

Key

Text highlighted in bright green deals with floating zones that will be retained in the new code

Text highlighted in turquoise deals with grandfathering language

Text with ~~red-strikethrough~~ has not been included in the draft Zoning Code

Text underlined in red indicates either a section reference in the most recent draft or a use change

3/4/2013

Division 59-C-2. Residential Zones, Multiple-Family.

Sec. 59-C-2.1. Zones established.

The following are the multiple-family residential zones and their identifying symbols:

R-30-Multiple-family, low density residential R-30

R-20-Multiple-family, medium density residential R-20

R-10-Multiple-family, high density residential R-10

R-H-Multiple-family, high-rise planned residential R-H

R-30/TDR-Multiple-family, low density residential, transferable development rights R-30 with TDR Overlay

R-20/TDR-Multiple-family, medium density residential, transferable development rights R-20 with TDR Overlay

R-10/TDR-Multiple-family, high density residential, transferable development rights R-10 with TDR Overlay

Sec. 59-C-2.2. General regulations.

These zones are subject to the following regulations in addition to the land use and development standards set forth in this division 59-C-2.

~~**59-C-2.21. Roads.**~~

~~Interior roads may be private or public, but private roads must have a width of at least 20 feet for two-way traffic and 10 feet for one-way traffic and must be paved and maintained in good repair.~~

59-C-2.22. R-H zone-Purpose.

The purpose of the R-H zone is to provide suitable sites for relatively high density residential development, to accomplish economies in the construction and operation of such public services as transportation, retail shopping facilities and other community facilities which depend upon convenient access by residents of the area, and to prevent undue congestion in sections of the county where such facilities are not available or cannot be conveniently and economically provided. These sites will provide a maximum of light, air and open space for the benefit of the residents of the development and for the surrounding area. Within the limits of these requirements it is the purpose of the R-H zone to provide the maximum possible amount of freedom in the design of residential structures and their grouping and layout within the areas classified in that zone, to prevent detrimental effects to the use or development of adjacent properties or the general neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and of the county as a whole. The fact that an application complies with all specific requirements and purposes set forth herein will not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, is not sufficient to require the granting of any application.

59-C-2.23. R-H zone-Lighting.

Luminaries on parking lots must not be more than 10 feet above ground level and outdoor lighting must not shine in apartment windows or reflect or cause glare into abutting or facing premises.

59-C-2.24. Development approval procedure.

59-C-2.241. R-H Zone. For development in the R-H zone the procedure set forth in division 59-D-3 must be followed.

59-C-2.242. Other Zones.

(a) If the special regulations for development, including moderately priced dwelling units set forth in section 59-C-2.42 or transferable development rights as set forth in subsection 59-C-2.43 are used, development must be in accordance with the procedure in division 59-D-3. Sec 8.3.4.A.2 Site Plan Applicability and Description

~~—(b) If the above mentioned special regulations are not used, the procedure for approval must be as set forth in the subdivision regulations, being chapter 50 of the Montgomery County Code.~~

59-C-2.25. Existing structures.

(a) Multiple-family dwellings, if built under the standards of the C-2 Zone prior to March 23, 1976 are conforming structures and may be repaired, reconstructed, or structurally altered as multiple-family dwellings, in accordance with the provisions of this Chapter in effect for the C-2 zone prior to March 23, 1976, so long as the total floor area is not increased beyond what is in existence as of May 10, 1993.

(b) Multiple-family dwellings, if built under the standards of any multiple-family zone between January 1, 1954 and October 23, 1973, are conforming structures and may be repaired, reconstructed, or structurally altered as multiple-family dwellings in accordance with the provisions of this Chapter in effect for the respective zone prior to October 23, 1973, so long as the total floor area is not increased beyond what is in existence as of May 10, 1993.

(c) If a lot was in a multiple-family zone and was recorded in the Montgomery County land records prior to January 1, 1954, and the lot does not meet the minimum net lot area standards of Sec. C-2.411, any development on the lot is subject to the multiple-family zone standards for the property in effect as of January 1, 1954, except:

(1) Any multi-family dwelling built under the standards of a multi-family zone prior to 1954 that has a valid use-and-occupancy permit, is a conforming structure and may be repaired, reconstructed, or structurally altered as a multi-family dwelling in accordance with the provisions of this Chapter in effect for the respective zone prior to 1954, so long as the total floor area is not increased beyond what was in existence as of January 1, 2001.

(2) Any multi-family dwelling built after January 1, 2001, and replacement of any multi-family dwelling built under the standards of a multi-family dwelling built under the standards of a multi-family zone prior to 1954, must conform to the off-street parking requirements as set forth in Division 59-E-3.

(d) If a lot in a multiple-family zone was recorded in the Prince George's County land records, in a multiple-family zone as of July 1, 1997, and does not meet the minimum net lot area standards of Sec. C-2.411, any development on the lot is subject to the Montgomery County multiple-family zone standards for the property in effect as of January 1, 1954, except:

(1) Any multi-family dwelling built under the standards of a multi-family zone prior to 1954 that has a valid use-and-occupancy permit, is a conforming structure and may be repaired, reconstructed, or structurally altered as a multi-family dwelling in accordance with the provisions so long as the total floor area is not increased beyond what was in existence as of January 1, 2001.

(2) Any multi-family dwelling built after January 1, 2001, and replacement of a multi-family dwelling built under the standards of any multi-family zone prior to 1954, must conform to the off-street parking requirements as set forth in Division 59-E-3.

Sec. 59-C-2.3. Land uses.

No use is allowed except as indicated in the following table:

- **Permitted Uses.** Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

- **Special Exception Uses.** Uses designated by the letters "SE" may be authorized as special exceptions, in accordance with the provisions of Article 59-G. Conditional Use

	R-30	R-20	R-10	R-H
(a) Residential.				I
Apartment hotels. ¹	-	-	-	I
Boardinghouses. ²	P	P	P	P
Dwellings, multiple-family <u>Multi-unit living, Household living (Residential)</u>	P	P	P	P
Dwellings, one-family detached. <u>Single unit living, Household living (residential)</u>	P	P	P	P
Embassy. ¹⁹ <u>single-unit living, household living (residential)</u>	P	P	P	P
Fraternity and sorority houses.	SE	SE	SE	I
Group home, small. <u>Residential Care Facility – Up to 8 ppl, Group Living, (Residential)</u>	P	P	P	P
Group home, large. <u>Residential Care Facility - 9 to 16 ppl, Group Living, (Residential)</u>	P	P	P	P
Guest rooms, for not more than 2 roomers in any dwelling unit. <u>Household Living Uses</u>	P	P	P	I
Housing and related facilities for senior adults or persons with disabilities. <u>Independent Living Facility for Seniors or persons with disabilities, Group Living, (Residential)</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P
Life care facility. <u>Residential Care Facility – Over 16 persons, Group Living, (Residential)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE
Personal living quarters. ²⁴ <u>Personal Living Quarters (up to 50 units) / Personal Living Quarters (Over 50 units)</u>	P/SE <u>L/C</u>	P/SE <u>L/C</u>	P/SE <u>L/C</u>	P/SE
(b) Transportation, communication and utilities.				I
Amateur radio facility. <u>Amateur Radio Facility (up to 65 ft) / Amateur Radio Facility (over 65 feet), Accessory commercial uses</u>	P ⁴ /SE <u>P/C</u>	P ⁴ /SE <u>P/C</u>	P ⁴ /SE <u>P/C</u>	P⁴/SE
Cable communications system. ³ <u>Cable communication system, communication facility (commercial)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE
Electric power transmission and distribution lines, overhead, carrying more	SE P	SE P	SE P	I

than 69,000 volts. <u>Transmission Lines (Above Ground), Utilities (Industrial)</u>				
Electric power transmission and distribution lines, overhead, carrying 69,000 volts or less. <u>Transmission Lines (Above Ground), Utilities (Industrial)</u>	P	P	P	I
Electric power transmission and distribution lines, underground <u>Transmission Lines (Below Ground), Utilities (industrial)</u>	P	P	P	P
Parking of automobiles, off-street, in connection with commercial uses. <u>Only allowed for commercial uses in a Historic District Parking, (Commercial)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	I
Parking of motor vehicles, off-street, in connection with any use permitted <u>Surface Parking for Use Allowed in the Zone</u>	P	P	P	P
Pipelines, aboveground <u>Pipeline (Above Ground), Utilities, (Commercial)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	I
Pipelines, underground <u>Pipeline (Below Ground), Utilities</u>	P	P	P	P
Public utility buildings and structures.	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE
Radio and television broadcasting stations and towers. <u>Media Broadcast Tower, Communication Facility (Commercial)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	I
Railroad tracks.	P	P	P	I
Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. ²² <u>Antenna on existing structure, Accessory commercial uses (commercial)</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P
Telephone and telegraph lines. <u>Transmission Lines (Above Ground), Utilities</u>	P	P	P	P ²
(c) Commercial.				I
Retail sales and personal service establishments incidental to a multiple-family dwelling or group of dwellings. <u>Retail/Service Establishment (up to 5,000 SF)</u>			SE ⁶ <u>L</u>	SE
Transitory use ²¹ <u>Transitory Use, Temporary Commercial Uses (Commercial)</u>	P/SE <u>L</u>	P/SE <u>L</u>	P/SE <u>L</u>	P/SE
(d) Services.				I
Adult foster care home. <u>Residential Care Facility (up to 8 persons), Group Living (Residential)</u>	P	P	P	P
Ambulance or rescue squads, privately supported, nonprofit. <u>Ambulance or Rescue Squads (private) (Civic/Institutional)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	I
Ambulance or rescue squads, public supported. <u>Public Use (Except Utilities) (Civic/Institutional)</u>	P	P	P	P
Chancery. ²⁰	SE	SE	SE	SE
Child day care facility:				I
—Family day care home. <u>Family Day Care (up to 8 Persons), Day Care Facility, (Civic and Institutional)</u>	P	P	P	P
—Group day care home. ²³ <u>Group Day Care (9 to 12 persons), Day Care</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE

<u>Facility (Civic and Institutional)</u>				
—Child day care center. <u>Day Care Center (13-30), Day Care Facility, (Civic and Institutional)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE
Churches, memorial gardens, convents, monasteries and other places of worship. <u>Religious Assembly</u>	P	P	P	P
Clinic, medical or dental, for 5 or more medical practitioners. ¹³	SE	SE	SE	I
Community redevelopment areas. ¹⁸	SE	SE	SE	SE
Day care facility for up to 4 senior adults and persons with disabilities. ¹⁰ <u>Family Day Care (up to 8 Persons), Day Care Facility (Civic and Institutional)</u>	P	P	P	P
Day care facility for more than 4 senior adults and persons with disabilities. ¹⁰ <u>Group Day Care (9 to 12 Persons); Day Care Center (13-30 Persons); Day Care Center (over 30 persons)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE
Domiciliary care home for more than 16 residents. ⁷ <u>Residential Care Facility (Over 16 persons), Group Living, (Residential)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE
Educational institutions private. <u>Education Institution (Private), (Civic and Institutional)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	I
Fire stations, publicly supported. <u>Public Use (Except Utilities)</u>	P	P	P	P
Group residential facilities for housing exceptional persons. <u>Residential Care Facility (based no number of residents) (up to 8/9 to 16/Over 16)</u>	SE <u>P/P/C</u>	SE <u>P/P/C</u>	SE <u>P/P/C</u>	SE
Home health practitioner's office. <u>Home Health Practitioner (Low Impact/Major Impact)</u>	P ¹⁵ / SE ¹⁴ <u>C/C</u>	P ¹⁵ / SE ¹⁴ <u>C/C</u>	P ¹⁵ / SE ¹⁴ <u>C/C</u>	I
Home occupation, major. ¹⁴ <u>Home Occupation (Major Impact) (Accessory Use); (Residential)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE
Home occupation, registered. ¹⁵ <u>Home Occupation (Low Impact) (Accessory Use), (Residential)</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P
Home occupation, no impact. ¹⁶ <u>Home Occupation (No Impact) (Accessory Use); (Residential)</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P
Hospice care facilities. <u>Residential Care Facility (up to 8) / Residential Care Facility (9 to16) / Residential Care Facility (Over 16)</u>	SE <u>P/P/C</u>	SE <u>P/P/C</u>	SE <u>P/P/C</u>	SE
Hospitals. <u>Hospital (Civic and Institutional)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE
Nursing home. ⁷ <u>Residential Care Facility (up to 8) / Residential Care Facility (9 to16) / Residential Care Facility (Over 16)</u>	SE <u>P/P/C</u>	SE <u>P/P/C</u>	SE <u>P/P/C</u>	SE
Offices, business. ⁸ <u>Townhouse Living/Multi-Unit Living</u>	P <u>P/P</u>	P <u>P/P</u>	P <u>P/P</u>	P
Offices, general			P ⁹	I
Office, medical practitioner, for use by other than a resident of the building. ¹⁴	SE	SE	SE	SE¹⁴
Publicly owned or publicly operated use. <u>Public Use (except utilities), (Civic and Institutional)</u>	P	P	P	P
Respite care home. <u>Residential Care Facility (up to 8 persons) Group</u>	P	P	P	P

<u>Living, (Residential)</u>				
(e) Cultural, entertainment and recreational.				I
Golf courses and country clubs. <u>Golf Course and Country Club; Recreation and Entertainment (Commercial)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	I
Libraries and museums. <u>Cultural Institution (Civic and Institutional)</u>	P	P	P	P
Parks and playgrounds, publicly owned. <u>Public Use (Except Utilities), (Civic and Institutional)</u>	<u>P</u>	<u>P</u>	<u>P</u>	P
Private clubs and service organizations. <u>Private Club and Service Organization (Civic and Institutional)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	I
Swimming pools, community. <u>Swimming Pool (Community); (Civic and Institutional)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	I
Swimming pools, private. ¹⁷	P	P	P	P
(f) Resource production and extraction.				I
Agricultural uses. <u>Community Garden / Crop Farm / Livestock Farm / Urban Farm / Animal Husbandry</u>	P <u>L/-/-</u> <u>/L/L</u>	P <u>L/-/-</u> <u>/L/L</u>	P <u>L/-/-</u> <u>/L/L</u>	P
Temporary structures, including wayside stands for the sale of farm products. <u>Agricultural Vending</u>	SE <u>L</u>	SE <u>L</u>	SE <u>L</u>	I
(g) Miscellaneous uses.				I
Accessory buildings and uses. <u>Accessory Buildings, Structures and Uses</u>	P	P	P	P
Signs, in accordance with the provisions of <u>article 59-F</u> .	P	P	P	P

¹ If lawfully existing prior to April 26, 1966. They will not be regarded as nonconforming uses and may be continued, repaired, reconstructed, structurally altered or enlarged. (Attached to Apartment Hotels)

² ~~Provided that the lot contains at least 3,000 square feet plus 1,500 square feet per bedroom rented to a roomer or boarder, but not less than a total of 12,000 square feet.~~ (Attached to Boarding House)

³ Except as provided in sections 59-A-6.9 and 59-G-2.10.1. (Attached to Cable communications system) See Sec. 3.5.2.A.1-2

⁴ Must not exceed 65 feet in height; however, a special exception for additional height may be granted, by the Board of Appeals if it can be demonstrated that the additional height is the minimum needed to engage in amateur radio communications under a license issued by the Federal Communications Commission. Any amateur radio facility existing before December 26, 2005 that exceeds 65 feet in height is a conforming structure. (Attached to Amateur radio facility, R-30, R-20, & R-10) See Sec. 3.5.14.A and 3.5.14.B

⁵ Underground only. (Attached to Telephone and telegraph lines, R-H). Conditional in all multi-family zones now See Sec. 3.6.7.E.

⁶ The dwelling in which the establishments are located must have at least 150 dwelling units, be at least 6 stories in height and be within a multiple-family complex of at least 20 acres. (Attached to Retail sales and personal service establishments incidental to a multiple-family dwelling or group of dwellings (R-10)) See Sec 3.5.11.A

⁷ Subject to the special exception standards for a Nursing Home; and Domiciliary Care Home, section 59-G-2.37. *(Attached to Nursing home)*. SOME of 59-G-2.37 is found in Sec 3.3.2.E.4. Excludes the issues relating to parking and adds in information about requirements for occupants.

⁸ In a multiple-family, or group of such dwellings occupying a parcel of land in one ownership, containing at least 24 dwelling units, for business connected with the rental, operation, service, and maintenance of the dwelling. *(Attached to Offices, business)* See Sec. 3.3.1.D and 3.3.1.E

⁹ General office uses, excluding a veterinarian's office, are permitted in the R-10 zone only in buildings originally constructed as apartment-hotels in the C-2 zone. Such uses shall only be permitted in units where general office uses were lawfully in existence on October 19, 1982. Such units may be repaired, remodeled and enlarged; but any enlargement shall not increase the amount of commercial space within the building. Except for the activities explicitly included in the general office definition, no wholesale or retail sale, leasing or distribution of goods or products or the storage or warehousing of such goods or products shall be permitted. *(Attached to Office General)*

¹⁰ See "Day Care Facility for Senior Adults and Persons with Disabilities," section 59-G-2.13. *(Attached to Day care facility for up to 4 senior adults and persons with disabilities)* See Sec. 3.4.4.D, 3.4.4.E, 3.4.4.F

¹¹ ~~On ground floor level only, so located as to protect residents from noise and odors, and with sufficient additional parking space.~~ *(Attached to Office, medical practitioner, for use by other than a resident of the building.)*

¹² ~~Repealed by Ord. No. 13-47, § 3.~~

¹³ Provided that a petition was approved prior to February 20, 1989, as provided in section 59-G-2.14. *(Attached to Clinic, medical or dental, for 5 or more medical practitioners)*

¹⁴ In accordance with Section 59-G-2.29, title "Home Occupation, Major." A professional office for a resident of a dwelling for which a use-and-occupancy permit was issued prior to February 5, 1990, may be continued as a nonconforming use, as provided in Division 59-G-4. Alternatively, an existing resident professional may register a home occupation or home health practitioner's office, in accordance with Sections 59-A-3.4 and 59-A-6.1, or apply for a special exception, in accordance with Section 59-G-2.29. *(Attached to Home health practitioner's office R-30, R-20, R10, Home occupation, major, and Office, medical practitioner, for use by other than a resident of the building.)* See Sec 3.3.3.E, and 3.3.3.F.

¹⁵ In accordance with Sections 59-A-3.4 and 59-A-6.1. *(Attached to Home occupation, registered)* See Sec. 3.3.3.F

¹⁶ There must be no more than 5 visits per week, no nonresident employees and no discernible adverse impact on the neighborhood. *(Attached to Home occupation, no impact)* See Sec. 3.3.3.F

¹⁷ ~~For the exclusive use of the residents of dwellings located on the same lot.~~ *(Attached Swimming pools, private)*

¹⁸ If in existence as of July 22, 1991. *(Attached to Community redevelopment areas)*

¹⁹ Must comply with all County building and related codes. Application for a building permit must be accompanied by a letter or other communication indicating that the State Department has been notified of the proposed location. *(Attached to Embassy)* Embassy use combined into residential. See Sec. 3.3.1.B.

²⁰ ~~When located on the same site as an embassy.~~ Chancery now office use and NOT permitted in multifamily zones

²¹ In accordance with Section 59-A-6.13. *(Attached to Chancery)* (Attached to Transitory use) See Sec. 3.5.15.C.

²² Refer to Sec. 59-A-6.14. *(Attached to Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room)* See Sec. 3.5.14.F.

²³ Not to be located in a townhouse unit or an attached unit. (Attached to Group day care home) [Sec 3.4.3.D.2.a.ii](#)
[See Sec. 3.4.4.D.](#)

²⁴ In accordance with the provisions of Section [59-A-6.15](#). A special exception is required for a PLQ development with 50 or more individual living units. (Attached to Personal living quarters). [See Sec. 3.3.2.D.](#)

Sec. 59-C-2.4. Development standards.

59-C-2.41. Standard method of development. [Sec. 4.4.12](#); [Sec 4.4.13](#); [Sec. 4.4.14- R-30, R-20 and R-10](#) **[Standard Method Development Standards](#)**

Except as provided in section [59-C-2.42](#), the following standards apply:

	R-30 See Sec. 4.4.13	R-20 See Sec. 4.4.14	R-10 See Sec. 4.4.15	R-H
59-C-2.411. Minimum Net Lot Area (in Square Feet).				
For any development:	12,000	16,000	20,000	40,000
Per dwelling unit:				
(a) For the zones indicated:	3,000	2,000	1,000	
(b) For the R-H zone				
Where the percentage of the lot covered by multiple-family dwellings is				
-More than 11:				1,400
-More than 10:				1,300
-More than 9:				1,200
-More than 8:				1,100
-Eight or less:				1,000
59-C-2.412. Minimum Lot Width at Front Building Line (in Feet).				
-For an interior lot:	75	85	100	200
-For a corner lot:	100	100	125	200
-For any lot used for multiple group dwellings:	100	125	150	200
59-C-2.413. Yard Requirements (in Feet). Each lot must have building lines parallel to each of its boundaries and so located as to provide front, side and rear yards at least as follows:				
(a) For buildings not over 30 feet in height, the minimum setbacks shall be:[†]				
(1) From street (whichever is greater):				

- From street line:	30	30	30	30
From center line:	65	65	70	70
(2) From adjoining lot				1
-One side:	10	10	10	10
Sum of both sides:	30	30	30	30
-Rear:	30	30	30	30
(b) For buildings over 30 feet in height, all of the setbacks shown in (a) above must be increased for each foot of height over 30 feet by an additional: ²		3	0.5	1
59-C-2.414. Distance Between Buildings (in Feet). The minimum distance between any 2 multiple-family dwellings on the same lot must be as follows:				1
For buildings not over 30 feet in height:	50	50	50	50
For each foot by which the taller building exceeds 30 feet, an additional:		2	0.5	1
59-C-2.415. Courts. Inner courts are not permitted. The width of outer courts must be calculated in the same manner as specified in section 59-C-2.414 for the distance between buildings.				1
59-C-2.416. Maximum Building Height (in Feet).				1
On a lot of 5 acres or more:	35	80	100	1
On a lot of less than 5 acres:	35	30		1
-Additional height for air conditioners or similar rooftop structures and mechanical appurtenances pursuant to division 59-B-1(b): <u>4.1.5.D.3</u>	8			1
59-C-2.417. Coverage Limitations (Percent of Area of Lot).				1
-Building must not occupy more than:	18	18	12	12
-Green area must be provided for not less than:	65	60	50	55
59-C-2.418. Maximum Density of Development (Dwelling Units per Acre of Net Lot Area):	14.5	21.7	43.5 ³	3
59-C-2.419. Procedure for Application and Approval. Site plans must be submitted and approved in accordance with the provisions of division:				59-D-3
59-C-2.42. Special regulations for development including moderately priced dwelling units. <u>Sec. 6.1.2 and Sec. 6.1.6 Optional method development in R-30, R-20 and R-10</u>				1
The following optional standards may be used to achieve MPDUs, including any bonus density, provided under Chapter 25A on site. If the optional standards are	-			1

used, the site plan approval procedures of Division 59-D-3 must be followed.				
59-C-2.421. Maximum Density of Development.				I
-Dwelling units per acre: Sec 6.1.2	17.69	26.47	53.07	I
-Percent increase over section 59-C-2.411(b) :				22
59-C-2.422. Coverage Limitations (Percentage of Area of Lot).				I
-Green area may be reduced, to not less than: Sec 6.1.2	35	35	35 ⁴	35 ⁴
59-C-2.423. The requirements for yards, building setbacks and distances between multifamily dwellings may be reduced if it is demonstrated during site plan review that such reductions are necessary to accommodate the increased density.				I
59-C-2.424. Off-Street Parking. The off-street parking requirement for each moderately priced dwelling unit must be as specified in the schedule of parking requirements contained in section 59-E-3.7 .				I
59-C-2.425. Procedure for application and approval. Site plans must be submitted and approved in accordance with the provisions of division: Sec 6.1.1.A	59-D-3	59-D-3	59-D-3	59-D-3

1 In the case of the R-H zone, none of these minimum yards must be used for accessory buildings, parking or access roads; except that entrance and exit drives may cross them in as direct a manner as possible.

2 In the R-H zone, the additional setback required in (b) does not have to be maintained as yard area and may be utilized for parking, access drives, accessory buildings and the terracing of buildings, so long as any building or structure does not penetrate the setback line requirement in section [59-C-2.413\(b\)](#).

³ ~~Workforce housing units may be provided under Section [59-A-6.18](#) and Chapter 25B.~~

⁴ ~~If required to accommodate the construction of all workforce housing units on site.~~

59-C-2.43. Transferable development rights zones.

59-C-2.431. Method of development. The following 2 methods of development are possible in each of the TDR zones:

(a) **Standard method of development.** Development under the standard method for TDR zones must comply with the requirements for development and density limitations contained in the corresponding zones as identified in section [59-C-2.41](#). In addition, standard method development may be approved under the procedures for development including moderately priced dwelling units, as contained in section [59-C-2.42](#), if the property satisfies the minimum requirements for these development options. [Sec. 4.8.4.A TDR Overlay Zone Standard Method](#)

(b) **Optional method of development.** Under the optional method of development for the TDR zones, greater densities may be permitted up to the maximum density established in the development standards of section [59-C-2.432](#) of the zone, but development must also conform to the special regulations for optional method

developments using transferable development rights as contained in section [59-C-2.44](#). The special regulations require compliance with the density, numerical limitations, and other guidelines contained in the applicable master or sector plan approved by the district council. [Sec. 4.8.4.B TDR Overlay Zone Optional Method](#)

[Sec. 6.3.1.D TDR Overlay Density Designation](#)

	R-30 TDR	R-20 TDR	R-10 TDR
59-C-2.432. Development Standards-Transferable Development Rights Zones:			
(a) Land uses. Uses allowed in the TDR zones are those uses allowed in the following zones:	R-30	R-20	R-10
(b) Development standards-Standard method: Density limitations for MPDU development (section 59-C-2.42) apply to similar development in the standard method TDR zones:	R-30	R-20	R-10
All other development must be in accord with the development standards applicable to the following zones:	R-30	R-20	R-10
(c) Development standards-Optional method of development:			
-Maximum density of development (maximum number of dwellings per acre): Sec. 6.3.1.D	40	50	100
-All other development standards as specified in the special regulation provisions of section 59-C-2.44 .			

59-C-2.44. Special regulations for optional method development using transferable development rights.

59-C-2.441. Applicability. The following procedures and regulations apply to the transfer of development rights from land classified in the rural density transfer zone (RDT) to land classified in the transferable development rights (TDR) zones. The Planning Board may approve subdivision of such land at densities not to exceed the maximum density permitted in the applicable TDR zone and conforming to the guidelines contained in the applicable master or sector plan approved by the district council. [Sec. 6.3.1. A](#) Any increase in density above the density applicable to the standard method of development must be based on a ratio of two multi-family dwelling units for each transferable development right (TDR), except within a designated Metro station policy area, where a ratio of three multi-family dwelling units for each TDR and two one-family detached units for each TDR applies. [Sec. 6.3.1.E](#)

59-C-2.442. General provisions.

(a) A development right must be created, transferred and extinguished only by means of documents, including an easement and appropriate releases, in a recordable form approved by the Planning Board. The easement must limit the future construction of one-family dwellings on a property in the RDT zone to the total number of development rights established by the zoning of the property minus all development rights previously transferred in accordance with this section, the number of development rights to be transferred by the instant transaction, and the number of existing one-family detached dwellings on the property. [Sec. 6.3.1.C.1](#)

(b) The transfer of development rights must be recorded among the land records of Montgomery County, Maryland. [Sec. 6.3.1.C.1.E](#)

(c) The development density of a property under the TDR optional method may not be increased above the maximum density permitted in the zone (section [59-C-2.432](#)) nor beyond the density or number of dwelling units

recommended for such property by the land use plan of the applicable master or sector plan approved by the district council. [Sec. 6.3.1.A](#)

(d) A property developed with development rights must include Moderately Priced Dwelling Units (MPDUs) under Chapter 25A and may include workforce housing units under Section [59-A-6.18](#) and Chapter 25B. The number of MPDUs and any resulting bonus density must be calculated after the base density of a property has been increased by a transfer of development rights. The MPDU density bonus does not require the acquisition of additional development rights. [Sec. 6.3.1.B.2](#)

59-C-2.443. Development approval procedures under the optional method of development.

(a) A request to utilize development rights on a property under the optional method must be in the form of a preliminary subdivision plan submitted in accordance with the subdivision regulations contained in chapter 50 of the County Code.

(b) Such a preliminary plan must include at least two-thirds of the number of development rights permitted to be transferred to the property under the provisions of the applicable master or sector plan approved by the district council. However, upon a finding by the Planning Board that for environmental or compatibility reasons it would be desirable to permit a lower density, the two-thirds requirement may be waived. [Sec. 6.3.1.E](#)

(c) A site plan must be submitted and approved in accordance with the provisions of division 59-D-3. [Sec. 6.3.1.H](#)

(d) The Planning Board must approve a request to utilize development rights if the request: [Sec. 6.3.1,](#)

(1) does not exceed the limitations on the density or number of dwelling units permitted in the zone and in the applicable master or sector plan approved by the district council;

(2) is in accordance with provisions of this chapter;

(3) is in accordance with chapter 50, title "Subdivision of Land";

(4) is consistent with other recommendations of the master or sector plan approved by the district council; and

(5) achieves a desirable development compatible with both site conditions and surrounding existing and future development.

(e) Prior to Planning Board approval of a final record plat for a subdivision using transferred development rights, an easement to the Montgomery County Government in the form required by subsection (a) above limiting future construction of dwellings on a property in the RDT zone by the number of development rights received must be recorded among the land records of Montgomery County, Maryland. [Sec. 6.3.1.C.1](#)

(f) A final record plat for a subdivision using transferred development rights must contain a statement setting forth the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of this conveyance required by section [59-C-2.442\(b\)](#). [Sec. 6.3.1.C.4](#)

59-C-2.444. Development standards applicable to the optional method of development.

(a) Development under the TDR optional method density provisions of section [59-C-2.432\(c\)](#) must conform to the development standards and permitted residential uses as indicated in section [59-C-2.445](#).

(b) The final density achieved for any property located in a TDR receiving area developed under the optional method procedures must be determined by the Planning Board at site plan and/or subdivision review and must conform to the site plan provisions (division 59-D-3 of the Zoning Ordinance) and subdivision regulations (chapter 50 of the Montgomery County Code). [Sec. 6.3.1.H](#)

(c) In making the determination as to the final density, the Planning Board will consider the following factors: [Sec. 6.3.1.H](#)

- (1) provides an appropriate range of housing types;
- (2) preserves environmentally sensitive and priority forest areas, and mitigates unavoidable impacts on the natural environment;
- (3) facilitates good transit serviceability and creates a desirable and safe pedestrian environment;
- (4) achieves compatibility with surrounding land uses; and
- (5) conforms to the relevant master or sector plan approved by the district council.

59-C-2.445. Special provisions for TDR developments. The following development standards for the development of a property under the optional method apply to the TDR density shown on the master or sector plan for that area. Where moderately priced dwelling units are included in accordance with the requirements of chapter 25A of this Code, as amended, the MPDU development standards apply. The increase in density must not exceed 22 percent of the TDR density. [Sec. 6.1.2.E, with modifications](#)

Minimum Percentage Required ¹						
TDR Density per Acre Shown on Master Plan	Size of Development ³	One-Family Detached	One-Family Townhouse and Attached	Multiple Family ² Four-Story or Less ⁴	Over 4-Story	Green Area (Percent of gross area)
16-30	Less than 200 units	P	P	P ⁵	50	40
16-30	200 units or more	P	P	25 ⁵	50	40
35-50	Less than 200 units	P	P	25	50	30
35-50	200 units or more	P	P	35	50	30
60-100	Less than 200 units	NP	P	P	P	30
60-100	200 units or more	NP	P	P	P	30

P Permitted but not required.

() Maximum percentage permitted.

1 Upon a finding by the Planning Board that a proposed development is more desirable for environmental reasons or is more compatible with adjacent development than that which would result from adherence to these standards, the percentage requirements for one-family and multiple-family stated herein may be waived.

2 Permitted only where specifically recommended as type in the area master or sector plan for the receiving area. In any instance where the minimum percentage requirement would yield a total of 150 multiple-family dwelling

units or less, this requirement does not apply, and no such units will be required. Whenever the minimum percentage would yield 151 units or more, the full number is required except in cases covered by footnote number 1.

3 Total number of dwelling units planned.

4 One-family attached may be substituted for all or part of this requirement.

5 The four-story height limit may be waived upon a finding by the Planning Board that a proposed development can achieve greater compatibility with adjacent development that would result from adherence to the standards.