

Zoning Text Amendment No: 07-03
Concerning: Workforce Housing - Option
Draft No. & Date: 1 – 2/7/07
Introduced: February 13, 2007
Public Hearing: March 27, 2007; 1:30 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**

By: Councilmember Floreen

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

- clarifying that a developer in a metro station policy area may voluntarily provide workforce housing; and
- generally amending the provision for workforce housing.

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

DIVISION 59-A-2 “DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1 “Definitions”
DIVISION 59-A-6 “USES PERMITTED IN MORE THAN ONE CLASS OR ZONE”
Section 59-A-6.18. “Workforce housing”
Section 59-A-6.18.2 “Requirements”
DIVISION 59-C-7 “PLANNED UNIT DEVELOPMENT ZONES”
Section 59-C-7.14 “Density of Residential Development”
Section 59-C-7.16 “Green Area”

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:

Sec. 1. DIVISION 59-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

59-A-2.1. Definitions.

* * *

Metrostation policy area: An area around a Metro station designated in the Growth Policy as appropriate for concentrating new job and housing growth.

* * *

Workforce housing unit: A dwelling unit that is subject to rent limits or sales controls under Chapter 25B. A workforce housing unit is not a Moderately Priced Dwelling Unit or a Productivity Housing Unit.

* * *

Sec. 2. DIVISION 59-A-6 is amended as follows:

DIVISION 59-A-6. USES PERMITTED IN MORE THAN ONE CLASS OF ZONE.

* * *

59-A-6.18. Workforce housing.

59-A-6.18.1. Generally.

The workforce housing program complements the Moderately Priced Dwelling Unit (MPDUs) Program, the Productivity Housing Program, and other County programs designed to promote affordable housing. Under Chapter 25B, a developer must build the number of workforce housing units required in any zone under this Chapter.

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

28 housing units that is not less than 10 percent of the total number of
29 proposed market dwelling units, not including any MPDUs or
30 resulting bonus density units, or dwelling units excluded under
31 Chapter 25B.

32 (b) Any subdivision that would contain 35 or more market dwelling units,
33 and that would be located in a zone with a maximum permitted
34 residential density less than 40 dwelling units per acre and in a Metro
35 Station Policy Area, may include an amount of workforce housing
36 units that is not less than 10 percent of the total number of proposed
37 market dwelling units, not including any MPDUs or resulting bonus
38 density units, or dwelling units excluded under Chapter 25B.

39 [(b)c] A site plan is required under Division 59-D-3 for any project that
40 includes a workforce housing unit.

41 [(c)d] To allow the construction of all workforce housing units on site, the
42 Planning Board must permit:

43 (1) any residential density or residential FAR limit of the
44 applicable zone to be exceeded to the extent required for the
45 number of workforce housing units that are constructed, but not
46 by more than 10 percent;

47 (2) any residential density or residential FAR limit established in a
48 master or sector plan to be exceeded to the extent required for
49 the number of workforce housing units that are constructed, but
50 not to more than the maximum density and FAR of the zone,
51 except as provided in paragraph (1), and

52 (3) any building height limit established in a master or sector plan
53 to be exceeded to the extent required for the number of

54 workforce housing units that are constructed, but not to more
55 than the maximum height of the zone.

56 * * *

57 **Sec. 3. DIVISION 59-C-7 is amended as follows:**

58 **DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.**

59 * * *

60 **59-C-7.1. P-D zone—Planned development zone.**

61 * * *

62 **59-C-7.14. Density of residential development.**

63 * * *

64 (c) The density of development is based on the area shown for residential
65 use on the master plan and must not exceed the density permitted by
66 the density category granted. However, the maximum density
67 allowed under subsection (a) may be increased to accommodate the
68 construction of Moderately Priced Dwelling units and workforce
69 housing units as follows:

70 (1) For projects with a residential density of less than 28 dwelling
71 units per acre, the number of Moderately Priced Dwelling Units
72 must not be less than either the number of density bonus units
73 or 12.5 percent of the total number of dwelling units,
74 whichever, is greater.

75 (2) For projects with a residential density of more than 28 dwelling
76 units per acre, the number of Moderately Priced Dwelling Units
77 must be at least 12.5 percent of the total number of dwelling
78 units in accordance with Chapter 25A.

79 (3) Any project with a residential density at or above 40 dwelling
80 units per acre that contains 35 or more market dwelling units

81 must provide workforce housing units as required by Section
 82 59-A-6.18 and Chapter 25B.

83 (4) Any project with a residential density less than 40 dwelling
 84 units per acre that contains 35 or more market dwelling units
 85 may provide workforce housing units as described in Section
 86 59-A-6.18 and Chapter 25B.

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88 * * *

89 **59-C-7.16. Green Area**

90 Green area must be provided in amounts not less than indicated by the following
 91 schedule:

92 Density	Green Area
93 <u>Category</u>	<u>(Percent of Gross Area)</u>
	* * *
96 Medium high	
97 PD-15	50
98 PD-18	50*
99 [PD-13	50*]
100 PD-22	50*
101 PD-25	50*
102	
103 High	
104 PD-28	50*
105 PD-35	50*
106 PD-44	50*
107	
108 Urban High	
109 PD-60	30*
110 PD-68	30*
111 PD-75	30*
112 PD-88	30*
113 PD-100	30*
114	

115 *Green area may be reduced to 35 percent for “Medium High” and “High”
116 densities and to 20 percent for “Urban High” densities to allow the construction
117 of all workforce housing units on site.

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Sec. 5. Applicability.

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The requirement to construct workforce housing under Chapter 25A and
122 Section 59-A-6.18 does not apply to any development for which an
123 application for a local map amendment, development plan, project plan,
124 preliminary subdivision plan, site plan filed before December 1, 2006. But
125 any development so excluded may voluntarily construct workforce housing.

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Sec. 6. Effective date. This ordinance takes effect 20 days after the date of
128 Council adoption.

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This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council