

## ATTACHMENT 2

Zoning Text Amendment No: 04-12  
Concerning: MPDUs Public Space  
Requirement-CBD, Transit  
Station 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**

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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 a reduction in the public use space requirement for a standard method project in a CBD zone that includes MPDUs on-site;
- allowing the public use space requirement for a CBD zone optional method project that includes MPDUs on-site to be reduced or located off-site in the same CBD;
- Allowing a residential density bonus over the base density where MPDUs are provided in accordance with Chapter 25A; and
- clarifying that the number of residential units and residential FAR may be increased for a project in a CBD or Transit Station 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-C-6	“CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.215	“Methods of development and approval procedures”
Section 59-C-6.23	“Development standards”
DIVISION 59-C-8	“TRANSIT STATION DEVELOPMENT AREA ZONES”
Section 59-C-8.4	“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.*

### *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-C-6 is amended as follows:**

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

3           \* \* \*

4           **59-C-6.215. Methods of development and approval procedures.** Two methods  
5 of development are possible in each of these zones. Under both methods of  
6 development the maximum dwelling unit density or residential FAR [allowed by  
7 Section 59-C-6.23] may be increased [[up to the maximum density or FAR allowed  
8 in the zone]] for any development that contains an MPDU density bonus under [to  
9 accommodate the construction of Moderately Priced Dwelling Units in accordance  
10 with] Chapter 25A.

11           (a)       **Standard method of development.** The standard method requires  
12 compliance with a specific set of development standards and permits a  
13 range of uses and a density compatible with these standards. If  
14 residential uses are included in a development, [the number of]  
15 moderately priced dwelling units must be [at least 12.5 percent of the  
16 total number of dwelling units] provided in accordance with Chapter  
17 25A. If an MPDU density bonus is [[allowed under Chapter 25A]]  
18 requested, the number of dwelling units or residential FAR may be  
19 increased within the guidelines of Chapter 25A [[as necessary]] to  
20 achieve any applicable density bonus on-site.

21           (b)       **Optional method.** Under the optional method greater densities may be  
22 permitted and there are fewer specific standards, but certain public  
23 facilities and amenities must be provided by the developer. The presence  
24 of these facilities and amenities is intended to make possible the creation  
25 of an environment capable of supporting the greater densities and  
26 intensities of development permitted. If residential uses are included in a  
27 development, [the number of] moderately priced dwelling units must be

[at least 12.5 percent of the total number of dwelling units] provided in accordance with Chapter 25A. If an MPDU density bonus is [[allowed under Chapter 25A]]requested, the number of dwelling units or residential FAR may be increased within the guidelines of Chapter 25A [[as necessary]] to achieve any applicable density bonus on site. The procedure for [the] approval of [the use of the] an optional method project is [set forth] specified in Division 59-D-2, and the procedure for approval of a site plan[s must be submitted and approved in accordance with] is specified in Division 59-D-3.

\* \* \*

**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] zone, are [set forth] specified in this section.<sup>8</sup>

	CBD-0.5		CBD-R1 <sup>2</sup>		CBD-1		CBD-2		CBD-3		CBD-R2	
	S <sup>9</sup>	O	S	O	S <sup>9</sup>	O	S	O	S <sup>9</sup>	O	S	O
* * *												
<b>59-C-6.233. Minimum Public Use Space (percent of net lot area):<sup>15</sup></b>	10	20	10	20 <sup>16</sup>	10	20 <sup>20</sup>	10	20	10	20	10	20
-[If special regulations concerning moderately priced dwelling units set forth in section 59-C-6.215(a) are used this may be reduced to:] <u>The required standard method public use space may be reduced for any project as necessary to achieve any applicable MPDUs under Chapter 25A on-site to:</u>	<u>5</u>		<u>5</u>		5		5		5		<u>5</u>	



49           **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the  
50 date of Council adoption.

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52 This is a correct copy of Council action.

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57 Mary A. Edgar, CMC

58 Clerk of the Council