

ZTA 22-07 – RESIDENTIAL MULTI-UNIT LOW DENSITY (R-30) – OPTIONAL METHOD DEVELOPMENT

Description

ZTA 22-07 amends the optional method of development standards in the R-30 zone, specifically for apartment buildings in projects that provide at least 30% MPDUs. It also adjusts standards for Common Open Space for projects approved under the optional method.

ZTA 22-07

COMPLETED: 7-7-2022

MCPB

Item No. 10

7-14-2022

2425 Reedie Drive

Floor 14

Wheaton, MD 20902



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Summary

- This ZTA modifies the development standards for apartment buildings under the optional method of development for projects that provide at least 30% MPDUs in the R-30 zone.
- Modified standards include increased lot coverage, increased building height, and reduced setbacks, all subject to Planning Board approval.
- This ZTA also adds new standards to Common Open Space for optional method developments, similar to those allowed for Public Open Space.
- A Council Public Hearing is scheduled for July 26, 2022.

LEAD SPONSORS

Councilmembers Friedson, Navarro, and Katz

Co-Sponsored by Councilmembers
Jawando, Hucker, Reimer, Vice-President
Glass, and President Albornoz

INTRODUCTION DATE:

June 14, 2022

REVIEW BASIS:

Chapter 59

SECTION ONE

BACKGROUND

Rationale for ZTA 22-07

ZTA 22-07 was introduced by Councilmember sponsors Friedson, Navarro, and Katz, and co-sponsored by Councilmembers Jawando, Hucker, Reimer, President Albornoz, and Vice President Glass on June 14, 2022. This ZTA amends the optional method of development standards under the R-30 zone for the Apartment Building type, and amends the common open space design standards for optional method developments. The current R-30 development standards for Apartment Buildings under optional method are restrictive for development with the apartment building type with limiting lot coverage, setback and building height requirements. These standards were designed this way in part to discourage the redevelopment of naturally occurring affordable housing units, often located in the R-30 zone. This ZTA allows more flexible standards for projects that provide a minimum 30% MPDUs as part of a development or redevelopment project. This higher percentage of MPDUs provides a guarantee that a much higher than typical number of units will be kept affordable in exchange for the ability to construct or re-construct apartments in this zone. The ZTA also creates new provisions for reviewing Common Open Space under optional method developments that allow flexibility in design through the site plan process so long as the open space meets the intent of the section.

SECTION TWO

ANALYSIS

ZTA 22-07 as introduced

ZTA 22-07 modifies the code in two distinct sections, the R-30 optional method development standards under Section 4.4.14.C, and the Common Open Space design requirements under Section 6.3.5.B.

R-30 Optional Method Development Standards

Within the R-30 Zone Optional Method Development Standards table, the changes made by this ZTA take place under the following standards:

- Specification for Site Coverage
- Parking Setbacks - Side or Rear Setback, Abutting property not included in the application
- Specifications for Parking Setbacks for Surface Parking Lots
- Specifications for Height.

Specification for Site Coverage

The new Specification for Site Coverage added by the ZTA would allow up to a 30% lot coverage for the apartment building type if an application provides at least 30% MPDUs. The current coverage for apartments is only 18% which is low when looking at other building types such as townhouses which has a coverage allotment of 30%. This change would place coverage allowances between townhouses and apartments at parity, which is common when looking at other development standard tables for other zones that allow both townhouse and apartment building types.

Parking Setbacks – Side or Rear Setback, Abutting property not included in the application

The parking setbacks for surface parking, side or rear setback, abutting property not in the application currently requires the parking setback to equal the setback for a detached house in the abutting zone. Depending on the abutting zone, this can create a very large setback, especially if the property is abutting the rear yard of a residential detached property. The intent of these setbacks is to create compatibility between uses. This ZTA proposes setting a standard 10' setback for surface parking, plus requiring enhanced screening requirements under Section 6.5.3.C.6. The screening under this section not only requires a fence or wall and canopy trees that are already required by the perimeter parking plantings in Section 6.2.9, but also requires a mix of evergreen or understory trees, and requires shrubs, creating a denser planting edge. This enhanced landscaping would do a better job of screening the parking, allowing the potentially reduced setbacks to still be compatible. If circumstances exist warranting additional screening or space, that can be enforced through the site plan.

Specification for Parking Setbacks

The Specifications for Parking Setbacks for Surface Parking Lots is a new standard type that would be added to the standards table. These specifications would permit the Planning Board to reduce the front or side street parking setbacks on applications providing 30% or more MPDUs if the Board finds the reduced setback is necessary due to site constraints and the applicant provides landscaping not currently required for parking adjacent to a street. The required landscaping is either the perimeter landscape screening typically required for parking adjacent to residential zones, or at the Board's discretion some other combination of landscaping and vegetated stormwater that serves a similar purpose. Typically, surface parking for the R-30 optional method requires a 30' minimum setback from the front and 10' from a side street without screening. The front setback in particular is substantial, especially if a property has multiple frontages or is not sufficiently large. The flexibility to reduce these setbacks in exchange for providing screening is a fair compromise for constrained sites. Allowing the option to request alternative screening, including vegetated stormwater management facilities, acknowledges the reality that the perimeter of parking lots contains necessary stormwater facilities which can be designed to a width and planting intensity similar to the requirements of the perimeter plantings.

Planning staff does have a recommendation to this section to tighten the language. The current ZTA under section a. iii. references the perimeter planting of Section 6.2.9.C.3. This section, however,

contains two subsections a. and b. Planting scheme a. is the typical requirement for parking abutting residential zones and scheme b. is the typical requirement for parking abutting non-residential zones. Planning staff recommends the above reference be refined to read Section 6.2.9.C.3.b. since this reduced setback standard is for parking adjacent to a road right-of-way. The required screening under b. is a planting width minimum of 6 feet, a hedge row or wall of 3 feet, and canopy trees 30 feet on center. The text of the standard should also be refined to state that the planting under 6.2.9.3.b would be required regardless of the ~~underlying zone~~ of the abutting properties. This clarifies the intent that the necessary screening required for allowing reduced setbacks from the street always follows planting scheme b.

Specification for Building Height

The final proposed change to the R-30 optional method standards is a new specification for building height. This specification, like the others in this ZTA, would only apply to apartment building type applications that provide at least 30% MPDUs. The provision would allow maximum building heights of apartments to increase from 35' to 45' if the structure is built with a pitched roof. Building height measurement is defined in Section 4.1.7.C of the code, and states that building height is measured from the average grade either to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of the roof surface, regardless of roof type. Collectively, the four listed roof types are all types of pitched roof. Examples of the four roof types are provided in figure 1a – 1d.

Generally, the wider a building, the higher the structure becomes since the size of the pitched portion of roof increases. The effect of a 35' building height for apartments, as the code currently requires, is to limit these buildings to three stories tall. That height, however, is not adequate to accommodate a three-story apartment with a pitched roofline, only one with a flat roof design. The ZTA language would provide the additional height needed to fully accommodate the pitched roof while still maintaining three primary floors.

In this section, Planning staff also recommends a minor clarification to the types of pitched roof. The term “pitched roof” is not defined by code, however the code does refer to the four roof types that have eaves and ridges described and pictured above. Gable and hip roof types are the two simplest and most commonly seen roof types and have a constant angle from eave to ridge. The mansard roof type has a very steep pitch at the building perimeter and a flat roof segment in the center. The gambrel roof type is the type often seen in barns, and has a steep pitch at the edge, then a shallower pitch in the middle meeting at a ridge. Staff recommends the text be revised to clarify that the additional height is for structures built with a gable or hip roof. This specifically does not include mansard or gambrel roofs. Generally, the mansard and gambrel roofs make structures appear taller, and can create an additional floor worth of building space within the created attic space, undermining some of the intent of this language to not offer a means to add additional floors.



Figure 1a: *Top Left* Gable Roof
 Figure 1b: *Top Right* Hip Roof
 Figure 1c: *Bottom Left* Mansard Roof
 Figure 1d: *Bottom Right* Gambrel Roof

Common Open Space Design Requirements

The final changes proposed by this ZTA add new design standards to the Common Open Space design standards in Section 6.3.5.B. Currently, there is only one set of design standards for common open space that apply for both standard and optional methods of development. This ZTA would create separate standards for standard and optional methods of development, mirroring how the Public Open Space standards under Section 6.3.6. are handled. The idea is that the more prescriptive standards should apply to standard method development because these developments are typically not site plan reviewed, thus clear measurable parameters are necessary for review agencies to determine if an open space meets code. The optional method standards instead set minimal intent and allow the Planning Board flexibility to approve open spaces that still meet the intent and are designed and integrated into the community. This change is appropriate because the types of developments in residential zones that require common open space and are built under the optional

method of development tend to be larger projects that do not differ substantially from some optional method commercial/residential zoned projects where public open space is required.

Specifically, the new optional method standards would require common open space to:

- abut a sidewalk or other public pedestrian route,
- include space for pedestrian circulation, landscape, seating, shade or recreation, and
- be contiguous to other open space, on-site natural features, pedestrian routes, and that are otherwise not overly fragmented by structures, parking or stormwater.

These are reasonable standards to follow that provide applicants with some flexibility and provide the Planning Board ways to ensure the open space meets the intent of this section of the code.

SECTION THREE

CONCLUSION

Planning staff supports the changes as introduced for ZTA 22-07 with the two above discussed modifications and recommends the Planning Board transmit comments in support of the ZTA to the District Council. The code changes provide additional flexibility to applications in the R-30 zone to develop or redevelop apartment properties that provide a substantial increase in the required number of MPDUs.

Attachment A – ZTA 22-07 introduction packet

Attachment B – Recommended modifications to ZTA 22-07



Committee: PHED

Committee Review: At a future date

Staff: Livhu Ndou, Legislative Attorney

Purpose: To introduce agenda item – no vote expected

Keywords: #R-30 #OptionalMethod #CommonOpenSpace

AGENDA ITEM #14F

June 14, 2022

Introduction

SUBJECT

Zoning Text Amendment (ZTA) 22-07, Residential Multi-Unit Low Density, R-30 – Optional Method Development

Lead Sponsors: Councilmembers Friedson, Navarro, Katz

Co-Sponsors: Councilmember Jawando, Hucker, Riemer, Council President Albornoz, Council Vice-President Glass

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

ZTA 22-07 will amend the optional method development standards in the R-30 zone for apartment buildings that provide at least 30% MPDUs. It will also add standards for common open space under optional method development.

SUMMARY OF KEY DISCUSSION POINTS

- For apartment building-types providing at least 30% MPDUs, ZTA 22-03 will allow increased site coverage, reduced parking setbacks, and additional height under optional method development.
- ZTA 22-03 creates standards for common open space under optional method development.
- A public hearing is tentatively scheduled for July 26, 2022.

This report contains:

ZTA 22-07

© 1

Map of R-30 Zones

© 8

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Ordinance No.:
Zoning Text Amendment No.: 22-07
Concerning: Residential Multi-Unit
Low Density, R-30 –
Optional Method
Development
Draft No. & Date: 1 – 5/10/2022
Introduced: June 14, 2022
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Councilmembers Friedson, Navarro, Katz
Co-Sponsors: Councilmembers Jawando, Hucker, Riemer, Council President Albornoz, Council
Vice-President Glass

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the optional method development standards in the R-30 zone;
- amend the common open space requirements for optional method development;
and
- generally amend the provisions for R-30 zoned property.

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

Division 4.4.	“Residential Zones”
Section 4.4.14.	“Residential Multi-Unit Low Density - 30 Zone (R-30)”
Division 6.3	“Open Space and Recreation”
Section 6.3.5.	“Common Open Space”

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:

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

A. Intent Statement

The intent of the R-30 zone is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment building, although detached house, duplex, and townhouse building types are allowed.

* * *

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)	See Specification for Density			
Specification for Density				
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: a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%; b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.				
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	25%			
Site Coverage (max)				
Site coverage	n/a	n/a	30%	18%
Specification for Site Coverage				
a. In a development with townhouse or apartment building types, site coverage is calculated based on the area of the site minus any area for detached house and duplex lots. b. <u>In a development with the apartment building type, the Planning Board may increase the site coverage to 30% of a site’s usable area if the Planning Board finds that the application is providing at least 30% MPDUs, the increased site coverage is necessary for the redevelopment, and that there is</u>				

<u>still adequate open space for recreation and stormwater management.</u>				
2. Lot				
Dimensions (min)				
Lot area	1,500 SF	1,000 SF	800 SF	12,000 SF
Lot width at front building line	Determined at site plan			
Lot width at front lot line	15'	15'	14'	50'
Frontage on street or open space	Required			
Coverage (max)				
Lot	75%	75%	n/a	n/a
3. Placement				
Principal Building Setbacks (min)				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	4'	4'	4'	Determined at site plan
Side street setback	10'	10'	5'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
Rear setback, alley	4'	4'	4'	n/a
Accessory Structure Setbacks (min)				
Front setback	5' behind front building line			n/a
Side street setback	Side street setback of principal building			n/a
Side or rear setback	Determined at site plan			n/a
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			n/a
Rear setback, alley	4'	4'	4'	n/a
Parking Setbacks for Surface Parking Lots (min)				
Front setback	n/a	n/a	n/a	30'

Side street setback	n/a	n/a	n/a	10'
Side or rear setback	n/a	n/a	n/a	0'
Side or rear setback, abutting property not included in application	n/a	n/a	n/a	[Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A] 10' <u>If the abutting property is a residential detached zone, the applicant must install the screening required under Section 6.5.3.C.6 options A or B.</u>

Specifications for Parking Setbacks for Surface Parking Lots

- a. The Planning Board may reduce the front setback or side street setback for surface parking lots if:
- i. the associated development is providing a minimum 30% MPDUs,
 - ii. the Board finds the reduced setback is necessary for development due to a unique site constraint; and
 - iii. the Applicant provides either the perimeter planting under Section 6.2.9.C.3., regardless of the underlying zone, or some other combination of landscaping and vegetated stormwater management facilities to meet the section's intent.

4. Height

Height (max)				
Principal building	40'	40'	40'	35'
Accessory structure	25'	25'	25'	25'

Specification for Height

- a. In a development with the apartment building type, building heights may be increased up to a maximum height of 45' if the application is providing a minimum of 30% MPDUs and the structure is built with a pitched roof.

* * *

Sec. 2. DIVISION 59-6.3 is amended as follows:

Division 6.3.5. Common Open Space

* * *

B. Design Requirements

1. Standard Method Development

- [1]a. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.
- [2]b. The minimum width for any required common open space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3.
- [3]c. A minimum of 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

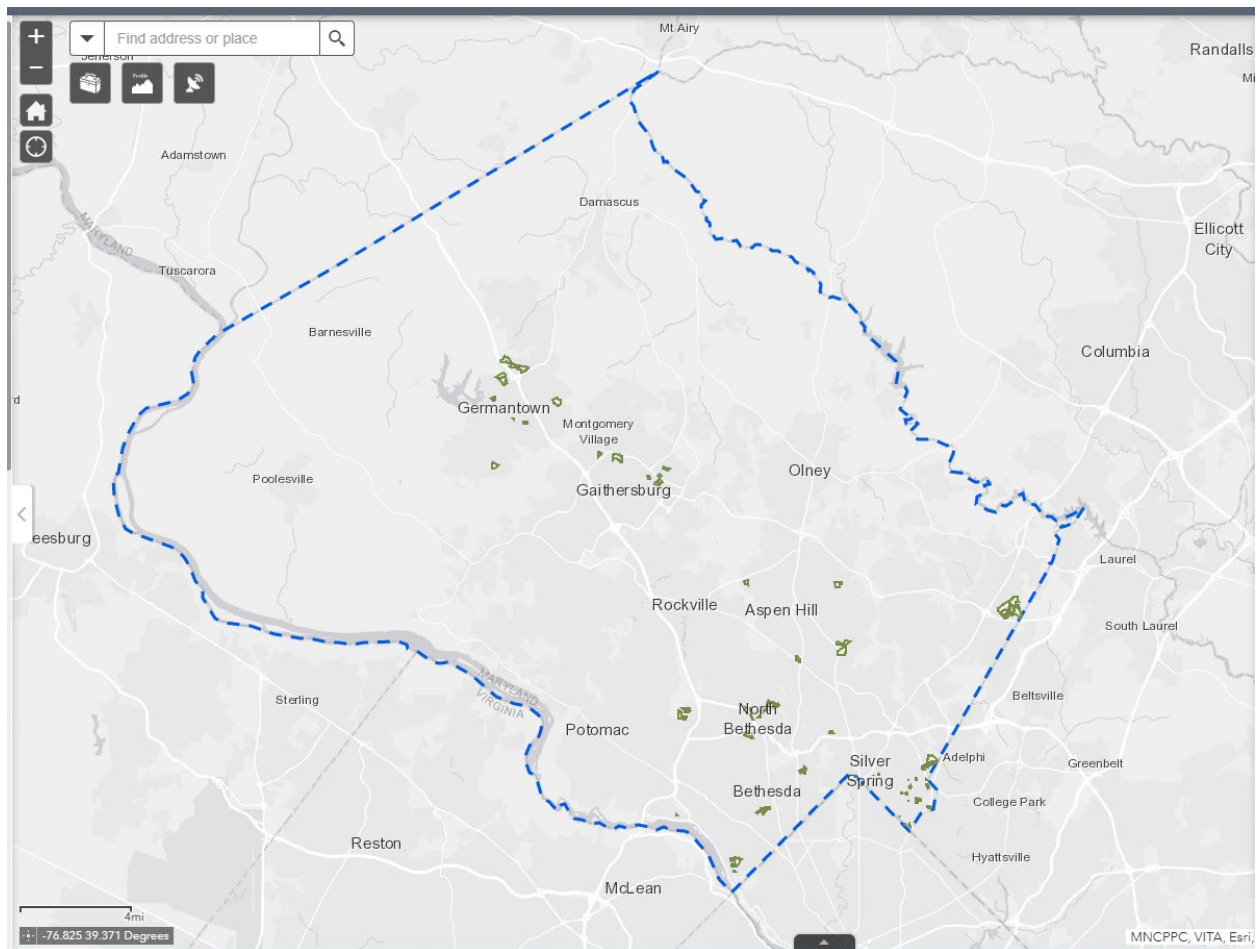
2. Optional Method Development

Common open space must:

- a. abut a public sidewalk or other public pedestrian route that provides easy access to all planned dwellings;
- b. include space for pedestrian circulation, landscaping, seating, shade, or recreation; and
- c. be in a contiguous space or spaces that abut other open space, adjacent or on-site natural features, or sidewalks or pedestrian routes, and are not so fragmented and disconnected by structures, parking, or stormwater management that they do not satisfy Section 6.3.1.

* * *

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



Montgomery County – R-30 Zones

Ordinance No.:
Zoning Text Amendment No.: 22-07
Concerning: Residential Multi-Unit
Low Density, R-30 –
Optional Method
Development
Draft No. & Date: 1 – 5/10/2022
Introduced: June 14, 2022
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
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Lead Sponsors: Councilmembers Friedson, Navarro, Katz
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AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the optional method development standards in the R-30 zone;
- amend the common open space requirements for optional method development;
and
- generally amend the provisions for R-30 zoned property.

By amending the following sections of the Montgomery County Zoning Ordinance,
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* * *

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)	See Specification for Density			
Specification for Density				
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: a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%; b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.				
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	25%			
Site Coverage (max)				
Site coverage	n/a	n/a	30%	18%
Specification for Site Coverage				
a. In a development with townhouse or apartment building types, site coverage is calculated based on the area of the site minus any area for detached house and duplex lots. b. <u>In a development with the apartment building type, the Planning Board may increase the site coverage to 30% of a site’s usable area if the Planning Board finds that the application is providing at least 30% MPDUs, the increased site coverage is necessary for the redevelopment, and that there is</u>				

<u>still adequate open space for recreation and stormwater management.</u>				
2. Lot				
Dimensions (min)				
Lot area	1,500 SF	1,000 SF	800 SF	12,000 SF
Lot width at front building line	Determined at site plan			
Lot width at front lot line	15'	15'	14'	50'
Frontage on street or open space	Required			
Coverage (max)				
Lot	75%	75%	n/a	n/a
3. Placement				
Principal Building Setbacks (min)				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	4'	4'	4'	Determined at site plan
Side street setback	10'	10'	5'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
Rear setback, alley	4'	4'	4'	n/a
Accessory Structure Setbacks (min)				
Front setback	5' behind front building line			n/a
Side street setback	Side street setback of principal building			n/a
Side or rear setback	Determined at site plan			n/a
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			n/a
Rear setback, alley	4'	4'	4'	n/a
Parking Setbacks for Surface Parking Lots (min)				
Front setback	n/a	n/a	n/a	30'

Side street setback	n/a	n/a	n/a	10'
Side or rear setback	n/a	n/a	n/a	0'
Side or rear setback, abutting property not included in application	n/a	n/a	n/a	[Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A] 10' <u>If the abutting property is a residential detached zone, the applicant must install the screening required under Section 6.5.3.C.6 options A or B.</u>
<u>Specifications for Parking Setbacks for Surface Parking Lots</u>				
a. The Planning Board may reduce the front setback or side street setback for surface parking lots if: i. <u>the associated development is providing a minimum 30% MPDUs,</u> ii. <u>the Board finds the reduced setback is necessary for development due to a unique site constraint; and</u> iii. <u>the Applicant provides either the perimeter planting under Section 6.2.9.C.3.b, regardless of the [[underlying]] zone of the abutting properties, or some other combination of landscaping and vegetated stormwater management facilities to meet the section's intent.</u>				
4. Height				
Height (max)				
Principal building	40'	40'	40'	35'
Accessory structure	25'	25'	25'	25'
<u>Specification for Height</u>				
a. <u>In a development with the apartment building type, building heights may be increased up to a maximum height of 45' if the application is providing a minimum of 30% MPDUs and the structure is built with a [[pitched]] gable or hip roof.</u>				

* * *

Sec. 2. DIVISION 59-6.3 is amended as follows:**Division 6.3.5. Common Open Space**

* * *

B. Design Requirements

1. Standard Method Development

- [1]a. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.
- [2]b. The minimum width for any required common open space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3.
- [3]c. A minimum of 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

2. Optional Method Development

Common open space must:

- a. abut a public sidewalk or other public pedestrian route that provides easy access to all planned dwellings;
- b. include space for pedestrian circulation, landscaping, seating, shade, or recreation; and
- c. be in a contiguous space or spaces that abut other open space, adjacent or on-site natural features, or sidewalks or pedestrian routes, and are not so fragmented and disconnected by structures, parking, or stormwater management that they do not satisfy Section 6.3.1.

* * *

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

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council