

ATTACHMENT 1

Zoning Text Amendment No: 04-11
Concerning: MPDUs – Building Coverage
and Green Area Standards – Multi-Family
Zones
Draft No. & Date: 1 – 7/16/04
Introduced: July 20, 2004
Public Hearing: 9/23/04; 7:30 p.m.
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**

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.

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.*

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 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] of [d] <u>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: <u>Building coverage limited only by setback and green area requirements</u>	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] [[20]35	[47] [[20]35	[45] [[20]35	[50] [[20]35
* * *				

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

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4 This is a correct copy of Council action.

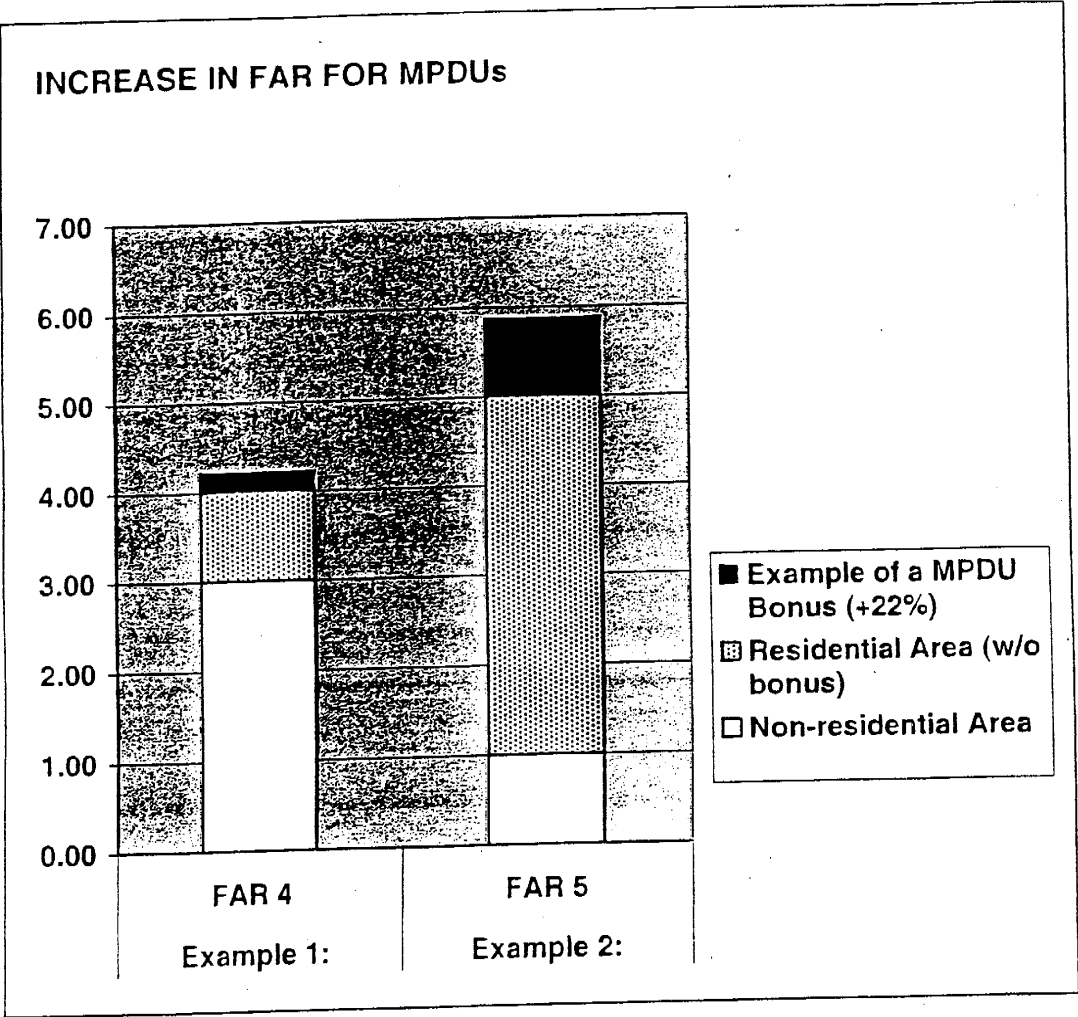
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9 Mary A. Edgar, CMC

10 Clerk of the Council

**EXAMPLES: INCREASE IN FAR FOR MPDU_s
CBD-2 ZONE**

	Example 1: FAR 4	Example 2: FAR 5
Non-residential Area	3.00	1.00
Residential Area (w/o bonus)	1.00	4.00
Example of a MPDU Bonus (+22%)	0.22	0.88
Max. Total FAR	4.22	5.88



TACHMENT 2

MPDU STANDARDS - ONE-FAMILY RESIDENTIAL ZONES						
	Max Density w/MPDUs	Setbacks from Street	Yard requirements	Lot area and width	Maximum Building Height	Green area (minimum)
1/1 (ter posed dards)	1.22 du per acre of useable area	35 feet	Rear yard: 35 feet. Side or rear abutting adjacent non-MPDU use: atleast requirement of adjacent lot.	One-family detached: 10,000 sf. Duplex: 5000 sf.	Same as R-200 below	none
2 (posed dards)	0.5 du per acre (1 DU per two acres.)	All standard method requirements apply.	All standard method requirements apply.	All standard method requirements apply.	All standard method requirements apply.	All standard method requirements apply.
2C (posed dards)	0.48 du per acre of useable area.	35 feet	Same as RE-1	One-family detached: 15,000 sf. Duplex: 7500 sf.	Same as R-200 below	none
30	2.44 per acre of useable area.	No detached dwelling must be nearer to any public street than 25 feet. If shown on site plan, 15 feet minimum.	Rear yard: 20 feet. Side or rear abutting adjacent non-MPDU use: atleast requirement of adjacent lot.	One-family detached: 6000 sf. PB may reduce to 3000 sf if on site plan. Duplex: 3500 sf. TH: 1500 sf unless reduced by PB. Lot width: 25 feet.	Main Building: 3 stories or 40 feet. Yard abutting non-MPDU development must be increased by one foot for each 2 feet of height above 35 feet. Accessory building: 2 stories or 25 feet	2000 sq. ft. for each townhouse or s.f. attached. For each one-family detached lot less than 3500 sf., 500 sf of green area required in the subdivision.
30	3.17 per acre of useable area.	Same as R-200	Same as R-200	Same as R-200	Same as R-200	Same as R-200.
30	4.39 per acre of useable area.	Same as R-200	Same as R-200	One-family detached: 5000 sf. PB may reduce to 3000 sf if on site plan. Remaining requirements same as R-200	Same as R-200	Same as R-200.
30	6.10 per acre of useable area.	No detached dwelling must be nearer to any public street than 20 feet.	Rear yard: 15 feet. Side or rear abutting adjacent non-MPDU use: atleast requirement of adjacent use.	One-family detached: 4000 sf. PB may reduce to 3000 sf if on site plan. Remaining requirements same as R-200	Same as R-200	Same as R-200..
30	10.12 per acre of useable area.	Same as R-60	Same as R-60	One-family detached: 4000 sf. Remaining requirements same as R-200	Same as R-200	1500 sq. ft. for each townhouse or s.f. attached.

Transfer of Development Rights (TDR) Note: A property developed with the transfer of development rights shall conform to the requirements of chapter 25A of the Montgomery County Code requiring MPDU's. The applicability of chapter 25A and the MPDU density increase provided by section 59-C-1.6 shall be calculated after the base density of a property has been increased by a transfer of development rights. The density increase provided by section 59-C-1.6 may be made without the acquisition of additional development rights. Under the optional method, where moderately priced dwelling units are included in accordance with the requirements of chapter 25A of this Code, as amended, the MPDU development standards apply. The increase in density must not exceed 22 percent of the TDR density.