Ordinance No.: _____
Zoning Text Amendment No.: 27-xx
Concerning: Friendship Heights (FH) Overlay Zone
Revised: _____ Draft No.: _____
Introduced: _____
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 Sponsor: Councilmember _____
Co-Sponsors: Councilmembers _____

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

(1) establish the Friendship Heights (FH) Overlay Zone;
(2) remove the Chevy Chase Neighborhood Retail (CCNR) Overlay Zone; and
(3) generally amend the provisions for overlay zones.

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

Division 4.9.	"Overlay Zones"
Section 4.9.4.	"Chevy Chase Neighborhood Retail (CCNR) Overlay Zone"

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

Division 4.9.	"Overlay Zones"
Section 4.9.9.	"Garrett Park (GP) Overlay Zone"
***	***

And adding the following Section:

Division 4.9.	"Overlay Zones"
Section 4.9.9.	"Friendship Heights (FH) Overlay Zone"

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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.*

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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:

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Sec. 1. DIVISION 59-4.9 is amended as follows:

Division 4.9. Overlay Zones

* * *

Section 4.9.9 Friendship Heights (FH) Overlay Zone

A. Purpose

The Purpose of the FH Overlay Zone is to implement the recommendations of the Friendship Heights Sector Plan related to incentive density, public benefits, and building compatibility.

B. Land Use

The land uses allowed by the underlying zone apply. However for building facades fronting Belmont Ave and Oliver Street, signage for non-residential uses are prohibited.

C. Development Standards

1. **Density**

Except as modified below, density is set forth by the mapped FAR in the underlying zoning.

a. Excel-to-Build Density

Applicants may exceed the maximum gross floor area mapped on a site, so long as the application does not exceed the maximum mapped height, meets the requirements of the Overlay Zone including design review, and provides additional Public Benefits as described in Section 4.9.C.4.c.

2. **Moderately Priced Dwelling Units (MPDUs)**

a. For any development application that includes 20 or more residential dwelling units, the Planning Board may only approve the application if the development provides at least 15% MPDUs or DHCA equivalent under the provision of Chapter 25A.

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3. **Height and Setbacks**

Building heights and height compatibility are as mapped in the underlying zoning and as required by Section 59-4.1.8., except for the following:

a. Buildings facades fronting on Belmont Avenue, and Oliver Street must be set back a minimum of 20 feet, and are limited to a maximum height of 45 feet. Building height may increase at a rate of 1 foot of additional building height for every 1 foot of additional stepback, up to the mapped height of the underlying zone.

b. Building facades adjacent to Belmont Buffer Park must be set back a minimum of 20 feet, and are limited to a maximum height of 60 feet. Building height may increase at a rate of 1 foot of additional building height for every 1 foot of additional stepback, up to the mapped height of the underlying zone.

c. Building facades adjacent to the Brookdale Greenway are limited to a maximum height of 50 feet. Building height may increase at a rate of 1 foot of additional building height for every 1 foot of additional setback, up to the mapped height of the underlying zone.

4. **Public Benefit Points**

The requirements for public benefit points are established by Division 4.7. except as modified by the following:

a. Priority Public Benefits

for Tiers 1, 2, and 3 as outlined in Section 4.7.1.B., an applicant may receive 1.5 times the incentive density normally awarded for achieving the compliance criteria for Tiers 1, 2, and 3 as outlined

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in Section 4.7.1.B., and for Tier 4 as outlined in Section 4.7.1.B., an applicant may receive all the incentive density necessary to reach the maximum mapped FAR and receive an additional 1 FAR of excel-to-build density for providing any of the following Public Benefits:

i. Housing for All in Section 4.7.3.A.1.

(a) Moderately Priced Dwelling Units

(b) Family Sized Units

(c) Deeper Levels of Affordability

ii. Complete Communities

(a) Art and Placemaking

(b) Neighborhood Services and Mixed Use

b. Modified Compliance Criteria

The following are modifications to the compliance criteria for achieving incentive density.

i. Under Complete Communities, Art and Placemaking, Tier 3 is only available for providing a publicly accessible arts facility such as a theater, art gallery, or performance venue that is at least 5,000 square feet in size either on-site or within the plan area.

ii. Under Complete Communities, Art and Placemaking, Tier 4 is only available for providing a publicly accessible arts facility such as a theater, art gallery, or performance venue that is at least 10,000 square feet in size either on-site or within the plan area.

iii. Under Complete Communities, Neighborhood Services and Mixed Use, Tier 4 is only available for providing:

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(a) a public facility such as a recreation center, library, or educational facility that is a minimum of 10,000 square feet in size either on site or within the plan area. The Planning Board may modify the square footage of the provided facility consistent with a Tier 4 public benefit and consistent with the recommendations of the Sector Plan, or

(b) a minimum of 50 publicly accessible parking spaces, for visitors to the plan area. The spaces must have similar conditions as a county-owned parking facility in terms of hours of operation and hourly cost, but will be managed by the private property owner.

c. Excel-to Build-Density

Additional Public Benefits may be provided in exchange for earning excel to build density.

i. The excel to build density awarded for any Priority Public Benefit identified in Section 4.9.C.4.a. is equal to 2 times the density set forth for each Tier as specified in Section 4.7.1.B.3.

ii. Excel to build density awarded to any other Public Benefit is equal to 1.5 times the density set forth in Tiers 1, 2, and 3 as specified in Section 4.7.1.B.3. A Tier 4 public benefit earns all the required excel-to-build density requested by an applicant.

d. Small Sites

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Development applications on tracts under 1 acre in size, mapped with a FAR greater than or equal to 3.0, and that are requesting incentive density or excel to build density only need to provide Public Benefits for density above 2.0 FAR.

e. Design Excellence

The Planning Board must determine that any development utilizing public benefits achieves a minimum Tier 2 from the public benefit of Design Excellence, under Section 4.7.3.B.2.d. The master plan area must be covered by a Design Advisory Panel composed of relevant independent professionals with design experience and expertise, including at least one resident of Friendship Heights. The Planning Board must consider comments from the Design Advisory Panel on all projects before making its determination concerning incentive density for Design Excellence.

Section 5.9.[22]23. White Flint 2-Parklawn (WF-P) Overlay Zone

* * *

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

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This is a correct copy of Council action.

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Sara R. Tenenbaum
Clerk of the Council

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