

# ATTACHMENT 3

Zoning Text Amendment No: 04-13  
Concerning: MPDUs-Sector Plan  
conformity requirement exceptions-CBD &  
RMX Optional Method of Development  
Projects  
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

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

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

- allowing an exception to the master plan, sector plan, and urban renewal plan conformity requirements regarding density or building height for any project in a CBD, RMX, or Development Plan zone that includes MPDUs on-site.

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

DIVISION 59-D-1	“DEVELOPMENT PLAN”
Section 59-D-1.6	“Approval by district council”
DIVISION 59-D-2	“PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT, CBD ZONES AND RMX ZONES”
Section 59-D-2.4	“Action by planning board”
Section 59-D-2.42	“Findings required for approval.”

**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:*

1           **Sec. 1. Division 59-D-2 is amended as follows:**

2   **DIVISION 59-D-1. DEVELOPMENT PLAN.**

3   \* \* \*

4   **59-D-1.6. Approval by district council.**

5           **59-D-1.61. Findings.**

6           Before approving an application for classification in any of these zones, the  
7           district council must consider whether the application, including the  
8           development plan, fulfills the purposes and requirements set forth in article  
9           59-C for the zone. In so doing, the district council must make the following  
10          specific findings, in addition to any other findings which may be necessary  
11          and appropriate to the evaluation of the proposed reclassification:

- 12          (a)   That the zone applied for is in substantial compliance with the use and  
13                density indicated by the master plan or sector plan, and that it does not  
14                conflict with the general plan, the county capital improvements  
15                program or other applicable county plans and policies. However, any  
16                development plan containing MPDUs under Chapter 25A may exceed  
17                up to the maximum of the zone for the residential portion of the  
18                development any [[density or]] building height limit in a master plan  
19                or sector plan to the extent necessary to achieve all required MPDUs  
20                on-site. The density limit in a master plan or sector plan may be  
21                exceeded by the amount of any MPDU density bonus provided in  
22                accordance with Chapter 25A.

23   \* \* \*

24           **Sec. 2. Division 59-D-2 is amended as follows:**

25   **DIVISION 59-D-2. PROJECT PLAN FOR OPTIONAL METHOD OF**  
26                               **DEVELOPMENT, CBD ZONES AND RMX ZONES.**

27   \* \* \*

1 **59-D-2.4. Action by planning board.**

2 \* \* \*

3 **59-D-2.42. Findings required for approval.**

4 The fact that an application complies with all of the specific requirements  
5 and intent of the applicable zone does not create a presumption that the  
6 application must be approved. The Planning Board can approve, or approve  
7 subject to modifications, an application only if it finds that the proposed  
8 development meets all of the following requirements:

9 \* \* \*

10 (b) It would conform to the [approved and adopted] applicable sector plan  
11 or [an] urban renewal plan [approved under Chapter 56]. However,  
12 any development containing MPDUs under Chapter 25A may exceed,  
13 up to the maximum of the zone for the residential portion of the  
14 development any [[density or]] building height limit in a master plan  
15 or sector plan to the extent necessary to achieve all required MPDUs  
16 on-site. The density limit in a master plan or sector plan may be  
17 exceeded by the amount of any MPDU density bonus provided in  
18 accordance with Chapter 25A.

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

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23 This is a correct copy of Council action.  
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- 1 Mary A. Edgar, CMC
- 2 Clerk of the Council

<b>MPDU STANDARDS - MULTIPLE-FAMILY RESIDENTIAL ZONES</b>						
Zone	Max Density w/MPDUs	Base Density	Coverage (% of lot area)		Yards/setbacks	Parking
			Buildings	Green Area		
.30	17.69 du/acre	14.5 du/acre.	22%	53%	Yards, setbacks, distance between building may be reduced at site plan review.	MPDU same as standard method space requirement
.20	26.47 du/acre	21.7 du/acre.	24%	47%	Same as R-30	MPDU same as standard method space requirement
.10	53.07 du/acre	43.5 du/acre.	20%	45%	Same as R-30	Half the standard method requirement
<b>.H Residential High-Density Development</b>	Flexible floating zone. Can increase 22% based on lot coverage. Max lot coverage 20%.	Based on lot coverage	20%	50%	Same as R-30	Half the standard method requirement
.30/TDR	49 du/acre	40 du/acre.	The applicability of chapter 25A and the MPDU density increased provided by section 59-C-2.42 must 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-2.42 may be made without the acquisition of additional development rights. 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.			
.20/TDR	61 du/acre	50 du/acre.				
.10/TDR	122 du/acre	100 du/acre.				