


Public Hearing

MEMORANDUM

September 7, 2018

TO: County Council

FROM: Jeffrey L. Zyontz,  Senior Legislative Analyst

SUBJECT: Zoning Text Amendment 18-06, MPDU - Bonus Density

PURPOSE: Receive testimony on ZTA 18-06

When the Planning, Housing, and Economic Development (PHED) Committee considered Bill 34-17 on June 11, the Committee recommended deleting the inappropriately-placed bonus density table in Chapter 25A. The Committee recommended placing all bonus density provisions in the zoning code. A ZTA is necessary to implement the Committee-recommended revisions to Chapter 25A. Councilmember Floreen is the lead sponsor of ZTA 18-06.

ZTA 18-06 would revise or establish Moderately Priced Dwelling Unit (MPDU) bonus density standards for certain Residential, Commercial/Residential, Employment, and Overlay zones and would generally amend provisions concerning MPDUs in the Zoning Ordinance. ZTA 18-06 uses the standards for bonus density currently in Chapter 25A and amends the Zoning Ordinance accordingly. The first 15% of MPDUs in a project would allow bonus density for the project up to a maximum bonus density of 22%. ZTA 18-06 would also apply a bonus density provision to optional method development in the R-200, R-90, R-60, R-40, and TLD zones. Under ZTA 18-06, bonus density would not be limited to the "usable area" of the site.

In a memorandum to Councilmembers dated August 24, 2018 and shared with the Planning Board, Councilmember Floreen indicated her recommendation to amend ZTA 18-06 from the introduced text. She proposes 3 bonus density rates: 0.88% bonus for every 0.1% MPDUs above 12.5%; 0.16% bonus for every 0.1% MPDUs above 15% but less than 20%; and 0.1% bonus for every 0.1% MPDUs above 20%, with no upper limit. Maximum density bonuses would be deleted under her recommendation. Councilmember Floreen also recommends allowing the Planning Board to grant public benefit points for all MPDUs above 12.5%, even if more than 12.5% MPDUs are required by law.

The Planning, Housing, and Economic Development Committee has tentatively scheduled a worksession on ZTA 18-06 for September 20.

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ZTA 18-06	1 – 19
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Zoning Text Amendment No.: 18-06  
Concerning: MPDU - Bonus Density  
Draft No. & Date: 2 - 6/13/18  
Introduced: June 19, 2018  
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**

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Lead Sponsor: Councilmember Floreen

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- revise or establish Moderately-Priced Dwelling Unit (MPDU) density bonus standards for certain Residential, Commercial/Residential, Employment, and Overlay zones; and
- generally amend provisions concerning MPDUs

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

DIVISION 4.4.	“Residential Zones”
Section 4.4.7.	“Residential - 200 Zone (R-200)”
Section 4.4.8.	“Residential - 90 Zone (R-90)”
Section 4.4.9.	“Residential - 60 Zone (R-60)”
Section 4.4.10.	“Residential - 40 Zone (R-40)”
Section 4.4.11.	“Townhouse Low Density Zone (TLD)”
Section 4.4.12.	“Townhouse Medium Density Zone (TMD)”
Section 4.4.13.	“Townhouse High Density Zone (THD)”
Section 4.4.14.	“Residential Multi-Unit Low Density - 30 Zone (R-30)”
Section 4.4.15.	“Residential Multi-Unit Medium Density - 20 Zone (R-20)”
Section 4.4.16.	“Residential Multi-Unit High Density - 10 Zone (R-10)”
DIVISION 4.5.	“Commercial/Residential Zones”
Section 4.5.2.	“Density and Height Allocation”
Section 4.5.4.	“Optional Method Development”
DIVISION 4.6.	“Employment Zones”
Section 4.6.2.	“Density and Height Allocation”
Section 4.6.4.	“Optional Method Development”
DIVISION 4.7.	“Optional Method Public Benefits”
Section 4.7.3.	“Public Benefit Descriptions and Criteria”
DIVISION 4.9.	“Overlay Zones”
Section 4.9.17.	“Transferable Development Rights (TDR) Overlay Zone”

**EXPLANATION:** *Boldface indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[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.*  
*[[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 59-4.4 is amended as follows:**

**Division 4.4. Residential Zones**

\* \* \*

**Section 4.4.7. Residential - 200 Zone (R-200)**

\* \* \*

**C. R-200 Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>Dimensions (min)</b>				
Usable area	9 acres			5 acres
<b>Specification for Site under MPDU Development</b>				
a. In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 40%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.				
<b>Specification for Site under Cluster Development</b>				
* * *				
<b>Density (max)</b>				
Density (units/acre [of usable area])	[2.44]2.66			2
<b>Specification for Density</b>				
<u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.7.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.7.C.1.</u>				

\* \* \*

**Section 4.4.8. Residential - 90 Zone (R-90)**

\* \* \*

**C. R-90 Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Dimensions (min)						
Usable area	5 acres			5 acres		
<b>Specification for Site under MPDU Development</b>						
a. In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 50%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.						
<b>Specification for Site under Cluster Development</b>						
* * *						
Density (max)						
Density (units/acre [of usable area])	[4.39]5.90			3.6		
<b>Specification for Density</b>						
<u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.8.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.8.C.1.</u>						

11 \* \* \*

12 **Section 4.4.9. Residential - 60 Zone (R-60)**

13 \* \* \*

14 **C. R-60 Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Dimensions (min)						
Usable area	3 acres			5 acres		
<b>Specification for Site under MPDU Development</b>						
a. In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 60%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.						
<b>Specification for Site under Cluster Development</b>						
* * *						
Density (max)						
Density (units/acre [of usable area])	[6.1]8.86			5		
<b>Specification for Density</b>						
<u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.9.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.9.C.1.</u>						

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\* \* \*

16 **Section 4.4.10. Residential - 40 Zone (R-40)**

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\* \* \*

18 **C. R-40 Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	3 acres		
Density (max)			
Density (units/acre [of usable area])	[10.12]13.29		
<b><u>Specification for Density</u></b>			
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.10.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.10.C.1.</p>			

19 \* \* \*

20 **Section 4.4.11. Townhouse Low Density Zone (TLD)**

21 \* \* \*

22 **C. TLD Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	20,000 SF		
Density (max)			
Density (units/acre [of usable area])	[9.76]11.07		
<b><u>Specification for Density</u></b>			
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.11.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.11.C.1.</p>			

23 \* \* \*

24 **Section 4.4.12. Townhouse Medium Density Zone (TMD)**

25 \* \* \*

26 **C. TMD Zone, Optional Method Development Standards**



1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
<b>Dimensions (min)</b>			
Usable area	20,000 SF		
<b>Density (max)</b>			
Density (units/acre [of usable area])	[15.25]14.76		
<b><u>Specification for Density</u></b>			
<p><u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.12.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.12.C.1.</u></p>			

27 \* \* \*

28 **Section 4.4.13. Townhouse High Density Zone (THD)**

29 \* \* \*

30 **C. THD Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
<b>Dimensions (min)</b>			
Usable area	39,200 SF		
<b>Density (max)</b>			
Density (units/acre [of usable area])	[18.30]18.32		
<b><u>Specification for Density</u></b>			
<p><u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.13.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.13.C.1.</u></p>			

31 \* \* \*

32 **Section 4.4.14. Residential Multi-Unit Low Density - 30 Zone (R-30)**

33 \* \* \*

34 **C. R-30 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Usable area	11,700 SF			
Density (max)				
Density (units/acre [of usable area])	17.69			
<b>Specification for Density</b>				
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.14.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.14.C.1.</p>				

35 \* \* \*

36 **Section 4.4.15. Residential Multi-Unit Medium Density - 20 Zone (R-20)**

37 \* \* \*

38 **C. R-20 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Usable area	15,600 SF			
Density (max)				
Density (units/acre [of usable area])	26.47			
<b>Specification for Density</b>				
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.15.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.15.C.1.</p>				

39 \* \* \*

40 **Section 4.4.16. Residential Multi-Unit High Density - 10 Zone (R-10)**

41 \* \* \*

42 **C. R-10 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
<b>Dimensions (min)</b>				
Usable area	20,000 SF			
<b>Density (max)</b>				
Density (units/acre [of usable area])	53.07			
<b><u>Specification for Density</u></b>				
<u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.16.B.2 plus an increase of .88% for each .1% increase in MPDUs above 12.5%. The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.16.C.1.</u>				

43 \* \* \*

44 **Sec. 2. DIVISION 59-4.5 is amended as follows:**

45 **Division 4.5. Commercial/Residential Zones**

46 \* \* \*

47 **Section 4.5.2. Density and Height Allocation**

48 **A. Density and Height Limits**

- 49 1. Density is calculated as an allowed floor area ratio (FAR).
- 50 2. Each CRN, CRT, and CR zone classification is followed by a number  
51 and a sequence of 3 additional symbols: C, R, and H, each followed  
52 by another number where:
- 53 a. The number following the classification is the maximum total  
54 FAR allowed unless additional FAR is allowed under Section  
55 4.5.2.C or Section [4.7.3.D.6.c]4.5.2.D;
- 56 b. The number following the C is the maximum nonresidential

- 57 FAR allowed;
- 58 c. The number following the R is the maximum residential FAR
- 59 allowed unless additional residential FAR is allowed under
- 60 Section 4.5.2.C or Section [4.7.3.D.6.c]4.5.2.D; and
- 61 d. The number following the H is the maximum building height in
- 62 feet allowed unless additional height is allowed under Section
- 63 4.5.2.C, Section [4.7.3.D.6.c]4.5.2.D, or Section 4.5.2.A.2.e.
- 64 e. With Planning Board approval, any Optional Method project in
- 65 a CR zone that includes the provision of a major public facility
- 66 under Section 4.7.3.A may add the height of any floor mostly
- 67 used for above grade parking to the maximum height otherwise
- 68 allowed, when the major public facility diminishes the ability of
- 69 the applicant to provide parking at or below grade.
- 70 3. The following limits apply unless additional total FAR, residential
- 71 FAR, or height is allowed under Section 4.5.2.C, Section
- 72 [4.7.3.D.6.c]4.5.2.D, or Section 4.5.2.A.2.e:

73 \* \* \*

74 **C. Development with Moderately Priced Dwelling Units**

75 For any application that includes more than 12.5% of the gross residential

76 floor area as Moderately Priced Dwelling Units (MPDUs), qualified under

77 Chapter 25A, the following provisions apply:

- 78 1. Residential density equals the mapped residential FAR plus an
- 79 increase of .88% for each .1% increase in MPDUs above 12.5%.
- 80 2. The increased residential density under this provision is limited to the
- 81 first 15% of MPDUs in the project.
- 82 3. To achieve an increase in density under Section 4.5.2.C, at least one
- 83 more MPDU than would be required at 12.5% must be provided.

- 84        4.    The floor area counted as MPDU floor area includes a proportional  
85            share of the gross floor area not devoted to residential units.
- 86        5.    The height limit of the applicable zone and master plan does not apply  
87            to the extent required to provide the MPDUs. The additional height is  
88            calculated as the floor area provided for MPDUs above 12.5% divided  
89            by the average residential floor plate area, where each whole number  
90            and each remaining fraction allows an increase of 12 feet.

91    **[C]D. Special Provisions for "T" Zones Translated from Certain Zones**

92            **Existing Before October 30, 2014**

- 93        1.    These special provisions apply to certain properties rezoned by  
94            District Map Amendment to implement this Chapter and are indicated  
95            on the zoning map as the zoning classification followed by a T, such  
96            as "CR2.0 C1.5 R1.5 H75 T".
- 97        2.    For Commercial/Residential-zoned properties designated with a T, the  
98            following provisions apply:
- 99            a.    Residential density may be increased above the number  
100            following the R on the zoning map in proportion to:
- 101            i.    any MPDU density bonus achieved under Section 4.5.2.C  
102            [Chapter 25A for providing more than 12.5% of the  
103            residential units as Moderately Priced Dwelling Units  
104            (MPDUs), qualified under Chapter 25A]; or
- 105            ii.   any workforce housing floor area that satisfies Chapter  
106            25B; however, the increased residential density under  
107            this provision is limited to 10% of the floor area  
108            indicated on the zoning map.

- 109 [b. Total density may be increased above the number following the  
110 zoning classification on the zoning map by an amount equal to  
111 the residential floor area allowed under Sec 4.5.2.D.2.a.
- 112 c. In any case, to achieve a density bonus under Section 4.5.2.C.2,  
113 at least one more MPDU than would be required at 12.5% must  
114 be provided.]
- 115 [d]b. On a property within a designated central business district  
116 mapped at a height up to 145 feet, height may be increased  
117 above the number following the H on the zoning map by up to  
118 1.5 times if:
- 119 i. the height is the minimum necessary for both:
- 120 (A) the floor area devoted to a publicly owned or  
121 operated facility; plus
- 122 (B) the floor area provided for workforce housing  
123 units, divided by the average residential floor plate  
124 area, where each whole number and each  
125 remaining fraction allows an increase of 12 feet; or
- 126 ii. additional height is specifically recommended for the  
127 provision of MPDUs above 12.5% in an applicable  
128 master plan.
- 129 [e]c. Property within a designated central business district and not  
130 located in a designated density transfer area[,] is exempt from  
131 Section 4.5.2.B.2.d.
- 132 [f]d. Height on a portion of a building may be increased above the  
133 number following the H on the zoning map so long as the  
134 average height of the building is no greater than the maximum  
135 height allowed by the mapped zone. Average building height is

136 calculated as the sum of the area of each section of the roof  
137 having a different height multiplied by that height, divided by  
138 the total roof area. Height is measured at the midpoint of each  
139 roof section along each frontage.

140 [g]e. Any density or height increases under Section 4.5.2.C or  
141 4.5.2.D requires site plan approval under Section 7.3.4.

142 \* \* \*

143 **Section 4.5.4. Optional Method Development**

144 The CRT and CR zone allow development under the optional method.

145 \* \* \*

146 **B. Development Standards**

147 \* \* \*

148 2. Lot, Density, and Height

149 a. Lot standards for detached house, duplex, and townhouse  
150 building types are determined by the site plan approval process  
151 under Section 7.3.4.

152 b. The maximum total, nonresidential, and residential FARs and  
153 the maximum height are established by the mapped zone unless  
154 increased under Section 4.5.2.C and Section  
155 [4.7.3.D.6.c]4.5.2.D.

156 c. In the CR zone, a designated historic resource that does not  
157 occupy more than 10% of the gross floor area is excluded from  
158 the FAR calculation.

159 \* \* \*

160 **Sec. 3. DIVISION 59-4.6 is amended as follows:**

161 **Division 4.6. Employment Zones**

162 \* \* \*

163 **Section 4.6.2. Density and Height Allocation**

164 **A. Density and Height Limits**

- 165 1. Density is calculated as an allowed floor area ratio (FAR).  
166 2. Each GR, NR, LSC, and EOF zone classification is followed by a  
167 number and symbol: H, which is followed by another number where:  
168 a. The number following the classification is the maximum total  
169 FAR allowed unless additional FAR is allowed under Section  
170 4.6.2.C or Section [4.7.3.D.6.c]4.6.2.D; and  
171 b. The number following the H is the maximum building height in  
172 feet allowed unless additional height is allowed under Section  
173 [4.7.3.D.6.c]4.6.2.C.  
174 3. The following limits apply unless additional total FAR, residential  
175 FAR, or height is allowed under Section 4.6.2.C and Section  
176 [4.7.3.D.6.c]4.6.2.D.

177 \* \* \*

178 **C. Development with Moderately Priced Dwelling Units**

179 For any application that includes more than 12.5% of the gross residential  
180 floor area as Moderately Priced Dwelling Units (MPDUs), qualified under  
181 Chapter 25A, the following provisions apply:

- 182 1. Residential density equals the maximum residential density allowed in  
183 the zone plus an increase of .88% for each .1% increase in MPDUs  
184 above 12.5%.  
185 2. The increased residential density under this provision is limited to the  
186 first 15% of MPDUs in a project.  
187 3. To achieve an increase in density under Section 4.6.2.C, at least one  
188 more MPDU than would be required at 12.5% must be provided.



189        4.    The floor area counted as MPDU floor area includes a proportional  
190            share of the gross floor area not devoted to residential units.

191        5.    The height limit of the applicable zone and master plan does not apply  
192            to the extent required to provide the MPDUs. The additional height is  
193            calculated as the floor area provided for MPDUs above 12.5% divided  
194            by the average residential floor plate area, where each whole number  
195            and each remaining fraction allows an increase of 12 feet.

196    \*   \*   \*

197    **[C]D. Special Provisions for "T" Zones Translated from Certain Zones**  
198            **Existing Before October 30, 2014**

199        1.    These special provisions apply to certain properties rezoned by  
200            District Map Amendment to implement this Chapter and are indicated  
201            on the zoning map as the zoning classification followed by a T, such  
202            as "EOF2.0 H60 T".

203        2.    For Employment-zoned properties designated with a T, the following  
204            provisions apply:

205            a.    [Residential density may be increased above the maximum  
206            allowed in the zone in proportion to any MPDU density bonus  
207            achieved under Chapter 25A for providing more than 12.5% of  
208            the residential units as Moderately Priced Dwelling Units  
209            (MPDUs).

210            b.]   In the LSC zone, to allow construction of all workforce housing  
211            units on-site, residential density may be increased by a  
212            maximum of 5% and building height may be increased up to a  
213            maximum building height of 200 feet. Density and building  
214            height may only be increased to the extent required for the  
215            number of workforce housing units that are constructed.

216 [c. In any case, to achieve a density bonus under Section 4.6.2.C.2,  
217 at least one more MPDU than would be required at 12.5% must  
218 be provided.

219 d]b. Any density increase under Section 4.6.2.C requires site plan  
220 approval under Section 7.3.4.

221 \* \* \*

222 **Section 4.6.4. Optional Method Development**

223 The LSC and EOF zone allow development under the optional method.

224 \* \* \*

225 **B. Development Standards**

226 \* \* \*

227 **2. Lot, Density, and Height**

228 a. Lot standards for detached house, duplex, and townhouse  
229 building types are established by the site plan approval process.

230 b. The maximum total FAR and the maximum height are  
231 established by the mapped zone unless increased under Section  
232 [4.7.3.D.6.c]4.6.2.C or Section 4.6.2.D.

233 c. In the GR, NR, and EOF zones, gross floor area of all  
234 Household Living uses is limited to 30% of the gross floor area  
235 on the subject site.

236 \* \* \*

237 **Sec. 4. DIVISION 59-4.7 is amended as follows:**

238 **Division 4.7. Optional Method Public Benefits**

239 \* \* \*

240 **Section 4.7.3. Public Benefit Descriptions and Criteria**

241 \* \* \*

242 **D. Diversity of Uses and Activities**

243 \* \* \*

244 **6. Moderately Priced Dwelling Units:** There is no limitation on the  
245 number of points for providing more than 12.5% of the residential  
246 units as MPDUs as required under Chapter 25A.

247 [a.] Points are calculated as follows:

248 [i]a. 12 points are granted for every 1% of MPDUs greater than  
249 12.5%. Any fraction of 1% increase in MPDUs entitles the  
250 applicant to an equal fraction of 12 points.

251 [ii]b. An additional 2 points are granted for every 1% of 2-bedroom  
252 MPDUs not otherwise required.

253 [iii]c. An additional 5 points are granted for every 1% of 3-bedroom  
254 MPDUs.

255 [iv]d. In any case, for [density and] points to be awarded, at least one  
256 more MPDU than would be required at 12.5% must be provided  
257 to take advantage of the MPDU public benefit points in any  
258 zone.

259 [v]e. For a project providing a minimum of 15% MPDUs, one less  
260 benefit category than is required under Section 4.5.4.A.2 and  
261 Section 4.6.4.A.2 must be satisfied. A project that provides a  
262 minimum of 20% MPDUs does not have to satisfy any other  
263 benefit category under Section 4.5.4.A.2 and Section 4.6.4.A.2.

264 [b. In a zone with a "T" designation, if a project exceeds 12.5%  
265 MPDUs, residential density may be increased under  
266 Section 4.5.2.C in the Commercial/Residential zones or under  
267 Section 4.6.2.C in the Employment zones.

268 c. In a zone without a "T" designation:

269 i. If a project exceeds 12.5% MPDUs, the height limit of

270 the applicable zone and master plan does not apply to the  
271 extent required to provide the MPDUs. The additional  
272 height is calculated as the floor area provided for MPDUs  
273 above 12.5% divided by the average residential floor  
274 plate area, where each whole number and each remaining  
275 fraction allows an increase of 12 feet.

276 ii. For a project providing less than 15% MPDUs, the gross  
277 floor area of any MPDUs provided above 12.5% is  
278 exempt from the calculation of FAR.

279 iii. For a project providing a minimum of 15% MPDUs, the  
280 gross floor area of all MPDUs provided is exempt from  
281 the calculation of FAR.]

282 \* \* \*

283 **Sec. 5. DIVISION 59-4.9 is amended as follows:**

284 **Division 4.9. Overlay Zones**

285 \* \* \*

286 **Section 4.9.17. Transferable Development Rights (TDR) Overlay Zone**

287 \* \* \*

288 **B. Optional Method**

289 **1. In General**

290 The TDR Overlay optional method of development permits an  
291 increase in the maximum residential density, if the development  
292 satisfies the requirements for optional method development using  
293 Transferable Development Rights under Section 4.9.17.B.

294 \* \* \*

295 **d. Development with Moderately Priced Dwelling Units**

296 i. A property developed under Section 4.9.17.B must

- 297 satisfy Chapter 25A.
- 298 ii. [A density bonus allowed under Chapter 25A] Any
- 299 increase in density allowed under the optional method of
- 300 development for the provision of MPDUs is calculated
- 301 after the base density of the property has been increased
- 302 under Section 4.9.17.B through TDRs.
- 303 iii. In a Rural Residential or Residential zone with a TDR
- 304 density designation of less than three units per acre,
- 305 development using TDRs and providing MPDUs above
- 306 12.5% must follow the requirements under optional
- 307 method MPDU Development. Any other optional method
- 308 development in a Rural Residential or Residential zone
- 309 must satisfy the requirements of Section 4.9.16.B.

310 \* \* \*

311 **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the

312 date of Council adoption.

313

314 This is a correct copy of Council action.

315

316

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317 Megan Davey Limarzi, Esq.  
318 Clerk of the Council



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

NANCY FLOREEN  
COUNCILMEMBER AT-LARGE

MEMORANDUM

August 24, 2018

TO: Councilmembers  
FROM: Councilmember *NF* Nancy Floreen  
SUBJECT: Amendments to ZTA 18-06

I am introducing some amendments to ZTA 18-06 - Bonus Density, and I wanted you and the public to be aware of them in time for the public hearing on September 11. This way, we will have an opportunity to hear what community members think of the amendments as well as of the ZTA as introduced.

My goal is to try to shape the ZTA so that we maximize the number of MPDUs that our developments provide. Giving developers extra density in exchange for giving us more MPDUs has been a successful approach in the past. At the same time, we now have a mixture of systems for calculating how much bonus density developments earn depending on the zone and the number of MPDUs.

The amendments I'm proposing bring order to that system by building on what we do now and incorporating it into a chart that will be an easy reference for the community, the homebuilding industry, and the staff. That chart is attached.

Embedded in the chart are three different approaches:

1. For developments providing 12.6-15% MPDUs, use the same ratio of MPDUs to bonus market rate units we use now, a factor of .88% bonus density for every .1 increase in the percentage of MPDUs provided above 12.5%. For example, a development providing 12.6% MPDUs would earn a bonus density of .88% market units.

2. For developments providing 15.1-20% MPDUs, the density bonus allows for a bonus of .16% for every .1% increase in MPDUs provided above 15%. Thus, for developments providing 15.1-20% MPDUs, density may increase by 22% (the bonus for 15% MPDUs) plus .16% for each .1% increase in MPDUs over 15% up to 20%. Collaboration among Planning Staff, my staff and the industry resulted in a consensus around the new factor, .16%, which results in a 30% bonus density for projects providing 20% MPDUs.

3. For developments providing more than 20% MPDUs, I propose using a system built on what we use today in the C/R zones. In the C/R zones, for each additional square foot of MPDUs provided beyond 12.5%, a development receives an equivalent increase in density to use for market rate units. In this ZTA, that one-for-one ratio becomes the basis for the amount of additional density allowed for developments that provide more than 20% MPDUs.

My amendments will also include removing the cap on bonus density where it exists today. Current law puts no cap on bonus density for providing MPDUs in the C/R zones. We want to increase the number of MPDUs, so I believe that there should be no cap in any zone. In non-multi-family zones, the physical constraints on the property will form an effective limit on density, even without a cap.

One more change would permit developments in the C/R zones to earn public benefit points for providing more than 12.5% MPDUs, even in areas in which they are required to provide 15% MPDUs, except for the Bethesda Overlay Zone. My reasoning for this change is that we want to make it feasible for developments to provide as many MPDUs as possible. We are requiring 15% MPDUs in those areas where we have the biggest need for affordable housing. I want us also to encourage developments that are required to provide the higher percentage of MPDUs by enabling them to obtain the needed public benefit points.

I look forward to our continuing discussions on this important ZTA and welcome your input. I also hope that I can count on your support for continuing to provide incentives that give us the affordable housing our residents need.

cc: Clarence Snuggs, Director, DHCA  
Stephanie Killian, Manager, DHCA  
Lisa Schwartz, Sr. Planning Specialist, DHCA  
Marlene Michaelson, Executive Director, County Council  
Jeff Zyontz, County Council  
Linda McMillan, County Council  
Josh Hamlin, County Council

Zoning Text Amendment No.: 18-06  
Concerning: MPDU- Bonus Density  
Draft No. & Date: 2 - 8/21/18  
Introduced:  
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**

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Lead Sponsor: Councilmember Floreen

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- revise or establish Moderately-Priced Dwelling Unit (MPDU) density bonus standards for certain Residential, Commercial/Residential, Employment, and Overlay zones; and
- generally amend provisions concerning MPDUs

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

DIVISION 4.4.	“Residential Zones”
Section 4.4.7.	“Residential - 200 Zone (R-200)”
Section 4.4.8.	“Residential - 90 Zone (R-90)”
Section 4.4.9.	“Residential - 60 Zone (R-60)”
Section 4.4.10.	“Residential - 40 Zone (R-40)”
Section 4.4.11.	“Townhouse Low Density Zone (TLD)”
Section 4.4.12.	“Townhouse Medium Density Zone (TMD)”
Section 4.4.13.	“Townhouse High Density Zone (THD)”
Section 4.4.14.	“Residential Multi-Unit Low Density - 30 Zone (R-30)”
Section 4.4.15.	“Residential Multi-Unit Medium Density - 20 Zone (R-20)”
Section 4.4.16.	“Residential Multi-Unit High Density - 10 Zone (R-10)”
DIVISION 4.5.	“Commercial/Residential Zones”
Section 4.5.2.	“Density and Height Allocation”
Section 4.5.4.	“Optional Method Development”
DIVISION 4.6.	“Employment Zones”
Section 4.6.2.	“Density and Height Allocation”
Section 4.6.4.	“Optional Method Development”
DIVISION 4.7.	“Optional Method Public Benefits”
<u>Section 4.7.1</u>	<u>“General Provisions”</u>
Section 4.7.3.	“Public Benefit Descriptions and Criteria”
DIVISION 4.9.	“Overlay Zones”
Section 4.9.17.	“Transferable Development Rights (TDR) Overlay Zone”



**EXPLANATION:** *Boldface indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[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.*  
*[[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 59-4.4 is amended as follows:**

2   **Division 4.4. Residential Zones**

3   \*   \*   \*

4   **Section 4.4.7. Residential - 200 Zone (R-200)**

5   \*   \*   \*

6   **C.    R-200 Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>Dimensions (min)</b>				
Usable area	9 acres			5 acres
<b>Specification for Site under MPDU Development</b>				
a. In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 40%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.				
<b>Specification for Site under Cluster Development</b>				
* * *				
<b>Density (max)</b>				
Density (units/acre [of usable area])	[2.44][[2.66]] <u>See Specification for Density</u>			2
<b>Specification for Density</b>				
<p><u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.7.B. [[2]]1 plus an increase of:</u></p> <p><u>a. .88% for each .1% increase in MPDUs above 12.5% up to and including 15%,</u></p> <p><u>b. 22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or</u></p> <p><u>c. 30% plus .1% for each .1% increase in MPDUs above 20%.</u></p> <p><u>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.7.C.1.]]</u></p>				

7   \*   \*   \*

8   **Section 4.4.8. Residential - 90 Zone (R-90)**

9   \*   \*   \*

10 **C. R-90 Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Dimensions (min)						
Usable area	5 acres			5 acres		
<b>Specification for Site under MPDU Development</b>						
a. In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 50%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.						
<b>Specification for Site under Cluster Development</b>						
* * *						
Density (max)						
Density (units/acre [of usable area])	[4.39][[5.90]] <u>See Specification for Density</u>			3.6		
<b>Specification for Density</b>						
The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.8.B. <del>[[2]]</del> 1 plus an increase of: <ul style="list-style-type: none"> <li>a. <u>.88% for each .1% increase in MPDUs above 12.5% up to and including 15%.</u></li> <li>b. <u>22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or</u></li> <li>c. <u>30% plus .1% for each .1% increase in MPDUs above 20%.</u></li> </ul> [[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.8.C.1.]]						

11 \* \* \*

12 **Section 4.4.9. Residential - 60 Zone (R-60)**

13 \* \* \*

14 **C. R-60 Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Dimensions (min)						
Usable area	3 acres			5 acres		
<b>Specification for Site under MPDU Development</b>						
a. In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 60%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.						
<b>Specification for Site under Cluster Development</b>						
* * *						
Density (max)						
Density (units/acre [of usable area])	[6.1][[8.86]] <u>See Specification for Density</u>			5		
<b>Specification for Density</b>						
<p><u>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.9.B. [[2]]1 plus an increase of:</u></p> <p>a. <u>.88% for each .1% increase in MPDUs above 12.5% up to and including 15%,</u>  b. <u>22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or</u>  c. <u>30% plus .1% for each .1% increase in MPDUs above 20%.</u></p> <p><u>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.9.C.1.]]</u></p>						

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**Section 4.4.10. Residential - 40 Zone (R-40)**

**C. R-40 Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	3 acres		
Density (max)			
Density (units/acre [of usable area])	[10.12][[13.29]]See Specification for Density		
<b><u>Specification for Density</u></b>			
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.10.B.2 plus an increase of:</p> <p>a. .88% for each .1% increase in MPDUs above 12.5% up to and including 15%,</p> <p>b. 22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or</p> <p>c. 30% plus .1% for each .1% increase in MPDUs above 20%.</p> <p>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.10.C.1.]]</p>			

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**Section 4.4.11. Townhouse Low Density Zone (TLD)**

\* \* \*

**C. TLD Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	20,000 SF		
Density (max)			
Density (units/acre [of usable area])	[9.76][[11.07]]See Specification for Density		
<b><u>Specification for Density</u></b>			
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.11.B.2 plus an increase of:</p> <p>a. .88% for each .1% increase in MPDUs above 12.5% up to and including 15%,</p> <p>b. 22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or</p> <p>c. 30% plus .1% for each .1% increase in MPDUs above 20%.</p> <p>[[The maximum density allowed under this provision may not exceed the maximum density under</p>			

Sec. 4.4.11.C.1.]]

23 \* \* \*

24 **Section 4.4.12. Townhouse Medium Density Zone (TMD)**

25 \* \* \*

26 **C. TMD Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	20,000 SF		
Density (max)			
Density (units/acre [of usable area])	[15.25][[14.76]] <u>See Specification for Density</u>		
<b><u>Specification for Density</u></b>			
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.12.B.2 plus an increase of:</p> <ul style="list-style-type: none"> <li>a. .88% for each .1% increase in MPDUs above 12.5% up to and including 15%,</li> <li>b. 22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or</li> <li>c. 30% plus .1% for each .1% increase in MPDUs above 20%.</li> </ul> <p>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.12.C.1.]]</p>			

27 \* \* \*

28 **Section 4.4.13. Townhouse High Density Zone (THD)**

29 \* \* \*

30 **C. THD Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	39,200 SF		
Density (max)			
Density (units/acre [of usable area])	[18.30][[18.32]] <u>See Specification for Density</u>		
<b><u>Specification for Density</u></b>			
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed</p>			

under Sec. 4.4.13.B.2 plus an increase of:

- a. .88% for each .1% increase in MPDUs above 12.5% up to and including 15%.
- b. 22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or
- c. 30% plus .1% for each .1% increase in MPDUs above 20%.

[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.13.C.1.]]

31 \* \* \*

32 **Section 4.4.14. Residential Multi-Unit Low Density - 30 Zone (R-30)**

33 \* \* \*

34 **C. R-30 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Usable area	11,700 SF			
Density (max)				
Density (units/acre [of usable area])	[17.69]See Specification for Density			
<b><u>Specification for Density</u></b>				
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.14.B.2 plus an increase of:</p> <ul style="list-style-type: none"> <li>a. .88% for each .1% increase in MPDUs above 12.5% up to and including 15%.</li> <li>b. 22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or</li> <li>c. 30% plus .1% for each .1% increase in MPDUs above 20%.</li> </ul> <p>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.14.C.1.]]</p>				

35 \* \* \*

36 **Section 4.4.15. Residential Multi-Unit Medium Density - 20 Zone (R-20)**

37 \* \* \*

38 **C. R-20 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Usable area	15,600 SF			

<b>Density (max)</b>	
Density (units/acre [of usable area])	[26.47]See Specification for Density
<b><u>Specification for Density</u></b>	
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.15.B.2 plus an increase of:</p> <ul style="list-style-type: none"> <li>a. .88% for each .1% increase in MPDUs above 12.5% up to and including 15%.</li> <li>b. 22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or</li> <li>c. 30% plus .1% for each .1% increase in MPDUs above 20%.</li> </ul> <p>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.15.C.1.]]</p>	

39 \* \* \*

40 **Section 4.4.16. Residential Multi-Unit High Density - 10 Zone (R-10)**

41 \* \* \*

42 **C. R-10 Zone, Optional Method Development Standards**

	<b>MPDU Development</b>			
<b>1. Site</b>	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>	<b>Apartment</b>
<b>Dimensions (min)</b>				
Usable area	20,000 SF			
<b>Density (max)</b>				
Density (units/acre [of usable area])	[53.07]See Specification for Density			
<b><u>Specification for Density</u></b>				
<p>The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.16.B.2 plus an increase of:</p> <ul style="list-style-type: none"> <li>a. .88% for each .1% increase in MPDUs above 12.5% up to and including 15%.</li> <li>b. 22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or</li> <li>c. 30% plus .1% for each .1% increase in MPDUs above 20%.</li> </ul> <p>[[The maximum density allowed under this provision may not exceed the maximum density under Sec. 4.4.16.C.1.]]</p>				

43 \* \* \*

44 **Sec. 2. DIVISION 59-4.5 is amended as follows:**



45 **Division 4.5. Commercial/Residential Zones**

46 \* \* \*

47 **Section 4.5.2. Density and Height Allocation**

48 **A. Density and Height Limits**

- 49 1. Density is calculated as an allowed floor area ratio (FAR).
- 50 2. Each CRN, CRT, and CR zone classification is followed by a number  
51 and a sequence of 3 additional symbols: C, R, and H, each followed  
52 by another number where:
- 53 a. The number following the classification is the maximum total  
54 FAR allowed unless additional FAR is allowed under Section  
55 4.5.2.C or Section [4.7.3.D.6.c]4.5.2.D;
  - 56 b. The number following the C is the maximum nonresidential  
57 FAR allowed;
  - 58 c. The number following the R is the maximum residential FAR  
59 allowed unless additional residential FAR is allowed under  
60 Section 4.5.2.C or Section [4.7.3.D.6.c]4.5.2.D; and
  - 61 d. The number following the H is the maximum building height in  
62 feet allowed unless additional height is allowed under Section  
63 4.5.2.C, Section [4.7.3.D.6.c]4.5.2.D, or Section 4.5.2.A.2.e.
  - 64 e. With Planning Board approval, any Optional Method project in  
65 a CR zone that includes the provision of a major public facility  
66 under Section 4.7.3.A may add the height of any floor mostly  
67 used for above grade parking to the maximum height otherwise  
68 allowed, when the major public facility diminishes the ability of  
69 the applicant to provide parking at or below grade.
- 70 3. The following limits apply unless additional total FAR, residential  
71 FAR, or height is allowed under Section 4.5.2.C, Section

[4.7.3.D.6.c]4.5.2.D, or Section 4.5.2.A.2.e:

\* \* \*

**C. Development with Moderately Priced Dwelling Units**

For any application that includes more than 12.5% of the gross residential floor area as Moderately Priced Dwelling Units (MPDUs), qualified under Chapter 25A, the following provisions apply:

1. Residential density [[equals]] may be increased above the mapped residential FAR by: [plus an increase of .88% for each .1% increase in MPDUs above 12.5%]

a. .88% for each .1% increase in MPDUs above 12.5% up to and including 15%,

b. 22% plus .16% for each .1% increase in MPDUs above 15% up to and including 20%, or

c. 30% plus .1% for each .1% increase in MPDUs above 20%.

2. [[The increased residential density under this provision is limited to the first 15% of MPDUs in the project.]] Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density achieved under Sec. 4.5.2.C.1.

3. Any increase in density allowed under this section must be calculated after the base density of the property has been increased under Sec. 4.5.2.B for development using FAR Averaging.

[[3]]4. To achieve an increase in density under Section 4.5.2.C, at least one more MPDU than would be required at 12.5% must be provided.

[[4]]5. The floor area counted as MPDU floor area includes a proportional share of the gross floor area not devoted to residential units.



- 124 c. In any case, to achieve a density bonus under Section 4.5.2.C.2,  
125 at least one more MPDU than would be required at 12.5% must  
126 be provided.]
- 127 [d]b. On a property within a designated central business district  
128 mapped at a height up to 145 feet, height may be increased  
129 above the number following the H on the zoning map by up to  
130 1.5 times if:
- 131 i. the height is the minimum necessary for both:
- 132 (A) the floor area devoted to a publicly owned or  
133 operated facility; plus
- 134 (B) the floor area provided for workforce housing  
135 units, divided by the average residential floor plate  
136 area, where each whole number and each  
137 remaining fraction allows an increase of 12 feet; or
- 138 ii. additional height is specifically recommended for the  
139 provision of MPDUs above 12.5% in an applicable  
140 master plan.
- 141 [e]c. Property within a designated central business district and not  
142 located in a designated density transfer area[,] is exempt from  
143 Section 4.5.2.B.2.d.
- 144 [f]d. Height on a portion of a building may be increased above the  
145 number following the H on the zoning map so long as the  
146 average height of the building is no greater than the maximum  
147 height allowed by the mapped zone. Average building height is  
148 calculated as the sum of the area of each section of the roof  
149 having a different height multiplied by that height, divided by

150 the total roof area. Height is measured at the midpoint of each  
151 roof section along each frontage.

152 [g]e. Any density or height increases under Section 4.5.2.C or  
153 4.5.2.D requires site plan approval under Section 7.3.4.

154 \* \* \*

155 **Section 4.5.4. Optional Method Development**

156 The CRT and CR zone allow development under the optional method.

157 \* \* \*

158 **B. Development Standards**

159 \* \* \*

160 2. Lot, Density, and Height

161 a. Lot standards for detached house, duplex, and townhouse  
162 building types are determined by the site plan approval process  
163 under Section 7.3.4.

164 b. The maximum total, nonresidential, and residential FARs and  
165 the maximum height are established by the mapped zone unless  
166 increased under Section 4.5.2.C and Section  
167 [4.7.3.D.6.c]4.5.2.D.

168 c. In the CR zone, a designated historic resource that does not  
169 occupy more than 10% of the gross floor area is excluded from  
170 the FAR calculation.

171 \* \* \*

172 **Sec. 3. DIVISION 59-4.6 is amended as follows:**

173 **Division 4.6. Employment Zones**

174 \* \* \*

175 **Section 4.6.2. Density and Height Allocation**

176 **A. Density and Height Limits**

- 177 1. Density is calculated as an allowed floor area ratio (FAR).
- 178 2. Each GR, NR, LSC, and EOF zone classification is followed by a
- 179 number and symbol: H, which is followed by another number where:
- 180 a. The number following the classification is the maximum total
- 181 FAR allowed unless additional FAR is allowed under Section
- 182 4.6.2.C or Section [4.7.3.D.6.c]4.6.2.D; and
- 183 b. The number following the H is the maximum building height in
- 184 feet allowed unless additional height is allowed under Section
- 185 [4.7.3.D.6.c]4.6.2.C.
- 186 3. The following limits apply unless additional total FAR, residential
- 187 FAR, or height is allowed under Section 4.6.2.C and Section
- 188 [4.7.3.D.6.c]4.6.2.D.

189 \* \* \*

190 **C. Development with Moderately Priced Dwelling Units**

191 For any application that includes more than 12.5% of the gross residential

192 floor area as Moderately Priced Dwelling Units (MPDUs), qualified under

193 Chapter 25A, the following provisions apply:

- 194 1. Residential density [[equals]] may be increased above the mapped
- 195 residential FAR by: [plus an increase of .88% for each .1% increase in
- 196 MPDUs above 12.5%]
- 197 a. .88% for each .1% increase in MPDUs above 12.5% up to and
- 198 including 15%.
- 199 b. 22% plus .16% for each .1% increase in MPDUs above 15% up to
- 200 and including 20%, or
- 201 c. 30% plus .1% for each .1% increase in MPDUs above 20%.
- 202 2. [[The increased residential density under this provision is limited to
- 203 the first 15% of MPDUs in a project.]] Total density may be increased

204 above the number following the zoning classification on the zoning  
205 map by an amount equal to the residential density achieved under Sec.  
206 4.6.2.C.1.

207 3. Any increase in density allowed under this section must be calculated  
208 after the base density of the property has been increased under Sec.  
209 4.6.2.B for development using FAR Averaging.

210 ~~[[3]]~~4. To achieve an increase in density under Section 4.6.2.C, at least one  
211 more MPDU than would be required at 12.5% must be provided.

212 ~~[[4]]~~5. The floor area counted as MPDU floor area includes a proportional  
213 share of the gross floor area not devoted to residential units.

214 ~~[[5]]~~6. The height limit of the applicable zone and master plan does not apply  
215 to the extent required to provide the MPDUs. The additional height is  
216 calculated as the floor area provided for MPDUs above 12.5% divided  
217 by the average residential floor plate area, where each whole number  
218 and each remaining fraction allows an increase of 12 feet.

219 \* \* \*

220 **[C]D. Special Provisions for "T" Zones Translated from Certain Zones**  
221 **Existing Before October 30, 2014**

222 1. These special provisions apply to certain properties rezoned by  
223 District Map Amendment to implement this Chapter and are indicated  
224 on the zoning map as the zoning classification followed by a T, such  
225 as "EOF2.0 H60 T".

226 2. For Employment-zoned properties designated with a T, the following  
227 provisions apply:

228 a. [Residential density may be increased above the maximum  
229 allowed in the zone in proportion to any MPDU density bonus  
230 achieved under Chapter 25A for providing more than 12.5% of

231 the residential units as Moderately Priced Dwelling Units  
232 (MPDUs).

233 b.) In the LSC zone, to allow construction of all workforce housing  
234 units on-site, residential density may be increased by a  
235 maximum of 5% and building height may be increased up to a  
236 maximum building height of 200 feet. Density and building  
237 height may only be increased to the extent required for the  
238 number of workforce housing units that are constructed.

239 [c. In any case, to achieve a density bonus under Section 4.6.2.C.2,  
240 at least one more MPDU than would be required at 12.5% must  
241 be provided.

242 d)b. Any density increase under Section 4.6.2.C requires site plan  
243 approval under Section 7.3.4.

244 \* \* \*

#### 245 **Section 4.6.4. Optional Method Development**

246 The LSC and EOF zone allow development under the optional method.

247 \* \* \*

#### 248 B. Development Standards

249 \* \* \*

#### 250 2. Lot, Density, and Height

251 a. Lot standards for detached house, duplex, and townhouse  
252 building types are established by the site plan approval process.

253 b. The maximum total FAR and the maximum height are  
254 established by the mapped zone unless increased under Section  
255 [4.7.3.D.6.c.]4.6.2.C or Section 4.6.2.D.

256 c. In the GR, NR, and EOF zones, gross floor area of all  
257 Household Living uses is limited to 30% of the gross floor area



258 on the subject site.

259 \* \* \*

260 **Sec. 4. DIVISION 59-4.7 is amended as follows:**

261 **Division 4.7. Optional Method Public Benefits**

262 \* \* \*

263 **Section 4.7.1. General Provisions**

264 \* \* \*

265 **B. General Public Benefit Considerations**

266 ~~[[Granting]]~~ Except for providing MPDUs exceeding 12.5% of a project's  
267 dwelling units, granting points as a public benefit for any amenity or project  
268 feature otherwise required by law is prohibited. In approving any incentive  
269 FAR based on the provision of public benefits, the Planning Board must  
270 consider:

271 \* \* \*

272 **Section 4.7.3. Public Benefit Descriptions and Criteria**

273 \* \* \*

274 **D. Diversity of Uses and Activities**

275 \* \* \*

276 **6. Moderately Priced Dwelling Units:** There is no limitation on the  
277 number of points for providing more than 12.5% of the residential  
278 units as MPDUs as required under Chapter 25A.

279 [a.] Points are calculated as follows:

280 [i]a. 12 points are granted for every 1% of MPDUs greater than  
281 12.5%. Any fraction of 1% increase in MPDUs entitles the  
282 applicant to an equal fraction of 12 points.

283 [ii]b. An additional 2 points are granted for every 1% of 2-bedroom

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MPDUs not otherwise required.

- [iii]c. An additional 5 points are granted for every 1% of 3-bedroom MPDUs.
- [iv]d. In any case, for [density and] points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU public benefit points in any zone.
- [v]e. For a project providing a minimum of 15% MPDUs, one less benefit category than is required under Section 4.5.4.A.2 and Section 4.6.4.A.2 must be satisfied. A project that provides a minimum of 20% MPDUs does not have to satisfy any other benefit category under Section 4.5.4.A.2 and Section 4.6.4.A.2.
- [b]. In a zone with a "T" designation, if a project exceeds 12.5% MPDUs, residential density may be increased under Section 4.5.2.C in the Commercial/Residential zones or under Section 4.6.2.C in the Employment zones.
- c. In a zone without a "T" designation:
  - i. If a project exceeds 12.5% MPDUs, the height limit of the applicable zone and master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.
  - ii. For a project providing less than 15% MPDUs, the gross floor area of any MPDUs provided above 12.5% is exempt from the calculation of FAR.

311                   iii. For a project providing a minimum of 15% MPDUs, the  
312                   gross floor area of all MPDUs provided is exempt from  
313                   the calculation of FAR.]

314 \* \* \*

315                   **Sec. 5. DIVISION 59-4.9 is amended as follows:**

316                   **Division 4.9. Overlay Zones**

317 \* \* \*

318                   **Section 4.9.17. Transferable Development Rights (TDR) Overlay Zone**

319 \* \* \*

320                   **B. Optional Method**

321                   **1. In General**

322                   The TDR Overlay optional method of development permits an  
323                   increase in the maximum residential density, if the development  
324                   satisfies the requirements for optional method development using  
325                   Transferable Development Rights under Section 4.9.17.B.

326 \* \* \*

327                   **d. Development with Moderately Priced Dwelling Units**

328                   i. A property developed under Section 4.9.17.B must  
329                   satisfy Chapter 25A.

330                   ii. [A density bonus allowed under Chapter 25A] Any  
331                   increase in density allowed under the optional method of  
332                   development for the provision of MPDUs is calculated  
333                   after the base density of the property has been increased  
334                   under Section 4.9.17.B through TDRs.

335                   iii. In a Rural Residential or Residential zone with a TDR  
336                   density designation of less than three units per acre,  
337                   development using TDRs and providing MPDUs above

338 12.5% must follow the requirements under optional  
339 method MPDU Development. Any other optional method  
340 development in a Rural Residential or Residential zone  
341 must satisfy the requirements of Section 4.9.16.B.

342 \* \* \*

343 **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the  
344 date of Council adoption.

345

346 This is a correct copy of Council action.

347

348

349 \_\_\_\_\_  
Megan Davey Limarzi, Esq.  
350 Clerk of the Council

% MPDUs	% Bonus Density
	.88%, 22% + .16%, and 30% + .1% for every .1% increase in MPDUs
12.5	0.00
12.6	0.88
12.7	1.76
12.8	2.64
12.9	3.52
13.0	4.40
13.1	5.28
13.2	6.16
13.3	7.04
13.4	7.92
13.5	8.80
13.6	9.68
13.7	10.56
13.8	11.44
13.9	12.32
14.0	13.20
14.1	14.08
14.2	14.96
14.3	15.84
14.4	16.72
14.5	17.60
14.6	18.48
14.7	19.36
14.8	20.24
14.9	21.12
15.0	22.00
15.1	22.16
15.2	22.32
15.3	22.48
15.4	22.64
15.5	22.80
15.6	22.96
15.7	23.12
15.8	23.28
15.9	23.44
16.0	23.60
16.1	23.76
16.2	23.92
16.3	24.08
16.4	24.24
16.5	24.40
16.6	24.56
16.7	24.72
16.8	24.88

16.9	25.04
17.0	25.20
18.0	26.80
19.0	28.40
20.0	30.00
Over 20.0	30.00 plus 1% for every 1% mpdus above 20%