

where the height limit will remain 50 feet, extending 60 feet back from Old Georgetown Road. This Plan recommends limiting non-residential FAR to 1.0. Mixed-use projects with MPDUs on-site may achieve a greater height and density of the respective zone as specified in this Amendment, but no greater than the maximum in the Zoning Ordinance. Building height may also be adjusted to accommodate workforce housing if pending legislation is adopted, but again, no greater than the maximum allowed in the zone.

Woodmont Triangle Study Area Block Map



Block 8
The existing zoning in Block 8 is CBD-1. This plan does not recommend any zoning changes to this block.

Block 9

This block is zoned CBD-1 and includes several existing buildings. Existing development meets or exceeds the standards of the CBD-1 zone. Future development should be mixed-use with retail on the first floor. This Amendment confirms the CBD-1 zone and allows a FAR to 3.0 with residential development. The Amendment limits height in Block 9 to 90 feet or 110 feet with a 22% MPDU bonus. Parcel 646, The American Inn property is situated between two taller buildings. To achieve comparable heights, height may be increased on this property up to 118 feet. This property may reach 143 feet if the MPDU bonus is provided.

Block 10

This block is zoned CBD-1 and CBD-R2. While mixed use is encouraged, development should be primarily residential. To encourage residential development, this Amendment increases the FAR from 2.0 to 3.0 on CBD-1 properties, while retaining the FAR on the CBD-R2 at 5.0. Heights are limited on CBD-1 properties to 90 feet or 110 feet with 22% MPDU bonus and limited on CBD-R2 properties to 143 feet or 174 feet with 22% MPDU bonus. The Plank, Inc. and Troiano properties are situated south of an existing building of 135 feet and north of a CBD-R2 property which has a height limit of 143 feet (or more if MPDUs are provided). To achieve comparable building heights, this Amendment retains the CBD-1 zoning on these properties, but increases the height limit to 118 feet or up to 143 feet with a 22% MPDU bonus density. This Amendment supports a hotel as a use in the CBD-R2 portion of this block.

Block 11

Block 11 is located between Wisconsin Avenue, Woodmont Avenue and Norfolk Avenue, and is across the street from the CBD Core and within two blocks of the Metro station. There is no residential development in this block. This is an appropriate location for housing. To encourage residential redevelopment, this Amendment retains the existing CBD-1 zoning but increases the FAR to 3.0. Heights are limited to 118 feet or 143 feet with 22% MPDU bonus density.

Block 12

This block is the closest to Bethesda Metro and offers sufficient area for development of a primarily residential mixed-use project. This Amendment rezones the properties from CBD-1 to CBD-R2 in order to encourage residential re-development. One property, Parcel 647, is already developed above full density. This rezoning would allow this property to either remain as an office building or develop as housing. FAR is limited to 5.0 and heights are limited to 143 feet or 174 feet with 22% MPDU bonus density.

Blocks 13-15

Blocks 13-15 are located between Woodmont and Norfolk Avenues. Block 13 has a number of small-scale restaurants and retail uses. The property owners could use the provisions of the density transfer option. This Amendment recommends that Blocks 13, 14, and 15 retain the existing CBD-1, CBD-R1 and CBD-R2 zones. FAR is limited to 3.0 for CBD-1 properties, 3.0 for CBD-R1 properties, and 5.0 for CBD-R2 properties. Height is limited to 90 feet or 110 feet with MPDU bonus in CBD-1 properties, 143 feet with or without MPDU bonus in CBD-R1 properties, and 143 feet or 174 feet with MPDU bonus in CBD-R2 properties.

Blocks 16, 17, 17.1, and 18:

This Amendment leaves unchanged the current zoning and height limits in the Battery Lane District. In the future, M-NCPPC will prepare a new sector plan amendment to address options to retain or increase housing in the Battery Lane District while maintaining a stock of affordable housing.

Block 19

Properties along Rugby Avenue, Glenbrook Road and Old Georgetown Road at the western corner of the Study Area are currently zoned R-60. This Plan recommends PD-44 zoning provided that issues of compatibility with existing single-family homes can be addressed. This would allow the near-term redevelopment of an existing church property and possible longer-term redevelopment of the single-family detached homes, some of which have recently been renovated. At the time of rezoning, any application should be reviewed to determine compatibility with existing single-family homes, both north and south of Old Georgetown Road. In addition, the rezoning should not be allowed to result in multi-family development surrounding or isolating a limited number of single-family homes.

Blocks 20-23

Block 20 contains an office building with associated parking, zoned CBD-1, and single-family homes, zoned R-60. Lots facing Norfolk Avenue are zoned CBD-1 and are a mix of mid and low-rise retail and office. The portions of Blocks 21-23 between Norfolk Avenue and the edge of the Old Georgetown Road Corridor are zoned CBD-1. These areas are appropriate for residential mixed-use development. This Amendment confirms the CBD-1 zoning, but allows a FAR 3.0 to encourage residential development. Height is limited to 50-90 feet or 50-110 feet including a 22% MPDU bonus.

Blocks 44 and 45

Blocks 44 and 45 are the blocks in the Woodmont Triangle Study area that are closest to Metro and provides the potential for higher density redevelopment. The existing zoning on these blocks is CBD-1 and CBD-R2. Block 45 contains Garage 11, a public parking garage, and an approved mixed-use development located within the CBD-R2 zone. There are parcels in Block 45, zoned CBD-1, that could redevelop and may be able to use the transfer of density option. In order to encourage residential redevelopment, this Amendment recommends changing the CBD-I properties to CBD-2 and retaining the existing zoning on the CBD-R2 property. The Amendment recommends a FAR of 5.0 for all properties in these blocks and a height limit of 143 feet or 174 with 22% MPDU bonus.

RECOMMENDED ZONING BY BLOCK				
Block	Zoning	FAR	Height in Feet with <u>12.5% MPDUs</u>	MPDU Bonus Height in Feet (up to 22% greater than otherwise allowed but not greater than indicated below)
8	CBD-1	3.0	90	110
9	CBD-1	3.0	90 ¹	110 ¹
	CBD-1	3.0	90 ²	110 ²
10	CBD-R2	5.0	143	174
11	CBD-1	3.0	118	143
12	CBD-R2	5.0	143	174
13 ³	CBD-R2	5.0	143	174
14 ³	CBD-R2	5.0	143	174
	CBD-1	3.0	90	110
	CBD-R1	3.0	118	143
15	CBD-R2	5.0	143	174
20, 21, 22, 23	CBD-1	3.0	50-90	50-110
44	CBD-2	5.0	143	174
	CBD-R2	5.0	143	174
45	CBD-2	5.0	143	174

¹The height on Parcel 646 may be increased up to 118 feet with 12.5% MPDUs or 143 feet with 22% MPDU bonus.

²The height limit on the Plank, Inc. and Troiano properties is 118 feet with 12.5% MPDUs or 143 feet, with 22% MPDU bonus.

³Small portions along Norfolk Avenue of Blocks 13 and 14 are zoned CBD-1 and have FAR limits of 3.0, height limits of 90 feet or 110 feet with 22% MPDU bonus.

Page 19: Revise maps per Council revisions.

Page 23: Revise first paragraph with the following:

To implement the recommendations of this Amendment, actions need to be taken by a variety of governmental bodies. This section provides strategies relating to zoning, the Capital Improvements Program and public and private funding. [The implementation section of this limited amendment identifies the proposed zoning amendments to the CBD zones and multi-family zones, and recommendations for the public and private funding.]

Page 23: Add new section prior to Proposed Zoning section

MONITORING JOBS AND HOUSING

As part of each of the Planning Board's biennial Final Draft Growth Policy reports, the Planning Board must prepare an update of development activity in the Bethesda Central Business District.

The update must include a review of approved development plans as well as development completed during the reporting period. Each report must also indicate if the approved or completed development in that area has exceeded the projections in the most recent master plan, and if so, must indicate if the change is significant enough to impact public facilities and whether any change in staging or zoning is required to address the unanticipated increases in development potential.

Page 23: Replace Proposed Zoning section with the following:

- Implement zoning changes recommended in this Amendment through the Sectional Map Amendment process (SMA).
- Confirm zoning for the remainder of the study area.

Page 24: Revise maps per Council revisions.

Page 25: Revise section entitled "Amendments to the Zoning Ordinance" as follows:

TEXT AMENDMENTS TO THE ZONING ORDINANCE

This limited Amendment to the existing Sector Plan supports modifications to the CBD Zones [and Multi-family Zones] to increase the opportunities for housing, support retail revitalization, and improve the character of the [Woodmont Triangle Study Area] streets. [These modifications are part of a review of the CBD Zones. These changes are not necessary to implement the recommendations in this limited Sector Plan Amendment.] The final list of modifications should be part of a series of comprehensive amendments to the CBD Zones. The modifications could include] including the following:

- Minimum Lot Size – The minimum lot size [of] is being reduced from 22,000 square feet [could be reduced] to [at least] 18,000 square feet in CBD Zones county-wide [for use of the Optional Method of Development to encourage additional housing development within the housing resource area indicated in this Amendment]. For the Woodmont Triangle, this Amendment recommends there be no minimum lot size for Optional Method of Development to encourage smaller development projects. The Planning Board must make a finding that a property can meet all requirements of the Optional Method of Development, including providing public amenities and public use space on or off-site.
- Transfer of Density – The transfer of density is presently permitted throughout the overlay zones in the Silver Spring Central Business District[;]. [and t] This transfer of density could be expanded to the CBD Zones within the study area. This provision would provide more flexibility to preserve existing retail businesses by transferring density to parcels within the [housing resource area of the Woodmont Triangle] Density Transfer Area as [indicated] delineated in this Amendment.

The County Council recently approved the following text amendments to the Zoning Ordinance.

- **Public Use Space** – A recently approved amendment to the Zoning Ordinance allows an increase in the flexibility in providing off-site public use space to meet the MPDU requirements in the [CBD Zones] Zoning Ordinance. The Optional Method of Development requirement for public [use space and] amenities could be met on-site or off-site [including streetscape improvements in the public rights-of-way, and park enhancements in the Woodmont Triangle Study Area]. Public use space may also be provided off-site in the same density transfer area if the Planning Board finds that an off-site location implements the Plan recommendations. [The public use space should provide an outstanding environment capable of supporting and enhancing housing development.] The transfer of public use space to off-site areas provides the opportunity to create meaningful public spaces including indoor [community centers] amenities open to the public. Developers are encouraged to combine properties to provide more significant and useful public use space than could be provided individually. [Transfer of public use space must occur within the housing resource area of the Woodmont Triangle.]
- **[Coverage in Multi-family Zones** – A recently established Zoning Text Amendment will also modify the requirements for coverage and green space in the multi-family zones. These modifications will encourage the retention of existing housing and the construction of additional multi-family housing in the Woodmont Triangle Study Area to serve a variety of income levels.]

Page 26: Revise Public and Private Funding section as follows:

[The Plan recommends that Norfolk Avenue be designed as the “main street” of the Woodmont Triangle Study Area. Funds to create a major bikeway and enhance the streetscape along Norfolk Avenue are needed to improve Norfolk Avenue.] Funds will be needed to enhance the streetscape on Norfolk Avenue, designated as the “Main Street” for the study area. Funds are also necessary for [I] improving pedestrian safety and the character of the remaining streets in the Woodmont Triangle [should also be provided. In addition, funds to improve] improving Battery Lane Urban Park [are needed]. The source of funds for these improvements include the following:

- **Capital Improvements Program** – The present Capital Improvements Program provides limited funds for the construction of streetscape improvements [and a bikeway along Norfolk Avenue. Norfolk Avenue will be a linear urban space with restaurants, public art, and significant streetscape. The bikeway will provide an important link between the existing Capital Crescent Trail and the Bethesda Trolley Trail.] Additional funding is needed to realize the recommendations of this Amendment.
- **Private Funding** – The streetscape in the Woodmont Triangle Study Area could be improved in accordance with the Bethesda Streetscape Guidelines [T] through a combination of the Optional Method of Development requirements and the Capital Improvements Program[,the streetscape in the Woodmont Triangle could be improved in accordance with the Bethesda streetscape guidelines. Placing utilities underground will

also be included.]. Battery Lane Urban Park could also be substantially improved through combined funding sources. Projects developing under the Optional Method of Development will be encouraged to include public art and private art facilities as part of the required amenities, to support the Bethesda Arts and Entertainment District, and to strengthen the links between existing arts facilities in the Woodmont Triangle and the rest of the CBD. [Projects should be encouraged to provide parking in their structures during the evenings and weekends to support retail and restaurants in the Woodmont Triangle.]

Amenity Fund – An amenity fund should be established, the donation to which is a lawful alternative to the amenity requirement associated with standard and optional method development projects. Although physical improvements are preferred, the Planning Board has approved the use of amenity funds as an alternative to satisfy the requirements for public use space and amenities [and facilities] in the Optional Method of Development. Donations to an amenity fund for the construction, purchase, management and maintenance of space for the arts and streetscape are [encouraged] permitted in this Woodmont Triangle Amendment either as part of the Optional Method of Development or as private donations. [Any donations intended to meet the requirements for amenities and facilities in the Optional Method of Development should be tied to the completion of a specific amenity and phased with the construction of the development.] If amenity project funds are approved as part of the review of an Optional Method of Development, the Planning Board should control the use of the funds but may designate a non-profit entity to assist the Board. The Planning Board should not approve any amenity project that could require ongoing County funding unless it obtains County Council approval of the project.

Page 27: Delete section entitled Norfolk Avenue Spine.

Page 27: Add the following section after Woodmont Triangle Action Group:

TEXT CHANGES TO THE 1994 APPROVED AND ADOPTED BETHESDA CENTRAL BUSINESS DISTRICT SECTOR PLAN

In addition to the changes described above, the following text, maps and illustrations replace or add language in the other sections of the 1994 Approved Sector Plan for the Bethesda Central Business District.

Page 5: Add the following at the end of the second paragraph entitled: Woodmont Triangle District, Old Georgetown Road Corridor and the Wisconsin North and South Corridors:

Additional FAR may be achieved on properties located in certain blocks under Optional Method of Development if moderately priced housing is located on-site.

Page 30: Add the following section "c" to Section 3:

c. Development in specific locations under the Optional Method of Development may achieve higher FARs and building heights if moderately priced dwelling units are provided on-site and public use space is provided in conformance with the Sector Plan priorities.

Page 39:

Amend Figure 3.2 Building Height Limits

Page 54:

Amend Figure 4.3 Zoning Plan

Page 88:

Amend Figure 4.17 Old Georgetown Road Corridor

Pages 94-102:

Section entitled 4.5 The Woodmont Triangle District is replaced by this Amendment.

Page 105:

Remove reference to 122 feet in the first paragraph and replace with 143'.

Page 197:

Strike the last sentence on item E.1.

Page 215:

Add the following language under Recommendations, Item 1. Expansion of Battery Lane Urban Park:

A future facility plan should be completed by a developer, in coordination with the Park Development Division, in exchange for additional density under the Optional Method of Development or as part of a CIP project. This facility plan will be the guiding document for all future development and improvements within the park including other potential developer funded projects. Objectives of the facility plan may include the following:

- Improve the entrance to the park from Norfolk Avenue using public right-of-way or potential acquisition to increase the visibility and promote safe use of the park
- Widen the existing bicycle trail through the park to 10 feet and improve it as necessary to reinforce its importance in linking the Bethesda Trolley Trail and Capital Crescent Trail
- Create a new gathering area for picnics and small performances through potential expansion of the park
- Incorporate art or an arts and science theme into the site furnishings

Page 245:

Add the following paragraph after the first paragraph under the title 10.1 Zoning:

Development in the CBD zones may occur under two options: the Standard Method and the Optional Method. The standard method requires the development to comply with a specific set of standards and density compatible with the standards. The Optional Method does not have as many specific standards and allows higher densities if certain public facilities and amenities are provided. The CBD zones are designed to encourage development with an approved master or sector plan by permitting an increase in density, height and intensity where such increases conform to the master or sector plan.

General

All figures and tables included in the Plan are to be revised where appropriate to reflect District Council changes to the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan and to reflect actions taken on related zoning text amendments or other legislation prior to the final printing of the approved Master Plan. Maps should be revised where necessary to conform to Council actions. The text is to be revised as necessary to achieve clarity and consistency, to update factual information, and to convey the actions of the District Council. All identifying references pertain to the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.

The Park and Planning Department should complete additional analysis to facilitate the creation of an amenity fund. Issues that should be addressed prior to the Council's consideration of the Sectional Map Amendment include the following:

- How the fund would operate.
- Whether any changes in legislation or regulation are needed to create the fund.
- A method to calculate the amount of the developer contribution to the fund.
- Whether a non-profit organization can administer the fund and, if so, what procedures and standards must be established for County oversight of the fund's operation.

This resolution leaved unchanged the existing zoning and height recommendations in the Battery Lane District. The Maryland National Capital Park and Planning Commission (M-NCPPC) should prepare a new Sector Plan amendment focused on this District that addresses the advantages and disadvantages of increased residential densities in this area, appropriate zoning, heights, and connections to the Woodmont Triangle and public amenities, the impact of the proposed increase in the number of jobs at NIH and the National Navy Medical Center, and the impact of any change in zoning on the existing supply of affordable housing. The Sector Plan Amendment may recommend confirming existing zoning or a change in zoning. Any proposed increases in density should occur through the use of transferable development rights. As M-NCPPC is working on the Amendment, the Department of Housing and Community Affairs (DHCA) should review existing programs to assist displaced tenants and provide incentives to property owners who provide low-cost rental housing to determine what new programs or changes to existing programs are needed.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council

Ordinance No: 15-60
Zoning Text Amendment No: 05-08
Concerning: Minimum Lot Area & Transfer
Of Density in CBD Zones
Draft No. & Date: 3 – 11/01/05
Introduced: May 26, 2005
Public Hearing: July 12, 2005; 7:30 p.m.
Adopted: January 31, 2006
Effective: February 20, 2006

**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: District Council at the request of the Planning Board

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

- reducing the minimum lot area requirement in the CBD Zones under the optional method of development to 18,000 square feet; **[[and]]**
- allowing a minimum lot area les than 18,000 square feet, under certain circumstances.
- permitting transfer of density **[[in Housing Resource Areas]]** within a Density Transfer Area as designated in the relevant master or sector plan; and ,
- generally amending provisions pertaining to a density transfer.

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

DIVISION 59-C-6
Section 59-C-6.23

“CENTRAL BUSINESS DISTRICT ZONES”
“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 (ZTA) No. 05-08 was introduced on May 26, 2005 for the purpose of reducing the minimum lot area requirement in the CBD Zones under the optional method of development to 18,000 square feet; allowing a minimum lot area less than 18,000 square feet, under certain circumstances; permitting transfer of density within a Density Transfer Area as designated in the relevant master or sector plan; and generally amending provisions pertaining to a density transfer.

The Montgomery County Planning Board in its report to the Council recommended that Zoning Text Amendment 05-08 be approved, with revisions.

The County Council held a public hearing on July 12, 2005 to receive testimony concerning the proposal. ZTA 05-08 was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on September 26 and October 24, 2005 to review the amendment. After careful review of all materials of record, the Committee recommended that ZTA 05-08 be approved with the following revisions:

- Allow an optional method project of less than 18,000 square feet when recommended in a master or sector plan. It was agreed that the sector plan objective of preserving the existing small-scale retail buildings could be best achieved by not requiring any minimum lot size for an optional method project in the Woodmont Triangle. Under the Committee recommendation, all of the development standards now in place, including public use and amenity space, would still apply to an optional method project of less than 18,000 square feet.
- Change ‘Housing Resource Area’ to ‘Density Transfer Area’ and eliminate any specific requirement that density transferred must be used for housing. The density transfer concept was determined to have broader policy objectives than increasing housing resources.
- Clarify that a density transfer is measured in terms of gross square feet of development. The ZTA used the terms ‘density transfer’, ‘development credit’, and ‘transferable development credit’ interchangeably, without any clear indication how the development capacity to be transferred was to be measured.
- Allow density to be transferred among the combined lots as approved by the Planning Board; however, the development capacity of the combined lots must not exceed the total development capacity otherwise permitted on the separate lots under the optional method of development procedure or any density limit recommendation in a master or sector plan.

- Allow public use space to be distributed among lots as approved by the Planning Board, or located off-site in the same Density Transfer Area to implement a master or sector plan recommendation. Under current CBD standards, public use space may be provided off-site only in connection with MPDU development.
- Requires that at least the amount of development that could be achieved under the standard method of development be retained for future development. This measure ensures that lots participating in the transfer of density program retain some capacity for future development.

In reaching its recommendations, the Committee reviewed an explanation provided by the Planning Board of how a density transfer would work in practice and the regulations for enforcement, monitoring, and record keeping for a density transfer. The Committee also reviewed the role of the Department of Permitting Services in the density transfer program.

The District Council reviewed Zoning Text Amendment No. 05-08 at worksessions held on November 22, 2005 and January 31, 2006, 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. 05-08 will be approved as amended.

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-6 is amended as follows:

DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.

* * *

59-C-6.23. Development standards.

The development standards applicable to the standard and optional methods of development, indicated by the letters “S” and “O” in each of the zones are set forth in this section.⁸

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
59-C-6.231. Minimum Area of Lot (in thousands of square feet):		[22] 18*		[22] 18*		[22] 18*		[22] 18*		[22] 18*		[22] 18*
* * *												

* The minimum lot area for an optional method project may be less than 18,000 square feet, when recommended in a master or sector plan. The minimum lot area [[may be a single lot or]] may consist of more than one lot under the density transfer provisions of Section 59-C-6.2355.

* * *

59-C-6.2355. [[Density Transfer Provisions for properties in an Housing Resource Area that use the Optional Method of Development Procedure]] Special regulations for Optional Method of development projects for more than lot involving a density transfer.

This section includes special [[standards]] regulations for optional method of development projects involving more than one lot located [[in a Housing Resource Area as]] within a Density Transfer Area designated in [[the applicable]] a master or sector plan.

23 (a) The Planning Board may approve an optional method of development
24 project for more than one lot in the same [[Housing Resource Area]]
25 Density Transfer Area that are not adjacent to each other, but when
26 combined, the lots total a minimum of 18,000 square feet, or less if
27 recommended in a master of sector plan. The optional method of
28 development project must comply with the project plan approval
29 requirements of Section 59-D-2.42(g) and the following [[additional
30 requirements]] provisions:

31 [(i) The property to which a development credit is transferred must
32 not abut or confront a one-family residential zone.

33 (ii) Density transferred to any lot smaller than 18,000 square feet
34 must be used to provide for housing development and ancillary
35 retail and arts uses. Density on the smaller lot must be
36 measured in accordance with the maximum density provisions
37 of the optional method of development.

38 (iii) The density of development for the combined lots must not
39 exceed the total density otherwise permitted on the separate
40 lots. Public use space and amenities must be provided based on
41 the total area of the lots included in the optional method of
42 development project.]]

43 (i) Density transferred is measured in terms of gross square feet of
44 development.

45 (ii) The lot that receives a density transfer must not abut or confront
46 a one-family residential zone.

47 (iii) The development capacity of the combined lots may be
48 transferred among lots as shown on the project plan approved
49 by the Planning Board; however, the development capacity of

50 the combined lots must not exceed the total development
51 capacity otherwise permitted on the separate lots under the
52 optional method of development procedure or any density limit
53 recommendation in a master or sector plan.

54 (iv) Public use space must be provided based on the total area of the
55 lots included in the optional method of development project and
56 may be distributed among lots as shown on the project plan
57 approved by the Planning Board, in consideration of any master
58 plan public use space recommendation. Public use space may
59 be located off-site in the same density transfer area if the
60 Planning Board finds that an off-site location implements a
61 master or sector plan recommendation.

62 (b) A [[transferable development credit]] density transfer must be
63 established, transferred, and attached to a property only by means of
64 documents, including an easement and appropriate releases, in a
65 recordable form approved by the Planning Board. Any easement
66 must:

67 (i) limit future construction of the property that transfers the
68 [[development credit]] density to the amount of gross square
69 feet of the building minus all development [[credits]]
70 transferred;

71 (ii) indicate the amount of development [[credit]], in gross square
72 feet to be transferred;

73 (iii) indicate the maximum gross square feet of future development
74 for the property that transfers the development credit, but no
75 less than the amount that could be constructed on the property
76 under the standard method of development; and

77 (iii) be recorded in the land records of Montgomery County.

78

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

81

82

83 This is a correct copy of Council action.

84

85 *Linda M. Lauer*

86 Linda M. Lauer, Clerk of the Council