

Ordinance No.: 18-17  
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: August 2, 2016  
Adopted: September 27, 2016  
Effective: October 17, 2016

**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: Council President Floreen

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

- allow additional building density in certain Commercial/Residential T Zones when workforce housing is provided;
- allow additional building height in certain Commercial/Residential T Zones 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.*

## OPINION

Zoning Text Amendment (ZTA) 16-08, introduced on June 21, 2016, would allow additional building density and building height in certain Commercial/Residential T Zones when workforce housing is provided, and would generally amend the provisions concerning allowable building density and height in certain Commercial/Residential zones. Council President Floreen is the lead sponsor of ZTA 16-08. In 2014, the Zoning Ordinance Rewrite did not recognize the past density allowances for the voluntary provision of workforce housing. 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 and allow the Council to generally amend the provisions concerning allowable building density and height in certain Commercial/Residential zones.

In its report to the Council, the Montgomery County Planning Board recommended approval of ZTA 16-08 with the revisions that were ultimately recommended by the Planning, Housing, and Economic Development Committee. That identical recommendation was made by Planning Staff.

The Council conducted a public hearing on August 2, 2016. There were 2 speakers in favor of the approval of ZTA 16-08, including a representative from the Housing Opportunities Commission.

On September 12, 2016, the Planning, Housing, and Economic Development Committee recommended approval of ZTA 16-08 with amendments to allow, under certain circumstances, additional building height for projects that provide major public facilities.

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. 16-08 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:*

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           **A. Density and Height Limits**

5           \*   \*   \*

6           2. Each CRN, CRT, and CR zone classification is followed by a number  
7           and a sequence of 3 additional symbols: C, R, and H, each followed  
8           by another number where:

9           \*   \*   \*

10          d. The number following the H is the maximum building height in  
11          feet allowed unless additional height is allowed under Section  
12          4.5.2.C<sub>2</sub> [[or]] Section 4.7.3.D.6.c, or Section 4.5.2.A.2.e.

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

19          3. The following limits apply unless additional total FAR, residential  
20          FAR, or height is allowed under Section 4.5.2.C<sub>2</sub> [[or]] Section  
21          4.7.3.D.6.c, or Section 4.5.2.A.2.e:

22          \*   \*   \*

23          **B. FAR Averaging**

24          \*   \*   \*

25          **C. Special Provisions for "T" Zones Translated from Certain Zones**  
26          **Existing Before October 30, 2014**

- 27           1.    These special provisions apply to certain properties rezoned by  
28                    District Map Amendment to implement this Chapter and are indicated  
29                    on the zoning map as the zoning classification followed by a T, such  
30                    as “CR2.0 C1.5 R1.5 H75 T”.
- 31           2.    For Commercial/Residential-zoned properties designated with a T, the  
32                    following provisions apply:
- 33                    a.    Residential density may be increased above the number  
34                            following the R on the zoning map in proportion to:
- 35                            i.    any MPDU density bonus achieved under Chapter 25A  
36                                    for providing more than 12.5% of the residential units as  
37                                    Moderately Priced Dwelling Units (MPDUs); or
- 38                            ii.   any workforce housing floor area that satisfies Chapter  
39                                    25B; however, the increased residential density under  
40                                    this provision is limited to 10% of the floor area  
41                                    indicated on the zoning map.
- 42                    b.    Total density may be increased above the number following the  
43                            zoning classification on the zoning map by an amount equal to  
44                            the residential density bonus achieved.
- 45                    \*    \*    \*
- 46                    d.    On a property within a designated central business district  
47                            mapped at a height up to 145 feet, height may be increased  
48                            above the number following the H on the zoning map by up to  
49                            1.5 times if:
- 50                            i.    the height is the minimum necessary for [any] both:  
51                                    (A) the floor area devoted to a publicly owned or  
52                                    operated facility; plus

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

58                    \*   \*   \*

59                    **Sec. 2. Effective date.** This ordinance becomes effective 20 days after  
60                    approval.

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62                    This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council