



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING DEPARTMENT

MEMORANDUM

Date: December 2, 2010
To: Montgomery County Planning Board
Via: Rollin Stanley, Planning Director *RS*
Montgomery County Planning Department
From: Joshua Sloan, Coordinator *JS*
Development Review Division
Re: Commercial/Residential (CR) Incentive Density Guidelines

Summary

On March 18, 2010; May 21, 2010; and October 21, Staff presented the Planning Board with iterative drafts of the *CR Zone Incentive Density Implementation Guidelines*. These guidelines are required to be published and maintained by the Planning Board by the CR zones; they are to be used to analyze and approve public benefits required by the zone for increases in density above the standard method.

In general, the Board felt that the approach and layout was appropriate. Most recent discussions were focused on editorial details and a couple concerns about methodology and clarity. Staff was asked to make edits addressing these concerns and return to the Board with finalized *Guidelines*. These guidelines are attached.

Recommendation

Staff recommends that the Planning Board approve the *CR Zone Incentive Density Implementation Guidelines* in order to allow for review and analysis of current sketch plans and make recommendations on pending applications.

CR Zone Incentive Density Implementation Guidelines

Contents

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING DEPARTMENT



Purpose

Zoning Ordinance

The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits that may be provided for incentive density. These guidelines must be consistent with the purposes of [the CR] zone and are in addition to and do not supersede any standards, requirements, or rules of incentive density calculation included in this Division.

Use of Guidelines

The Planning Board and its staff will use these guidelines when determining the adequacy of public benefits and amenities provided by an optional method application for development on a CR-zoned property. The public benefits and amenities are considered within the entire development subject to one sketch plan and may be compelled by a phasing plan on all subsequent site plans.

Limits of Guidelines

These guidelines are not requirements. Except as required by the zoning ordinance, criteria for the award of incentive density are based on best practices, effective implementation thresholds, and experience and analysis related to built projects. Alternative criteria may be suggested as long as the standards of the ordinance are met, the intent of the public benefit is achieved, and an appropriate amount of incentive density is requested. In any case where criteria established by these guidelines conflict with another county regulation, the regulation must be observed and the intent of the criteria must be addressed by other means.

Provisions

The CR zones are a family of mixed-use zones that establish density, use mix, and height based on a set of four factors: CR#, C#, R#, and H# representing the maximum total density, non-residential density, residential density, and height, respectively. The maximum densities and height that can be used to create a zone are delineated according to several rules enumerated in the ordinance. Once the numbers associated with each factor are enacted on a zoning map, the zone is set and the maximum density, permitted use-mix, and maximum height are fixed.

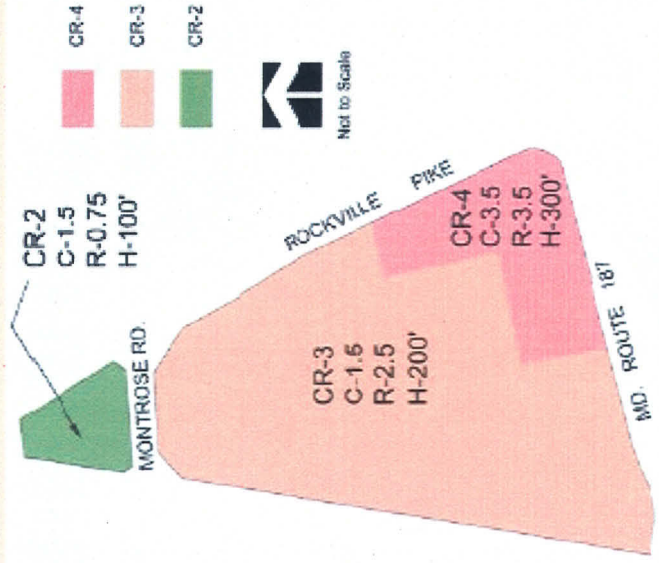
Methods of Development

Development on CR-zoned land may proceed under the standard or optional method development. Standard method development is limited in density to 0.5 FAR or 10,000 square feet, whichever is greater, and 40 feet in height. Optional method development is limited to the FAR and height established on the zoning map. A conceptual sketch plan is required for all optional method development, which also requires a site plan. Site plans are required for any standard method development with over 10,000 square feet or 10 dwelling units.

Requirements and Standards

There are requirements and standards that must be met by any project in a CR zone. These include setbacks, public use space, streetscape improvements, residential amenity space, bicycle parking and shower facilities, parking facility design, and consistency with the applicable master plan and design guidelines. All development must satisfy the standards and requirements enumerated in the zoning ordinance regardless of any public benefits provided.

Illustration



Process & Contents of a Sketch Plan

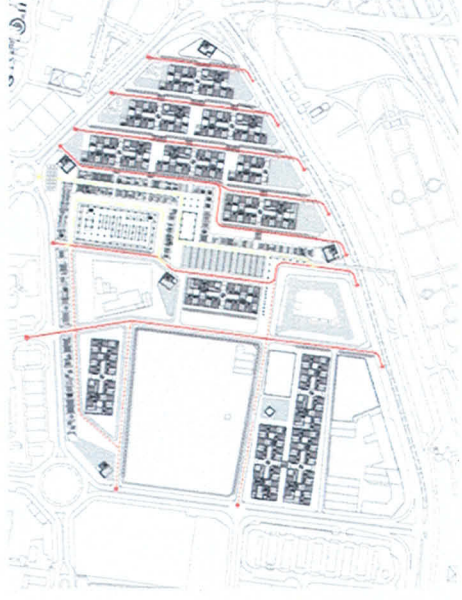
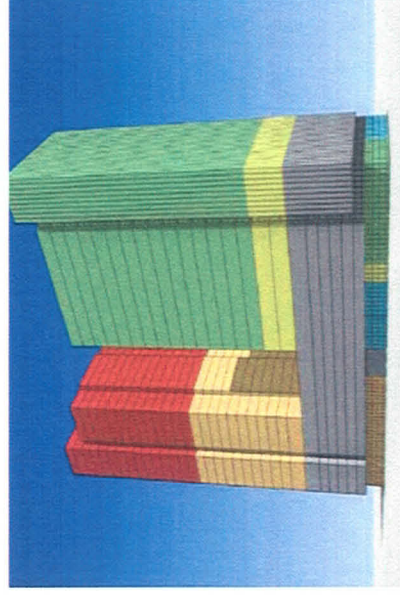
Provisions

A sketch plan showing the general nature of a development, including all proposed public benefits and amenities, must be presented to the public prior to filing an application for optional method development on a CR-zoned property per section 59-C-15.42. Applicants are encouraged to use this required public meeting to present designs to citizens and staff prior to “hard-line engineering” of development, so that alternatives can be explored and a “best fit” development can be achieved.

Sketch plans should maintain the minimum level of detail necessary to allow citizens, staff, and the Planning Board to evaluate a proposed development and make the required findings of the ordinance in Section 59-C-15.42.(c). Examples of appropriate levels of detail are included in these guidelines; but more or less detail may be needed in many cases, which will become apparent in the early discussions about an application. It should be remembered by all parties that a sketch plan approval only serves to ensure that an application is “appropriate in concept and appropriate for further detailed review at site plan”. Sketch plans may be modified at site plan with proper notice and upon a showing that the required findings can still be made.

The complete submittal requirements, application forms, and fees are established by the Montgomery County Planning Department and may be obtained on line or at the information desk at the Planning Department offices, at 8787 Georgia Avenue; Silver Spring, MD 20910. More information is available at www.MontgomeryPlanning.org or at 301.495.4595.

Illustrations



Density Calculation

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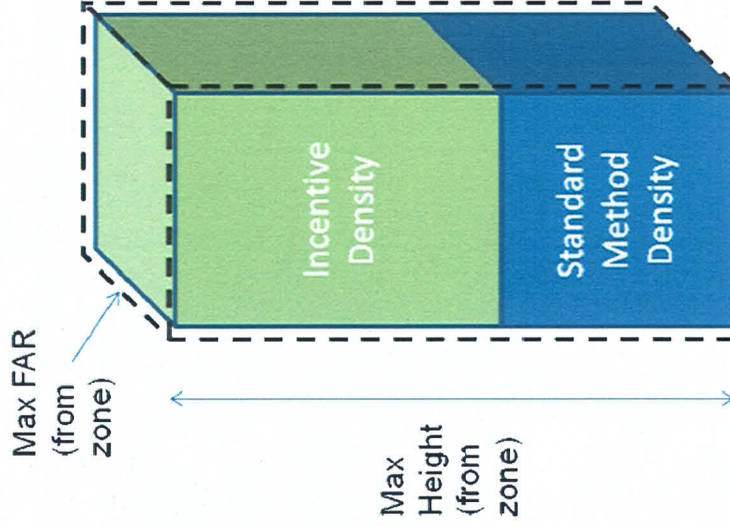
Density

All CR zones have the same standard method density: 0.5 FAR (floor area ratio) or 10,000 square feet, whichever is greater. The density between the standard method and the density indicated on the zoning map is defined as the “incentive density”. Any applicant that wishes to develop above the standard method density – up to the maximum allowed by the zone – must apply for an optional method of development approval. During this application process, the applicant proposes to provide specific public benefits and amenities in connection with its project. The Planning Board and its staff will determine whether the proposed public benefits support the additional density requested.

Height

All CR zones have the same standard method height: 40 feet. Height is not a factor used to determine the appropriateness of a public benefit, nor is additional height granted when a public benefit is provided. The height on the zoning map is simply the maximum height allowed (regardless of whether the density can be achieved). In cases where a CR zone is established with a maximum density of 0.5 but a height over 40 feet, a sketch plan must be submitted for expedited review and approval, but no public benefits are required.

Illustration



Calculation Method for New Development

All optional method development proposals must provide public benefits equal to 100% of the incentive density requested. Each of the seven public benefit categories has a maximum incentive density limit set by the zoning ordinance. Some individual public benefits explicitly allow the Planning Board to approve incentive density for those benefits up to the category limit; for all others, the amount of incentive density approved for each benefit must be less than the category limit, meaning that more than one benefit will be necessary to achieve the category limit.

These guidelines establish calculations and criteria for each of the public benefits in the following section. Deviations from the formulas or criteria may be made for equal, lesser, or greater density as allowed by the zoning ordinance and at the discretion of the Planning Board, per the general considerations for all public benefits enumerated below. In simple terms, each of the public benefits establishes criteria and a base incentive density percentage. The applicant for each optional method development project must proposed public benefits whose incentive density percentages add to 100% to achieve the total density proposed.

The Public Benefit Criteria Section of these guidelines establishes base incentive density percentages for each category of public benefit. These percentages may change in individual cases to conform with master plan priorities, other applicable guidelines, and the additional suggestions outlined in the individual public benefit sections. A web application calculator will be provided at www.montgomeryplanning.org to ensure consistency and maintain simplicity for applications. The calculations may be adjusted during site plan but must maintain the total incentive density percentage committed to at sketch plan. All calculations must be listed in the table of proposed benefits and must be provided for each phase.

Calculation Method for Redevelopment with Existing Buildings

A project that redevelops a site with existing buildings may take advantage of an alternative method of incentive density calculation if it:

1. Maintains at least 75% of the structural system of the existing building(s);
2. Contracts with an “architectural deconstruction” company or organization to remove recyclable and reusable materials prior to any demolition; and
3. Submits documentation showing compliance with these criteria prior to issuance of a building permit for new development.

If these criteria are met, the renovated existing building may be credited towards the incentive density according to the following formula:

$$\text{Formula: } (R/I) * 100$$

R = retained gross floor area in square feet

I = incentive density gross floor area in square feet

Example

$$\text{Formula: } (R/I) * 100$$

R	retained gross floor area	150,000 square feet
I	incentive density gross floor area	250,000 square feet

Calculation:

60 % incentive density

Remaining Incentive Density Required:

40 %

Categories of Public Benefits

The CR Zones establish seven categories of public benefits that may be used to support incentive density.

- *Transit Proximity*
- *Master-Planned Major Public Facilities*
- *Advanced Dedicated Rights-of-Way*
- *Connectivity and Mobility*
- *Diversity of Uses and Activities*
- *Design Quality*
- *Natural Environment Protection & Enhancement*

Transit Proximity, Master-Planned Facilities, and Advanced Dedication are self-contained categories. The other categories, Connectivity, Diversity, Design, and Environment, have lists of individual public benefits and amenities that an applicant may provide to obtain incentive density. These categories and individual public benefits are established by the zoning ordinance and certain basic criteria for implementation must be met. Additional standards and rules are established by these design guidelines.

Table of Public Benefits

Public Benefit	Public Benefit
<i>Master-Planned Facility</i>	<i>Design</i>
<i>Transit Proximity</i>	Historic Resource Protection
<i>Advanced Dedication of Right-of-Way</i>	Structured Parking
<i>Connectivity</i>	Tower Setback
Neighborhood Services	Public Art
Minimum Parking	Public Open Space
Through-Block Connection	Streetscape, Off-Site
Public Parking	Exceptional Design
Transit Access Improvement	<i>Environment</i>
Trip Mitigation	BLTs
<i>Diversity</i>	Energy Efficiency and Generation
Affordable Housing: MPDUs	Green Wall
Affordable Housing: WFHUs	Tree Canopy
Adaptive Buildings	Vegetated Area
Care Center	Vegetated Roof
Small Business Retention	
Dwelling Unit Mix	
Enhanced Accessibility for the Disabled	

Public Benefit Criteria (continued)

Zoning Ordinance

59-C-15.81.(b) In approving any incentive density based on the provision of public benefits, the Planning Board must consider:

- 1) The policy objectives and priorities of the applicable master or sector plan;
- 2) Any applicable design guidelines and any adopted public benefit standards and guidelines;
- 3) The size and configuration of the tract;
- 4) The relationship of the site to adjacent properties;
- 5) The presence or lack of similar public benefits nearby; and
- 6) Enhancements that increase public access to or enjoyment of the benefit.

General Public Benefit Standards Required by the Ordinance

Three aspects of a public benefit must be analyzed for compliance with the zoning ordinance:

- Does it address the general considerations required by the zone for all public benefits?
- Does it address the standards required for individual public benefits applicable to the specific benefit?
- Does it address the additional criteria required by the guidelines?

The foundation of all optional method development is that “increases in density and height above the standard method maximums [must be] consistent with the applicable master or sector plan, up to the maximum permitted by the zone” (59-C-15.81). Further, the CR zones list general considerations for approving any incentive density and certain “threshold” standards that must be met by any particular benefit.

Fundamentally, these general considerations establish that a public benefit must be consistent with the zoning ordinance, the applicable master plan and design guidelines, and must be appropriate for the particular context. The six elements listed above must be analyzed for all public benefits, and any additional criteria applied must be consistent with them. Individual benefits also have specific criteria that are enumerated in subsequent sections; the Planning Board and its staff must consider both the general and specific criteria.

Master-Planned Major Public Facility

Zoning Ordinance

59-C-15.82. Incentives for Master-Planned Major Public Facilities.

Major public facilities such as schools, libraries, recreation centers, urban parks, and county service centers provide public services at convenient locations, centers for community meetings, and civic events. Because of their significance in place-making, the Planning Board may approve incentive density of up to 70 percent for the conveyance of a site and/or construction of a major public facility that is designated on a master plan or sector plan and is accepted for use and operation by the appropriate public agency, community association, or nonprofit organization.

Guideline Criteria

Incentive density may be granted for master-planned major public facilities if:

1. The applicant conveys land and/or floor area for the facility; and/or
2. Constructs the facility.
3. Incentive density is limited to a maximum of 70%

Formula: $[(L+F)/(N*2)+((C/N)*4)]*100$

- N = net lot area in square feet
- L = land area conveyed in square feet
- F = floor area conveyed in square feet
- C = constructed area of facility in square feet

Projects that vary from a simple conveyance and/or construction will be granted incentive density based on public review and comment commensurate with master plan goals and community priorities.

Example

Provision of floor area and full build-out of library/community center within building; no land conveyed.

Formula: $[(L+F)/(N*2)+((C/N)*4)]*100$

N	net lot area	866,205 square feet
L	land area conveyed	0 square feet
F	floor area conveyed	20,000 square feet
C	constructed area of facility	20,000 square feet

Calculation:

14% incentive density

59-C-15.83. Incentives for Transit Proximity.

In order to encourage greater use of transit, control sprawl, and reduce vehicle miles traveled, congestion, and carbon emissions, the Planning Board may approve incentive density for transit proximity under this section. The percentage of incentive density awarded to a project for transit proximity is as follows:

Transit Proximity	Level 1	Level 2
Adjacent or confronting	50%	30%
Within ¼ mile	40%	25%
Between ¼ and ½ mile	30%	20%
Between ½ mile and 1 mile	20%	15%

- a) A project is adjacent to or confronting a transit station or stop if it shares a property line, easement line, or is separated only by a right-of-way from an existing or planned transit station or stop and 100 percent of the gross tract area submitted in a single sketch plan application is within ¼ mile of the transit portal.
- b) For all other projects to qualify for incentive density availability at other distances, at least 75 percent of the gross tract area in a single sketch plan application must be within the range for which the incentive is proposed. The incentive density for projects with less than 75 percent of the gross tract area in one distance range must be calculated as the weighted average of the percentage of area in each range.

Guideline Criteria

Level 1 transit is defined in the zoning ordinance as a Metrorail station; level 2 transit is defined as an existing or planned station or stop along a rail or bus line with a dedicated, fixed path (e.g., MARC, purple line, CCT) (59-C-15.3). For the purposes of these guidelines, *planned stations or stops* are those that have been identified on an approved master or sector plan.

Confronting properties are those that are directly across each other based on a line between the two properties that is drawn perpendicular to the right-of-way. Properties that are directly diagonal across an intersection are also considered confronting.

Subsection a) is straightforward: to qualify for the highest proximity incentive, a property must share a property line with or confront a property with a transit station or stop. Further, 100% of the tract submitted in a single sketch plan that takes advantage of this incentive must be within ¼ mile of that boundary.

Subsection b) ensures that properties are granted incentive density in proportion to their proximity to a transit station or stop when they straddle the ranges. There are two parts to this provision. First, if a property is 75% within a proximity range, the entire property is eligible for the density incentive enumerated for that range. Second, if less than 75% of a property is within a proximity range, a property is eligible for a weighted average. In this case, the amount of property in each range must be calculated and the density incentive enumerated as a weighted average.

Formula: $(((t1/T)*P1)+(t2/T)*P2))*100$

- T = total net tract area in square feet
- t1 = net tract area in range 1 in square feet
- t2 = net tract area in range 2 in square feet
- P1 = percentage for range 1 in decimal form
(i.e., 20% = 0.20)
- P2 = percentage for range 2 in decimal form

Example

Formula: $(((t1/T)*P1)+(t2/T)*P2))*100$

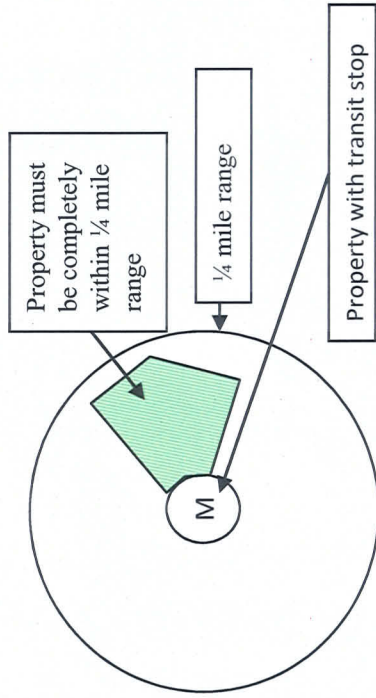
T	total tract area	80,000 square feet
T1	tract area within proximity range 1	55,000 square feet
T2	tract area within proximity range 2	25,000 square feet
P1	percentage for range 1	0.20%
P2	percentage for range 2	0.15%

Calculation:

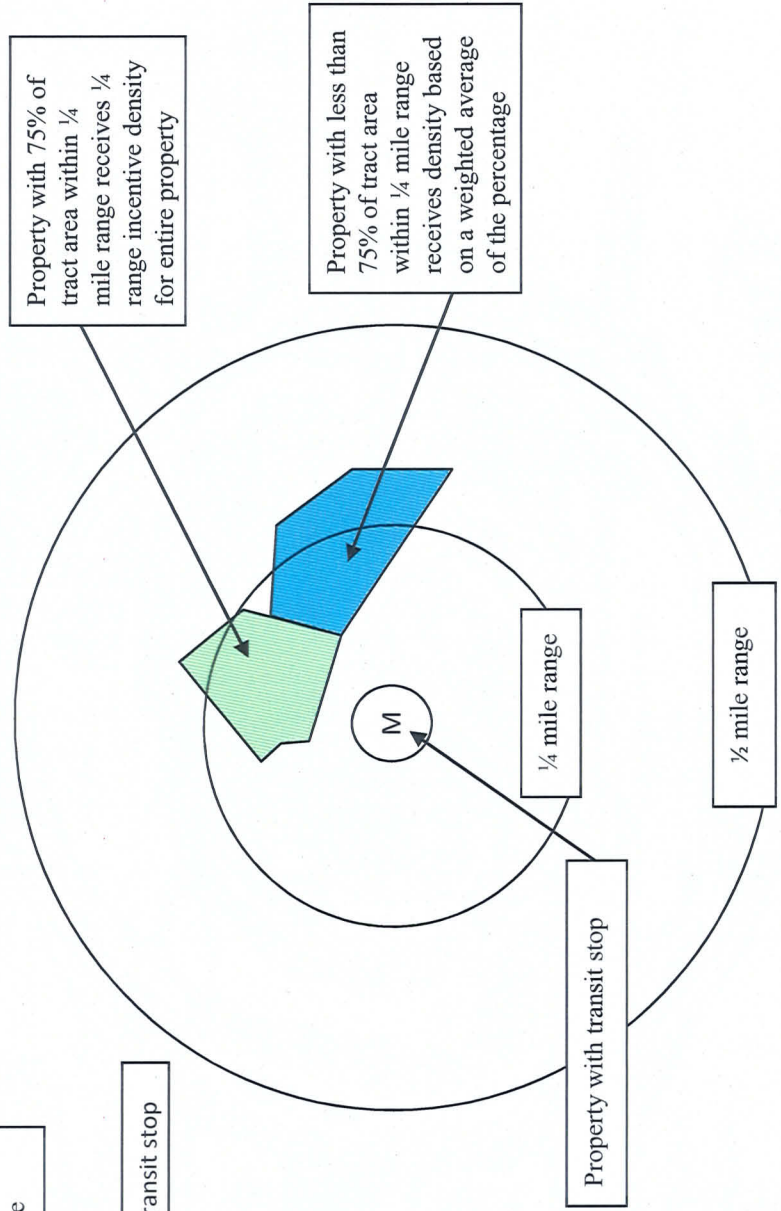
18 % incentive density

Illustrations

To qualify for subsection a):



To calculate under subsection b):



Zoning Ordinance

59-C-15.88. Advanced dedication of right-of-way.

When sketch plans or site plans are approved, the Planning Board may allow an incentive density not to exceed 30% for a prior dedication of rights-of-way for roadways, sidewalks, or bikeways recommended in the applicable master or sector plan, if the County or the State is responsible for constructing the facility on the right-of-way.

Guideline Criteria

The incentive density for advance dedication of right-of-way is calculated on a sliding scale up to 30% based on the percentage of gross tract area that is dedicated. Right-of-way that is dedicated in advance of submitting a development application may also be considered part of the gross tract area for FAR calculations. Public roadways, sidewalks, or bikeways under the jurisdiction of the State or County that are built by a third party and/or with private funds are considered to qualify as roadways, sidewalks, or bikeways that the "County or the State is responsible for constructing". The only advance dedications that will be considered for incentive density in a sketch plan approval are dedications made in anticipation of future development, such as those made prior to filing a sketch plan or those made within areas that will be developed during later phases of a sketch plan.

Formula: $(D/N) * 100$

D = dedicated land are in square feet

N = net tract area after dedication

Example

Owner of a 75,300 square foot lot dedicates 8,500 square feet for a master-planned bikeway prior to filing a sketch plan application.

Formula: $(D/N) * 100$

D dedicated land area 8,500 square feet

N net lot after dedication 75,300 square feet

Calculation:

11 % incentive density

Neighborhood Services

Zoning Ordinance

59-C-15.84.a) Neighborhood Services:

Safe and direct pedestrian access to 10 different retail services on site or within ¼ mile, of which at least 4 have a maximum retail bay floor area of 5,000 square feet.

Guideline Criteria

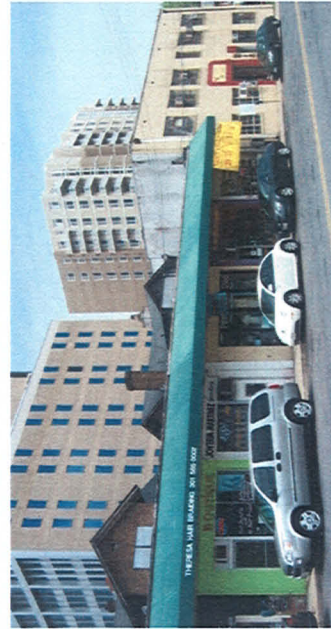
Incentive density of 10% is appropriate for a project that meets the criteria delineated in the zoning ordinance.

Additional incentive density may be granted if other criteria are met, such as:

- Accessibility to those services for the disabled;
- Businesses associated with live-work units; or
- Required number of retail uses is within 1 block.

Different retail services include banks, cafes, care centers, community/civic centers, convenience stores, dry cleaners, hair care services, hardware stores, health clubs, laundromats, libraries, medical and dental offices, parks, pharmacies, police and fire stations, post offices, religious institutions, restaurants, schools, supermarkets, theaters.

Illustrations



59-C-15.84.b) Minimum Parking:

Provision of the minimum required parking for projects of one acre of gross tract area or more.

Zoning Ordinance

Guideline Criteria

For projects on one acre of gross tract area or more, incentive density is calculated on a sliding scale from no density for providing the maximum allowable number of spaces on-site to 20% incentive density for providing no more than the minimum number of spaces on site.

Formula: $[(A/P)/(A/R)] * 0.20 * 100$

- A = maximum allowed spaces
- R = minimum required spaces
- P = proposed spaces

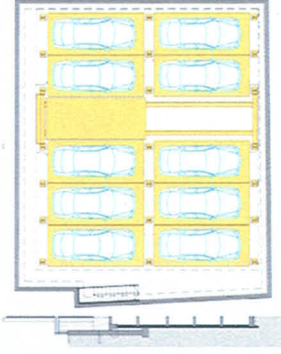
Example

Formula: $[(A/P)/(A/R)] * 0.20 * 100$

- A maximum allowed spaces 100 spaces
- R minimum required spaces 50 spaces
- P proposed spaces 60 spaces

Calculation:

17 % incentive density



Zoning Ordinance

59-C-15.84.a) Through-Block Connections:

Safe and attractive pedestrian connections between streets.

Guideline Criteria

Incentive density of 15% is appropriate for connections that meet the following requirements:

- Open-air, non-climate controlled
- Provides direct access between streets and may be provided through the first floor of a building if the property owner grants a public access easement for the walkway;
- At least 15 feet in width;
- At least 35 percent of the walls facing the interior pedestrian connection below a height of 8 feet have clear, unobstructed windows; and
- Open to the public between sunrise and sunset and, where the connection leads to a transit facility or publicly-accessible parking facility within ½ mile, for the hours of operation of the transit and/or parking facility.

Additional incentive density may be appropriate if other criteria are met, such as:

- Direct connection to parks, transit facilities, or public buildings;
- Accessible retail uses along a majority of its length;
- Increased width; or
- Public artworks integrated into the walk.

Incentive density below 15% may be granted if some of the guideline requirements are not provided.

Illustrations



Public Parking

59-C-15.84.d) Public Parking:

Zoning Ordinance

Provision of up to the maximum number of parking spaces allowed in the zone as public parking.

Guideline Criteria

Incentive density is calculated on a sliding scale from no density if public parking is not provided to 25% incentive density for providing 100% of the spaces between the minimum required and the maximum allowed as publicly available spaces.

Formula: $[(P/(T-R))*0.25]*100$

P = public spaces provided

T = total spaces provided

R = minimum required spaces

Example

Formula: $[(P/(T-R))*0.25]*100$

P	public spaces provided	25 spaces
T	total spaces provided	115 spaces
R	minimum required spaces	80 spaces

Calculation:

18% incentive density



Zoning Ordinance

59-C-15.84.e) Transit Access Improvement:

Ensuring that access to transit facilities meets County standards for handicapped accessibility.

Guideline Criteria

Incentive density of 15% is appropriate for transit access improvements that:

- Upgrade pedestrian connections to transit stations or stops to County standards for handicapped accessibility; and
- Are located within $\frac{1}{2}$ mile of the project site or, in the case of mobile transit improvements such as a bus shuttle, provide regular access for passengers within $\frac{1}{2}$ mile.

Additional incentive density may be appropriate if other criteria are met, such as:

- Closer access;
- Provision of public access easements; or
- Construction of seating areas/shelters.

Illustrations



Trip Mitigation

Zoning Ordinance

59-C-15.84.f) Trip Mitigation:

A binding and verifiable Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in non-auto driver mode share of at least 50% for trips attributable to the site.

Guideline Criteria

Incentive density of 15% is appropriate for trip mitigation that meets the zoning ordinance requirements. The traffic mitigation agreement (TMA) must:

- Be accepted by M-NCPPC and MCDOT prior to certification of any site plan for development subject to the agreement; and
- Outline the policies, tracking mechanisms, and reporting procedures to be put in place regarding car-pooling, transit subsidies, parking restrictions, bicycle facilities, and other mitigation strategies.

Additional incentive density may be appropriate if other criteria are met, such as:

- Shower facilities not otherwise required;
- Bike storage facilities above the minimum required; or
- Flex-car spaces.

Illustrations



59-C-15.85. Incentives for Diversity of Uses and Activities.

In order to increase the variety and mixture of land uses, types of housing, economic diversity, and community activities; contribute to development of a more efficient and sustainable community; reduce the necessity for automobile use; and facilitate healthier lifestyles and social interaction, the Planning Board may approve incentive density of up to 30% for a project that provides affordable housing or a public facility, as described below, or at least 2 of the other following public benefits:

- a) **Affordable Housing:** All residential development must comply with the requirements of Chapter 25A for the provision of Moderately Priced Dwelling Units (MPDUs) and may provide Workforce Housing Units (WFHUs) under Chapter 25B.
 - 1) MPDU Incentive Density: Provision of MPDUs above the minimum required is calculated on the total number of dwelling units as required by Chapter 25A, and the percent of incentive density increase is based on the proposed FAR for the entire project.
 - 2) WFHU Incentive Density: Provision of WFHUs is calculated at the following rate: 2 times the percentage of units provided as WFHUs.
- b) **Adaptive Buildings:** Provision of buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
- c) **Care Centers:** Child or adult day care facilities.
- d) **Small Business Retention:** Provision of on-site space for small, neighborhood-oriented businesses.
- e) **Dwelling Unit Mix:** Provision of at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units.
- f) **Enhanced Accessibility for the Disabled:** Provision of dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or units that satisfy an equivalent County standard.

Zoning Ordinance

59-C-15.85.a) Affordable Housing:

All residential development must comply with the requirements of Chapter 25A for the provision of Moderately Priced Dwelling Units (MPDUs) and may provide Workforce Housing Units (WFHUs) under Chapter 25B.

- 1) MPDU Incentive Density: Provision of MPDUs above the minimum required is calculated on the total number of dwelling units as required by Chapter 25A, and the percent of incentive density increase is based on the proposed FAR for the entire project.
- 2) WFHU Incentive Density: Provision of WFHUs is calculated at the following rate: 2 times the percentage of units provided as WFHUs.

Guideline Criteria

The calculations for incentive density for affordable housing are provided in the zoning ordinance and chapter 25A and must comply with all applicable regulations. Moderately Priced Dwelling Units (MPDUs) are calculated as a percent of the total number of dwelling units prior to the calculation of Workforce Housing Units (WFHUs). WFHUs are calculated based on the number of market rate units after the MPDU calculation is made.

Formula: $M + ((W * 2) * 100)$

M = MPDU incentive density from Chapter 25A in whole number (i.e., 18% = 18)
 W = percent WFHUs proposed in decimal form (i.e., 6% = 0.06)

Example

Formula: $M + ((W * 2) * 100)$

Total units proposed:	100 units
MPDUs percent provided:	0.145 % units
M	MPDUs required: 15 MPDUs
W	MPDU Density (from 25A): 20 %MPDU density
	WFHUs percent provided: 0.05 % units
	WFHUs required: 5 WFHUs
Calculated Market Rate Units Allowed:	80 Market Rate Units
Calculation:	10 % WFHU density
Calculation:	30 % incentive density

Adaptive Buildings

Zoning Ordinance

59-C-15.85.b) Adaptive Buildings:

Provision of buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.

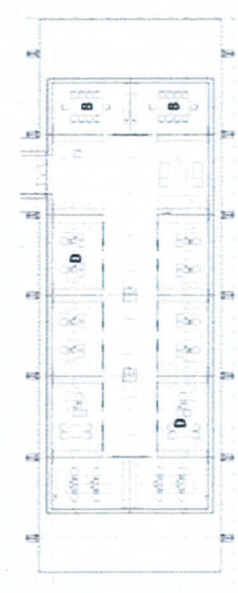
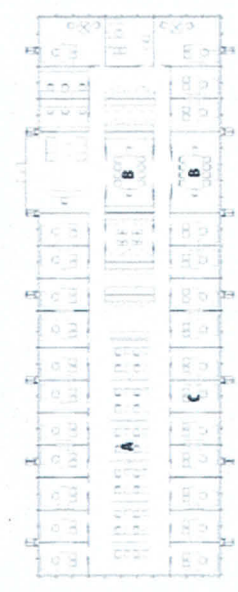
Guideline Criteria

Incentive density of 10% is appropriate for an adaptive building that meets the requirements of the zoning code.

Additional incentive density may be appropriate if other criteria are met, such as:

- The structural system can support additional density and height that may be added in the future, up to the maximum permitted density, without demolishing the structure; or
- The internal layout is built to allow changes between residential, retail, and office uses by minor modifications.

Illustrations



Zoning Ordinance

59-C-15.85.c) Care Centers:

Child or adult day care facilities.

Guideline Criteria

Incentive density of 15% is appropriate for care centers that provide:

- Daytime adult or child care for at least 15 total users; and
- At least 25 percent of the spaces open to the public at large.

Additional incentive density may be appropriate if other criteria are met, such as:

- More than 15 users;
- Adjacent lay-by or on-site drop-off area;
- Higher percentage of spaces open to the general public; or
- Recreation facilities provided above those required by law.

Illustrations



Zoning Ordinance

59-C-15.85.d) Small Business Retention:

Provision of on-site space for small, neighborhood-oriented businesses.

Guideline Criteria

Incentive density of 15% is appropriate for developments that provide retail bays of no more than 5,000 square feet for:

- At least 3 small businesses on sites over 1 acre; or
- All of the commercial spaces on smaller sites.

Further, the approved gross floor space for these businesses must be restricted for a period of six years after the issuance of the initial use and occupancy permits. The six year time period is binding upon future owners and successors in title and must be stated as a condition of any site plan approved by the Planning Board. Before a building permit is submitted for approval, the applicant must file a covenant in the land records of Montgomery County, Maryland that reflects these restrictions.

Illustrations



59-C-15.85.e) Dwelling Unit Mix:

Provision of at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units.

Zoning Ordinance

Guideline Criteria

Incentive density of 5% is appropriate for providing residential buildings with a mix of dwelling unit types (calculated by rounding to the next higher whole number) with a minimum of:

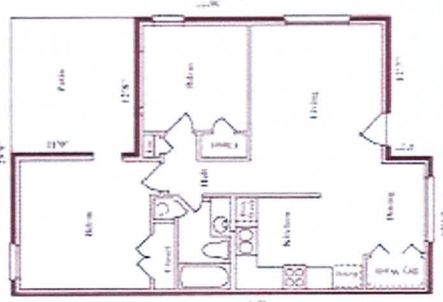
- 7.5 percent efficiency dwelling units;
- 8 percent one-bedroom dwelling units;
- 8 percent two-bedroom dwelling units; and
- 5 percent three-bedroom or larger dwelling units.

Illustrations

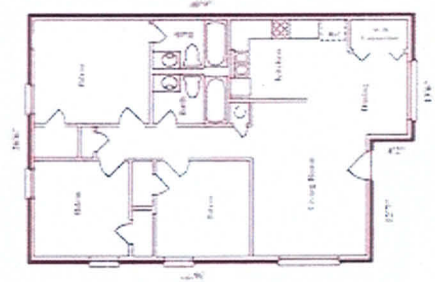
1 Bedroom / 1 Bath
approx. 690 sq. ft.



2 Bedroom / 1 Bath
approx. 830 sq. ft.



3 Bedroom / 2 Bath
approx. 1015 sq. ft.



Enhanced Accessibility for the Disabled

59-C-15.85.f) Enhanced Accessibility for the Disabled:

Zoning Ordinance

Provision of dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or units that satisfy an equivalent County standard.

Guideline Criteria

Provision of dwelling units that satisfy ANSI A117.1 Residential Type A standards, or an equivalent County standard, is eligible for incentive density on a sliding scale calculated as a percentage of complying units up to 20%.

Formula: $(A/T) * 100$

A = ANSI A117.1 units
T = total units

Example

Formula: $(A/T) * 100$

A ANSI 117.1 units 12 units
T total units 200 units

Calculation: 6% incentive density



59-C-15.86. Incentives for Quality Building & Site Design.

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to the increased density of these settings, buildings tend to have high visibility. High quality design may help to attract residents and businesses to locate in these settings. Location, height, massing, façade treatments, and ornamentation of buildings affect sense of place, orientation, and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind, and noise, as well as the functional and economic value of property. In order to promote high quality design, the Planning Board may approve incentive density of up to 30% to a project that provides at least 2 of the following public benefits:

- a) **Historic Resource Protection:** Preservation and/or enhancement of a historic resource indicated on the Master Plan for Historic Preservation in conformance with a plan approved by the Historic Preservation Commission. A fee-in-lieu for a specific preservation project may be paid to the Historic Preservation Division as specified in the Guidelines for Public Benefits.
- b) **Structured Parking:** Parking provided within a structure or below-grade.
- c) **Tower Setback:** Setback of building by a minimum of 6 feet beyond the first floor façade at a maximum height of 72 feet.
- d) **Public Art:** Provision of public art must be reviewed for comment by the Public Arts Trust Steering Committee. A fee-in-lieu may be paid to the Trust as specified in the Guidelines for Public Benefits.
- e) **Public Open Space:** Provision of open space in addition to the minimum required by the zone. Public open space must be easily accessible to the public during business hours and/or at least from sunrise to sunset and must contain amenities such as seating, plantings, trash receptacles, kiosks, and water features.
- f) **Streetscape:** Construction of off-site streetscape in addition to the requirements of this division.
- g) **Exceptional Design:** Building design that provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces new materials, forms, or building methods; uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building.

Historic Resource Protection

Zoning Ordinance

59-C-15.86.a) Historic Resource Protection:

Preservation and/or enhancement of a historic resource indicated on the Master Plan for Historic Preservation in conformance with a plan approved by the Historic Preservation Commission. A fee-in-lieu for a specific preservation project may be paid to the Historic Preservation Division as specified in the Guidelines for Public Benefits.

Guideline Criteria

Incentive density of 15% is appropriate for projects that protect historic resources by one of the following means:

- Preservation and restoration of a historic resource designated in the Master Plan for Historic Preservation;
- Protection and enhancement of off-site historic resources by providing capital improvements, interpretive signs, museum-type exhibits, integration and construction of context-appropriate landscape and settings, or protection of important viewsheds; or
- Payment of a fee as follows:
 1. The minimum fee is 1.0% of the development's projected cost up to \$100,000;
 2. The fee is paid prior to the release of the first building permit for the development;
 3. The fee is used for stabilization, restoration rehabilitation, or interpretive improvements of publicly owned historic resources on parkland; or for the identification, evaluation, documentation, interpretation or related activities that will lead to a better understanding of the County's historic resources; and
 4. The fee is to be used for a project within or near the policy area where the proposed development is located.

Structured Parking

59-C-15.86.b) Structured Parking:

Parking provided within a structure or below-grade.

Zoning Ordinance

Guideline Criteria

Structured parking may be granted incentive density on a sliding scale based on the percentage of total on-site spaces provided in above ground parking multiplied by 10% , plus the percentage of total on-site spaces provided in below grade parking multiplied by 20%.

Formula: $[(A/T)*0.10]+((B/T)*0.20)]*100$

- A = above-grade spaces
- B = below-grade spaces
- T = total spaces

Example

Formula: $(((A/T)*.10)+((B/T)*0.20))*100$

- A above-grade spaces 200 spaces
- B below-grade spaces 145 spaces
- T total spaces 345 spaces

Calculation:

14 % incentive density



Zoning Ordinance

59-C-15.86.c) Tower Setback:

Setback of building by a minimum of 6 feet beyond the first floor façade at a maximum height of 72 feet.

Guideline Criteria

Incentive density of 5% is appropriate for buildings that meet the requirements of the zoning ordinance.

Additional incentive density may be appropriate if other criteria are met, such as:

- Greater setback;
- Setback at a lower level; or
- Integration of setback with reduced floor plate sizes on upper stories.

Illustrations



Public Art

Zoning Ordinance

59-C-15.86.a) Public Art:

Provision of public art must be reviewed for comment by the Public Arts Trust Steering Committee. A fee-in-lieu may be paid to the Trust as specified in the Guidelines for Public Benefits.

Guideline Criteria

Incentive density of 5% is appropriate for public art that is reviewed for comment by the Public Arts Trust Steering Committee and is found to fulfill at least five of the following goals:

- Achieve aesthetic excellence;
- Ensure an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context;
- Ensure public access and invite public participation;
- Encourage collaboration between the artist(s) and other project designers early in the design phases;
- Ensure long-term durability of permanent works through material selection and/or a documented maintenance program;
- Encourage a rich variety of arts including permanent installations, revolving temporary works, and event programming;
- Increase public understanding and enjoyment of art through interpretive information and/or programmed events; and
- Contribute to a collection of commissioned art that is unique and fosters a positive community identity.

A fee instead of public art may be accepted for incentive density as follows:

- The minimum fee is calculated on 0.5 percent of the development's projected cost up to \$100,000;
- The fee is paid to the Public Arts Trust Steering Committee prior to release of a building permit; and
- The fee is used for installation, management, and maintenance of public art at the discretion of the Public Arts Trust Steering Committee, with preference given to the policy area where the proposed development is located.

Public Open Space

Zoning Ordinance

59-C-15.86.e) Public Open Space:

Provision of open space in addition to the minimum required by the zone. Public open space must be easily accessible to the public during business hours and/or at least from sunrise to sunset and must contain amenities such as seating, plantings, trash receptacles, kiosks, and water features.

Guideline Criteria

Incentive density for public open space above the public use space requirements of the zone is granted on a sliding scale based on the percentage of the net lot area placed in open space up to 20%. The open space should meet the following requirements:

- Directly accessible to a street; and
- Open to the public between sunrise and sunset;
- No proposed loading or parking facilities are visible below a height of the fourth floor;
- Contains seating, trash receptacles, landscaping, and other amenities such as water features, kiosks, and passive recreation areas.
- At least 35 feet at its narrowest width;
- Walls of any non-residential floor area facing the open space have windows on at least 60 percent of the façade below a height of 40 feet; and
- Main entries to any dwelling units are from a wall facing the open space.

A fee-in-lieu of public open space may be accepted for incentive density as follows:

- The fee equals \$35 per square foot plus the development's market rate of land value per square foot for whatever percentage of the net lot is requested as open space incentive density up to 20%;
- The fee is paid into the Planning Department amenity fund or other designated open space construction, renovation, or improvement fund prior to release of a building permit; and
- The fee is used for installation, management, and maintenance of public facilities and amenities in part or in full that the Planning Board finds consistent with the goals of the applicable master plan.

Public Open Space (continued)

Guideline Criteria

Formula: $(P/N) * 100$

P = public open space in square feet

N = net lot area in square feet

Example

Formula: $(P/N) * 100$

P public open space

N net lot area

6,000 square feet

46,000 square feet

Calculation:

13 % incentive density



Streetscape

59-C-15.86.f) Streetscape:

Zoning Ordinance

Construction of off-site streetscape in addition the requirements of this division.

Guideline Criteria

Incentive density for improvements to off-site streetscape is granted on a sliding scale based on the area improved calculated as a percentage of the net lot area multiplied by 0.25. The improvements must follow the Bethesda Streetscape Standards, as amended, including providing utilities underground.

Formula: $(S/N) * 100$

S = streetscape improvements in square feet
N = net lot area in square feet

Example

Formula: $(S/N) * 100$

S streetscape improvements 9,000 square feet
N net lot area 78,000 square feet

Calculation:

12 % incentive density

Exceptional Design

Zoning Ordinance

59-C-15.86.g) Exceptional Design:

Building design that provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces new materials, forms, or building methods; uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building.

Guideline Criteria

Incentive density of 10% is appropriate for development that meets at least 4 of the zoning ordinance criteria and 15% for development that meets all of them.



Illustrations



59-C-15.87. Incentives for Protection and Enhancement of the Natural Environment.

In order to combat sprawl and mitigate or reverse environmental problems such as heat from the built environment, inadequate carbon-sequestration, and pollution caused by reliance on the automobile, the Planning Board may approve a density increase up to 30% for the public benefits in this Subsection:

- (a) CR zones require the purchase of BLT easements or payment to the Agricultural Land Preservation Fund for at least 5% but no more than 30% of the incentive density under the following conditions.
 - (1) Any private BLT easement must be purchased in whole units; or
 - (2) BLT payments must be made to the Agricultural Land Preservation Fund, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made to the Agricultural Land Preservation Fund for at least the fraction of the BLT easement.
 - (3) (A) For the first 5% of incentive density, each BLT easement purchase or payment allows 20,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.
 - (B) For the incentive density above 5%, each BLT easement purchase or payment allows 30,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.

Energy Conservation and Generation: Provision of energy-efficiency that exceeds standards for the building type by 17.5% for new buildings or 10% for existing buildings, or provision of renewable energy generation facilities on-site or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement.

Green Wall: Installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage façade visible from a public street or open space.

Tree Canopy: Coverage at 15 years of growth of at least 25% of the on-site open space.

Vegetated Area: Installation of plantings in a minimum of 12 inches of soil covering at least 5,000 square feet of perviously impervious surfaces. This does not include vegetated roofs.

Vegetated Roof: Provision of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building’s roof, excluding space for mechanical equipment.

Zoning Ordinance

59-C-15.87.a) Public Open Space:

CR zones require the purchase of BLT easements or payment to the Agricultural Land Preservation Fund for at least 5% but no more than 30% of the incentive density under the following conditions.

- (1) Any private BLT easement must be purchased in whole units; or
- (2) BLT payments must be made to the Agricultural Land Preservation Fund, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made to the Agricultural Land Preservation Fund for at least the fraction of the BLT easement.
- (3) (A) For the first 5% of incentive density, each BLT easement purchase or payment allows 20,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.
(B) For the incentive density above 5%, each BLT easement purchase or payment allows 30,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.

Illustrations

Calculations for incentive density for BLTs are provided in Section 59-C-15.87(a) of the zoning ordinance.



Energy Conservation & Generation

Zoning Ordinance

59-C-15.87.b) Energy Conservation and Generation:

Provision of energy-efficiency that exceeds standards for the building type by 17.5% for new buildings or 10% for existing buildings, or provision of renewable energy generation facilities on-site or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement.

Guideline Criteria

Incentive density of 10% is appropriate for buildings that meet the energy-efficiency requirements of the zoning ordinance.

Additional incentive density of 15% is appropriate for buildings that meet the renewable energy generation requirements of the zoning ordinance.

Illustrations



Green Wall

59-C-15.87.c) Green Wall:

Zoning Ordinance

Installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage façade visible from a public street or open space.

Guideline Criteria

Incentive density of 5% is appropriate for buildings that meet the requirements of the zoning ordinance.

Additional incentive density may be appropriate if other criteria are met, such as:

- Greater percent of coverage;
- Southern or western exposure;
- Plants with varying flowering seasons; or
- Integration into an overall energy or environmental site design program.

Illustrations



Zoning Ordinance

59-C-15.87.d) Tree Canopy:

Coverage at 15 years of growth of at least 25% of the on-site open space.

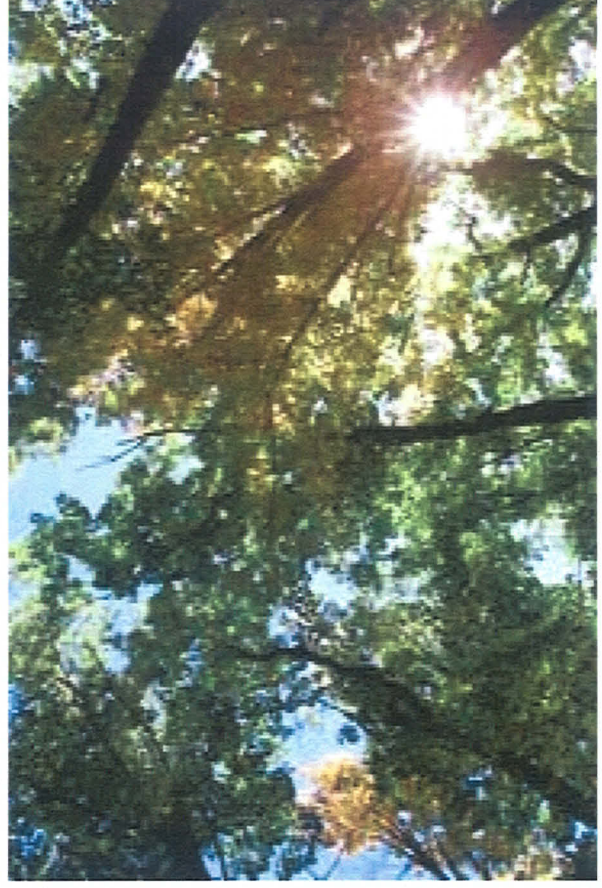
Guideline Criteria

Incentive density of 10% is appropriate for development that meet the requirements of the zoning ordinance.

Additional incentive density may be appropriate if other criteria are met, such as:

- Greater coverage;
- Larger planting size;
- Increased number of varieties;
- Integration with stormwater facilities; or
- Use of native species.

Illustrations



Zoning Ordinance

59-C-15.87.e) Vegetated Area:

Installation of plantings in a minimum of 12 inches of soil covering at least 5,000 square feet of previously impervious surfaces. This does not include vegetated roofs.

Guideline Criteria

Incentive density of 5% is appropriate for development that meet the requirements of the zoning ordinance.

Additional incentive density may be appropriate if other criteria are met, such as:

- Area replaces impervious area;
- Larger area;
- Maintenance program is provided;
- Greater soil depth, or
- Use of vegetated area as a community garden.

Illustrations



Zoning Ordinance

59-C-15.87.f) Vegetated Roof:

Provision of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building's roof, excluding space for mechanical equipment.

Guideline Criteria

Incentive density of 10% is appropriate for development that meet the requirements of the zoning ordinance.

Additional incentive density may be appropriate if other criteria are met, such as:

- Greater coverage;
- Greater depth;
- Plant species that provide habitat; or
- Native plant species.

Illustrations

