

Ordinance No: 15-37
Zoning Text Amendment No: 04-14
Concerning: MPDU Dwelling unit types
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:

- allowing under certain circumstances up to 100 percent of the total number of dwelling units in a one-family residential zone to be ~~[[a certain dwelling unit type]]~~ other than one-family detached residential to achieve MPDUs on-site.

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

DIVISION 59-C-1 “RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.6 “Development including moderately priced dwelling units”
Section 59-C-1.61. “Purpose and description”
Section 59-C-1.62. “Development Standards”

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 No. 04-14 was introduced on July 20, 2004, to allow under certain circumstances up to 100 percent of the total number of dwelling units in a one-family residential zone to be other than one-family detached units to achieve MPDUs on-site.

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

The County Council held a public hearing on September 23, 2004, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions to review Zoning Text Amendment 04-14 on October 20, November 15, and November 23, 2004. The maximum percentage of townhouses that may be constructed in a one-family residential subdivision under the optional MPDU development standards is 50 percent in the R-200, R-150, and R-150 zones, and 60 percent in the R-60 zone. The Planning Board under current law may allow for environmental reasons up to 100 percent of the total number of dwelling units in such a subdivision to be townhouses. ZTA 04-14 would give the same priority to MPDUs as given to the environment if the Board finds that the MPDUs could not be achieved because of development limitations. The Committee agreed to support ZTA 04-14 to allow up to 100 percent of the total number of dwelling units in an MPDU subdivision to be other than one-family detached residential units. The Committee requested that staff add language to require that any increase in dwelling unit types above the standard percentages allowed must achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of dwelling unit types. The Planning Board would have to make a finding of compatibility for any development that exceeds the maximum percentage of allowable dwelling units.

The District Council reviewed Zoning Text Amendment No. 04-14 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. 04-14 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-1 is amended as follows:

DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.

* * *

59-C-1.61. Purpose and description.

* * *

59-C-1.62. Development standards.

	R- 200	R- 150	R- 90	R- 60	R- 40
59-C-1.621. Uses Permitted. No uses are permitted except as indicated by the letter “P” in the following schedule. Special exceptions may be authorized as indicated in section 59-C-1.31, title “Land Uses,” subject to the provisions of article 58-G.					
Dwelling unit, one-family attached. ¹	P	P	P	P	P
* * *					
Dwelling unit, one-family semidetached. ¹	P	P	P	P	P
Townhouse. ¹	P	P	P	P	P
* * *					

¹ The maximum percentage of one-family attached dwelling units, [or] semidetached dwelling units, or townhouses [, or a combination thereof,] allowed in a subdivision is:

R-200 and R-150 Zones: 50%;

R-90 Zone: 50%;

R-60 Zone: 60%.

The balance must be one-family detached units. However, [T] the [p] Planning [b] Board may[, however,] approve a development in which up to 100 percent of the total number of units [consists of] are one-family attached dwelling units, one-family semidetached dwelling units, or townhouses[, or a combination thereof,] upon a finding that a (1) proposed development is [(1)] more desirable from an environmental perspective than development

that would result from adherence to these percentage limits, [and] or (2)
limits on development at that site would not allow the applicant to achieve
MPDUs under Chapter 25A on-site. However, any increase in any dwelling
unit type above the standard percentage allowed must achieve not less than
the same level of compatibility as would exist if the development were
constructed using the standard percentage of that type of dwelling unit. Any
development that exceeds the maximum percentage of allowable dwelling
unit types must be compatible with adjacent existing and approved
development.

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