

Zoning Text Amendment No: 05-16
Concerning: Workforce Housing
Draft No. & Date: 7 – 10/4/05
Introduced: October 11, 2005
Public Hearing: 11/22/05; 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**

By: Councilmembers Silverman, Floreen and Subin

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

- defining the term “workforce housing unit”;
- requiring any residential development at or above a certain density, located in a metro station policy area, to include a certain percentage of workforce housing units; and
- generally providing standards for the development of workforce housing units.

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 OF ZONE”
Add a new section:	
<u>Section 59-A-6.18</u>	<u>“Workforce Housing”</u>
Division 59-C-2	“RESIDENTIAL ZONES, MUTIPLE-FAMILY”
Section 59-C-2.418.	“Maximum Density of Development (Dwelling Units per Acre of Net Lot Area)”
DIVISION 59-C-4	“COMMERCIAL ZONES”
Section 59-C-4.357	“C-2 zone—purpose and development standards.”
DIVISION 59-C-6	“CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.215	“Method of development and approval procedures”
Section 59-C-6.23	“Development standards”
DIVISION 59-C-7	“PLANNED UNIT DEVELOPMENT ZONES”
Section 59-C-7.14	“Density of residential development
DIVISION 59-C-8	“TRANSIT STATION DEVELOPMENT AREA ZONES”
Section 59-C-8.4	“Development standards”

DIVISION 59-C-13 “TRANSIT ORIENTED, MIXED USE ZONE (TOMX)”

*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-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 **59-A-2.1. Definitions.**

4 * * *

5 **Metro[-]station policy area:** An area around a Metro station designated in the
6 [Annual] Growth Policy as appropriate for concentrating new job and housing
7 growth.

8 * * *

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

12 * * *

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

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

16 * * *

17 **59-A-6.18. Workforce housing.**

18 **59-A-6.18.1. Generally.**

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

24 **59-A-6.18.2. Requirements.**

25 Any development located in a zone with a maximum permitted residential density
26 at or above 40 dwelling units per acre and located in a Metro Station Policy Area
27 must include workforce housing units on site in an amount that is not less than 10



28 percent of the total number of dwelling units in the development, not counting any
 29 MPDUs or resulting bonus density units. This workforce housing requirement
 30 applies to any preliminary plan of subdivision which proposes the development of
 31 35 or more dwelling units, not counting any MPDU bonus density units. A site
 32 plan is required under Division 59-D-3 for any project that includes a workforce
 33 housing unit. To allow the construction of all workforce housing units on site, the
 34 Planning Board must permit any residential density or residential FAR of the
 35 applicable zone to be exceeded to the extent required for the number of workforce
 36 housing units that are constructed. However, any increase in residential density or
 37 residential FAR must not exceed the maximum allowed in the applicable zone by
 38 more than 10 percent..

39 * * *

40 **Sec. 3. DIVISION 59-C-2 is amended as follows:**

41 **DIVISION 59-C-2. RESIDENTIAL ZONES, MULTIPLE-FAMILY.**

42 * * *

43 **59-C-2.4. Development standards.**

44 **59-C-2.41. Standard method of development.**

45 * * *

	R-30	R-20	R-10	R-H
59-C-2.418. Maximum Density of Development (Dwelling Units per Acre of Net Lot Area):	14.5	21.7	43.5*	* _

46

47 * Workforce Housing Units must be provided as required by Section 59-A-
 48 6.18 and Chapter 25B.

49 * * *

50 **59-C-2.44 Special regulations for optional method development using**
 51 **transferable development rights**

52 * * *

53 (d) A property developed with [the transfer of] development rights must
54 [conform to the requirements of the] include Moderately Priced
55 Dwelling Units (MPDUs) as required by Chapter 25A [of the
56 Montgomery County Code requiring MPDU's] and Workforce
57 Housing Units as required by Section 59-A-6.18 and Chapter 25B.
58 The [applicability of Chapter 25A and the MPDU density increased
59 provided by Section 59-C-2.42] number of MPDUs and any resulting
60 bonus density must be calculated after the base density of a property
61 has been increased by a transfer of development rights. The
62 calculation of the number of workforce housing units must be based
63 on the total number of dwelling units in the development including
64 any transfer of development rights, but not counting any MPDUs or
65 resulting bonus density units. The MPDU density [increase provided
66 by Section 59-C-2.42 may be made without] bonus does not require
67 the acquisition of additional development rights.

68 **Sec. 4. Division 59-C-4 is amended as follows:**

69 **DIVISION 59-C-4. COMMERCIAL ZONES.**

70 * * *

71 **Sec. 59-C-4.357. C-2 zone-purpose and development standards**

72 Residential development in the C-2 zone [pursuant to] under Section 59-C-
73 4.351(b) must include Moderately Priced Dwelling Units (MPDUs) [in accordance
74 with the provision of] as required by Chapter 25A and Workforce Housing Units as
75 required by Section 59-A-6.18 and Chapter 25B.

76 **Sec. 5. DIVISION 59-C-6 is amended as follows:**

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

78 * * *

79 **59-C-6.2. Provisions of the CBD zones.**

80 * * *

81 **59-C-6.215. Method of development and approval procedures.** Two methods
82 of development are possible in each of these zones.

83 (a) **Standard method of development.** The standard method requires
84 compliance with a specific set of development standards and permits a range
85 of uses and a density compatible with these standards. If residential uses are
86 included in a development, Moderately Priced Dwelling units must be
87 provided [in accordance with] as required by Chapter 25A and Workforce
88 Housing Units must be provided as required by Section 59-A-6.18 and
89 Chapter 25B. The maximum dwelling unit density or residential FAR may
90 be increased in proportion to any MPDU density bonus provided on-site.

91 (b) **Optional method.** Under the optional method greater densities may be
92 permitted and there are fewer specific standards, but certain public facilities
93 and amenities must be provided by the developer. The presence of these
94 facilities and amenities is intended to make possible the creation of an
95 environment capable of supporting the greater densities and intensities of
96 development permitted. If residential uses are included in a development,
97 Moderately Priced Dwelling units must be provided [in accordance with] as
98 required by Chapter 25A and Workforce Housing Units must be provided as
99 required by Section 59-A-6.18 and Chapter 25B. The maximum dwelling
100 unit density or residential FAR may be increased in proportion to any
101 MPDU density bonus provided on-site. The procedure for approval of an
102 optional method project is specified in Division 59-D-2, and the procedure
103 for approval of a site plan is specified in Division 59-D-3.

104 * * *

105 **59-C-6.23. Development standards.**

106 * * *

	CBD-0.5		CBD-R1 ²		CBD-1		CBD-2		CBD-3		CBD-R2	
	S ⁹	O	S	O	S ⁹	O	S	O	S ⁹	O	S	O
* * *												
59-C-6.23. Minimum Public Use Space (percent of net lot area):¹⁵	10	20	10	20 ¹⁶	10	20 ²⁰	10	20	10	20	10	20
--The required standard method public use space may be reduced to accommodate the construction of MPDUs, including any <u>resulting</u> bonus density units, provided on-site to:	5		5		5		5		5		5	
--The required optional method public use space may be reduced or eliminated to accommodate the construction of MPDUs, including any <u>resulting</u> bonus density units, <u>and</u> <u>workforce housing units</u> provided on site, if an equivalent amount of public use space is provided off-site in the same CBD within a reasonable time.												
* * *												
59-C-6.235. Maximum Building Heights (in feet).												
* * *												
(b) Optional												

method of development.												
—Normally:		60		60		60		143		143		143
—If approved by the Planning Board in the process of site plan or combined urban renewal project plan approval as not adversely affecting surrounding properties, height may be increased to:		60 ¹²		143		90 ¹		200 ¹¹		200		200

107

108 ¹ [For projects using the optional method of development involving more
 109 than one lot under Section 59-C-6.2351, the Planning Board may approve
 110 height over 90 feet, but not more than 143. In order to approve height
 111 over 90 feet, the Planning Board must find that:

- 112 (1) The additional height is specifically recommended for the
 113 property in the applicable sector plan or urban renewal plan;]

114 For projects using the optional method of development involving more
 115 than one lot under Section 59-C-6.2351, the Planning Board may approve
 116 height over 90 feet, but not more than 143 feet, if: (i) the additional
 117 height is necessary for the project to comply with the workforce housing
 118 requirements of 59-A-6.18; however, the additional height must not be
 119 more than required for the number of workforce housing units that are
 120 constructed, or (ii) the additional height is specifically recommended for
 121 the property in the applicable sector plan or urban renewal plan. In order
 122 to approve additional height for property recommended in a sector plan
 123 or urban renewal plan, the Planning Board must find that:

151 or the property is within a revitalization area designated in
152 the applicable sector plan and is located fully or partially
153 within 800 feet of an entrance to a metro station;]

154 Under the optional method of development process, the Planning
155 Board may approve height over 143 feet, but not more than 200 feet,
156 if: (i) the additional height is necessary for the project to comply with
157 the workforce housing requirements of 59-A-6.18; however, the
158 additional height must not be more than required for the number of
159 workforce housing units that are constructed, or (ii) the additional
160 height is specifically recommended for the property in the applicable
161 sector plan or urban renewal plan or the property is within a
162 revitalization area designated in the applicable sector plan and is
163 located fully or partially within 800 feet of an entrance to a metro
164 station. In order to approve additional height for property
165 recommended in a sector plan or urban renewal plan or within a
166 designated revitalization area, the Planning Board must find that

167

168 [(2)](1) The additional height is consistent with the criteria and
169 guidelines for the property as contained in the applicable
170 sector plan or an urban renewal plan approved by the
171 County Council under Chapter 56, or in the case of a site
172 outside an urban renewal area, accomplishing the objectives
173 of incorporating residential development with commercial
174 development in a mixed use project in close proximity to a
175 metro station otherwise unobtainable due to site conditions,
176 proximity of adjacent non-residential buildings, or other

177 physical constraints which prevent the achievement of sector
178 plan objectives;

179 [(3)](2) The proposed development is compatible with the
180 surrounding development, considering but not limited to the
181 relationship of the building or buildings to the surrounding
182 uses, the need to preserve light and air for the residents of
183 the development and residents of surrounding properties,
184 and any other factors relevant to the height of the building;
185 and

186 [(4)](3) The proposed development will provide additional public
187 facilities and amenities beyond what could otherwise have
188 been provided if the excess height were not approved. Such
189 facilities must be accessible to and usable by the public in
190 accordance with the applicable sector or master plan or
191 urban renewal plan.

192 ¹² The Planning Board may approve height over 60 feet, but not more
193 than 90 feet, if: (i) the additional height is consistent with an
194 applicable sector plan or an approved urban renewal plan; or (ii) the
195 additional height is needed to comply with the workforce housing
196 requirement of 59-A-6.18; however, the additional height must not be
197 more than required for the number of workforce housing units that are
198 constructed..

200 **Sec. 6. DIVISION 59-C-7 is amended as follows:**

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

202 * * *

203 **59-C-7.1. P-D zone—Planned development zone.**

204 * * *

205 **59-C-7.14. Density of residential development.**

206 * * *

207 (c) The density of development is based on the area shown for residential
208 use on the master plan and must not exceed the density permitted by
209 the density category granted. However, the maximum density
210 [prescribed by Subsection] allowed under subsection (a) may be
211 increased to accommodate the construction of Moderately Priced
212 Dwelling units and Workforce Housing Units as follows:

213 (1) For projects with a residential density of less than 28 dwelling
214 units per acre, the number of Moderately Priced Dwelling Units
215 must not be less than either the number of density bonus units
216 or 12.5 percent of the total number of dwelling units,
217 whichever, is greater.

218 (2) For projects with a residential density of more than 28 dwelling
219 units per acre, the number of Moderately Priced Dwelling Units
220 must be at least 12.5 percent of the total number of dwelling
221 units in accordance with Chapter 25A. Any project with a
222 residential density at or above 40 dwelling units per acre must
223 provide workforce housing units as required by Section 59-A-
224 6.18 and Chapter 25B.

225 **Sec. 7. DIVISION 59-C-8 is amended as follows:**

226 **DIVISION 59-C-8. TRANSIT STATION DEVELOPMENT AREA ZONES.**

227 * * *

228



228 **59-C-8.4. Development standards.**

	TS-R	TS-M
59-C-8.42. Density of Development.		
The density of development must not exceed any of the following:		
* * *		
(c) The density of development must not exceed the FAR or the dwelling units per acre allowed by the zone, except that the maximum density permitted may be increased to accommodate the construction of moderately priced dwelling units [in accordance with] <u>as required by Chapter 25A and the construction of workforce housing units as required by Section 59-A-6.18 and Chapter 25B.</u> The maximum number of dwelling units or residential FAR may be increased [in proportion to] <u>as needed for any MPDU density bonus and any workforce housing units provided on-site.</u> The provision of MPDUs <u>or workforce housing units</u> does not authorize a reduction in any public facility and amenity or active or passive recreation space recommended in a master or sector plan.		

229

230 **Sec. 8. Division 59-C-13 is amended as follows:**

231 **Division 59-C-13. Transit Oriented, Mixed Use Zone 2(TOMX 2).**

232 * * *

233 (b) **Optional Method of Development:** The Optional Method of Development
 234 promotes additional densities, and supports innovative design and building
 235 technologies to create a pedestrian-oriented and mixed-use development
 236 pattern. Approval of the Optional Method of Development is dependent on
 237 providing required public amenities and facilities. The public facilities and
 238 amenities are intended to support the additional densities permitted under the
 239 Optional Method of Development. The procedure for the approval of the
 240 Optional Method of Development is set forth in Section 59-D-2. Site plans
 241 must be approved in accordance with Section 59-D-3. If residential uses are
 242 included in a development, Moderately Priced Dwelling Units must be
 243 provided [in accordance with] as required by Chapter 25A and workforce

244 housing units must be provided as required by Section 59-A-6.18 and
245 Chapter 25B. The maximum dwelling unit density or residential FAR may
246 be increased in proportion to any MPDU density bonus provided on-site;
247 however, notwithstanding any provision to the contrary in Section 59-A-
248 6.18, the Planning Board must not approve an increase in any residential
249 FAR or maximum building height established in the TOMX2 zone or under
250 any applicable master or sector plan for any building in the TOMX2 zone to
251 accommodate the construction of workforce housing units.

252 * * *

253 **Sec. 9. Preliminary subdivision plan approved before (ZTA Effective**
254 **Date).**

255 The requirement to construct workforce housing under Chapter 25A and
256 Section 59-A-6.18 does not apply to any preliminary subdivision plan
257 approved by the Planning Board before (ZTA Effective Date).

258
259 **Sec.10. Effective date.** This ordinance becomes effective 20 days
260 after the date of Council adoption.

261
262 This is a correct copy of Council action.

263
264
265 _____
266 Linda M. Lauer, Clerk of the Council