES, MULTIPLE-FAMILY”
Section 59-C-2.4	“Development standards”
Section 59-C-2.42	“Special regulations for development including moderately priced dwelling units”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) No. 04-11 was introduced on July 20, 2004, to eliminate the building coverage requirement and reduce the green area requirement under the special regulations for Moderately Priced Dwelling Units in the multi-family zones.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with revisions.

The County Council held a public hearing on September 23, 2004, to receive testimony concerning Zoning Text Amendment No. 04-11. The ZTA was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on October 20, November 15, and November 23 to review Zoning Text Amendment 04-11. Planning Board staff provided illustrations to show the trade-offs that would have to be made under various green space and building coverage options included in ZTA 04-11. The Committee accepted the Planning Board rationale that a 35 percent green space requirement is the minimum necessary for a developer to meet the basic MPDU requirement and any bonus density on-site. The Committee agreed that if adequate green space is provided, a limitation on building coverage is not necessary.

The District Council reviewed Zoning Text Amendment No. 04-11 at a worksession held on November 30, 2004, and agreed with the recommendations of the Planning, Housing, and Economic Development 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. 04-11 will be approved as revised.

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-C-2 is amended as follows:

DIVISION 59-C-2. RESIDENTIAL ZONES, MULTIPLE-FAMILY.

* * *

Sec. 59-C-2.4. Development standards.

* * *

	R-30	R-20	R-10	R-H
* * *				
59-C-2.42. Special regulations for development including moderately priced dwelling units.				
[Where moderately priced dwelling units are included in a development, in accordance with chapter 25A of the Montgomery County Code,] [t] <u>The following optional standards may be used [[to the extent necessary]] to achieve MPDUs, including any bonus density, provided under Chapter 25A on site.</u> [permitted to apply in lieu of the corresponding requirements of section 59-C-2.41]. If the optional standards are used, the site plan approval procedures [set forth in] <u>of [d] Division 59-D-3</u> must be followed.				
* * *				
59-C-2.422. Coverage Limitations (Percentage of Area of Lot).				
[-Buildings must not occupy more than:	22	24	20	20]
-Green area may be reduced, [if necessary to accommodate increased density resulting from the moderately priced dwelling units,] to not less than:	[53] <u>[[20]]</u> <u>35</u>	[47] <u>[[20]]</u> <u>35</u>	[45] <u>[[20]]</u> <u>35</u>	[50] <u>[[20]]</u> <u>35</u>
* * *				

Sec. 2. Effective date. This ordinance becomes effective April 1, 2005.

This is a correct copy of Council action.

Mary A. Edgar, CMC

Clerk of the Council