



Zoning Text Amendment (ZTA) No. 16-08, Commercial/Residential "T" Zones – Workforce Housing



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Completed: 9/1/16

Description

ZTA No. 16-08 would allow additional building density in certain Commercial/Residential "T" Zones when workforce housing is provided and allow additional building height in certain Commercial/Residential "T" Zones when workforce housing and public facilities are provided as part of the same project.

Summary

Staff recommends approval of ZTA 16-08 as modified by staff, to allow additional building density in certain Commercial/Residential T Zones when workforce housing is provided and allow additional building height in certain Commercial/Residential T Zones when workforce housing and public facilities are provided as part of the same project. Where the provision of a major public facility is proposed in an optional method project zoned CR, the modification would allow the applicant to add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed when the major public facility diminishes the ability of the applicant to provide parking at or below grade.

Background/Analysis

The Zoning Ordinance Rewrite was implemented by a District Map Amendment that rezoned all properties within the Council's jurisdiction. Commercial/Residential (CR) "T" Zones were applied to properties in Central Business District (CBD) zones. CR zones were intended to have absolute height and density limits and were mapped as such. The previous CBD zones had some flexibility to exceed height and density limits in order to provide MPDUs or Workforce Housing units. The Council used the "T" designation to distinguish properties formerly in the CBD family of zones and allowed them to retain height and density flexibility under certain circumstances. Under the current Code, height flexibility for Commercial/Residential (CR) "T" Zones is allowed for the provision of workforce housing; density flexibility for workforce housing is not currently allowed, although the previous Zoning Ordinance allowed this flexibility.

The “T” provisions retain the density bonus permitted under Chapter 25A for providing MPDUs (Section 4.7.3.D.6); the “T” allows bonus residential density above the mapped density for providing more than 12.5% of residential units as MPDUs.

In the CRT and CR zones, the “T” provisions allow the height of a building to be increased above the mapped height on a property within a designated Central Business District mapped at a height up to 145’, where the height may be increased above the height on the map by up to 1.5 times if the height is the minimum necessary to provide workforce housing units or if the additional height is specifically recommended for the provision of MPDUs above 12.5% in an applicable master plan. This provision retains the rights of properties that were in a CBD zone before the District Map Amendment.

In 2006, workforce housing was required in large projects. The workforce housing units were not counted against density limits in CBD zones¹. Workforce housing units could also increase the allowable building height². In 2010, the provision of workforce housing was made voluntary³. In 2014, the Zoning Ordinance Rewrite did not recognize the past density allowances for the voluntary provision of workforce housing. It was determined at that time that no developers had been proposing workforce housing units as part of their projects. During that period, however, the Housing Opportunities Commission (HOC) had just begun utilizing this tool, especially in its redevelopment projects via public-private partnerships. ZTA 16-08 would allow density flexibility for the provision of workforce housing. ZTA 16-08 would also exclude the floor area devoted to a publicly owned or operated facility from height limits in Commercial/Residential (CR) “T” Zones. *Staff believes that both provisions are consistent with providing a policy approach that assists in implementing the County’s affordable housing goals.*

Since the introduction of ZTA 16-08, an additional tool for furthering the County’s goals for providing adequate public facilities has been proposed for inclusion by County Council staff. Where the provision of a major public facility is proposed in an optional method project zoned CR, the applicant would be allowed to add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed when the major public facility diminishes the ability of the applicant to provide

¹ As approved in ZTA 05-16: 59-A-6.18.2. Requirements (a) Any subdivision that would contain 35 or more market dwelling units, and that would be located in a zone with a maximum permitted residential density at or above 40 dwelling units per acre and in a Metro Station Policy Area, must include an amount of workforce housing units that is not less than 10 percent of the total number of proposed market dwelling units, not including any MPDUs or resulting bonus density units, or dwelling units excluded under Chapter 25B.

² 59-C-6.2. (Footnote 11) Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if: (i) the additional height is necessary for the project to comply with the workforce housing requirements of Section 59-A-6.187; however, the additional height must not be more than required for the number of workforce housing units that are constructed

³ ZTA 10-01.

parking at or below grade. Staff believes that there is a rational basis for including this provision as another tool in providing adequate public facilities in the County.

Conclusion

Staff recommends approval of ZTA No. 16-08, as modified, based on the discussion above. The original intent of ZTA 16-08 is to reinstate one of the affordable housing tools deemed necessary to implement the County's affordable housing goals. The modifications to include height allowances for parking associated with a major public facility could further assist in meeting the County's adequate public facilities goals. Staff's changes are included as double underlining on lines 9 through 18 of the text amendment.

Attachments

1. ZTA No. 16-08 as modified

ATTACHMENT 1

Zoning Text Amendment No.: 16-08
Concerning: Commercial/Residential
“T” Zones – Workforce
Housing
Draft No. & Date: 2 – 8/16/16
Introduced: June 21, 2016
Public Hearing:
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**

Lead Sponsor: Council President Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow additional building density in certain Commercial/Residential T Zones under when workforce housing is provided;
- allow additional building height in certain Commercial/Residential T Zones under when workforce housing and public facilities are provided; and
- generally amend the provisions concerning allowable building density and height in certain Commercial/Residential zones.

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

DIVISION 59-4.5. “Commercial/Residential Zones”
Section 4.5.2. “Density and Height Allocation”

EXPLANATION: **Boldface** indicates a Heading or a defined term.
Underlining indicates text that is added to existing law by the original text amendment or by ZTA 14-09.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment or text added by this amendment in addition to ZTA 14-09.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment or indicates a change from ZTA 14-09.
* * * 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 59-4.5 is amended as follows:**

2 **DIVISION 4.5. Commercial/Residential Zones**

3 **SECTION 4.5.2. Density and Height Allocation**

4 * * *

5 **A. Density and Height Limits**

6 * * *

7 d. The number following the H is the maximum building height in
8 feet allowed unless additional height is allowed under Section
9 4.5.2.C, Section 4.7.3.D.6.c. or Section 4.5.2.A.2.e.

10 e. With Planning Board approval, any Optional Method project in
11 a CR zone that includes the provision of a major public facility,
12 under Section 4.7.3.A, may add the height of any floor mostly
13 used for above grade parking to the maximum height otherwise
14 allowed when the major public facility diminishes the ability of
15 the applicant to provide parking at or below grade.

16 3. The following limits apply unless additional total FAR, residential
17 FAR, or height is allowed under Section 4.5.2.C, Section 4.7.3.D.6.c
18 or Section 4.5.2.A.2.e.:

19 * * *

20 **B. FAR Averaging**

21 * * *

22 **C. Special Provisions for “T” Zones Translated from Certain Zones**
23 **Existing Before October 30, 2014**

24 1. These special provisions apply to certain properties rezoned by
25 District Map Amendment to implement this Chapter and are indicated
26 on the zoning map as the zoning classification followed by a T, such
27 as “CR2.0 C1.5 R1.5 H75 T”.

28 2. For Commercial/Residential-zoned properties designated with a T, the
29 following provisions apply:

30 a. Residential density may be increased above the number
31 following the R on the zoning map in proportion to:

32 i. any MPDU density bonus achieved under Chapter 25A
33 for providing more than 12.5% of the residential units as
34 Moderately Priced Dwelling Units (MPDUs); or

35 ii. any workforce housing floor area that satisfies Chapter
36 25B; however, the increased residential density under
37 this provision is limited to 10% of the floor area
38 indicated on the zoning map.

39 b. Total density may be increased above the number following the
40 zoning classification on the zoning map by an amount equal to
41 the residential density bonus achieved.

42 * * *

43 d. On a property within a designated central business district
44 mapped at a height up to 145 feet, height may be increased
45 above the number following the H on the zoning map by up to
46 1.5 times if:

47 i. the height is the minimum necessary for [any] both:
48 (A) the floor area devoted to a publicly owned or
49 operated facility; plus

50 (B) [workforce housing units provided based on] the
51 floor area provided for workforce housing units,
52 divided by the average residential floor plate area,
53 where each whole number and each remaining
54 fraction allows an increase of 12 feet[.]; or

55 * * *

56 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after
57 approval.

58

59 This is a correct copy of Council action.

60

61

62 Linda M. Lauer, Clerk of the Council