

CR ZONE INCENTIVE DENSITY IMPLEMENTATION GUIDELINES

DRAFT

CONTENTS

PURPOSE

CR ZONES OVERVIEW

PROCESS AND CONTENTS OF A SKETCH PLAN

DENSITY CALCULATION

PUBLIC BENEFIT CRITERIA

1. PURPOSE

These guidelines are established pursuant to section 59-C-15.81 of the Montgomery County Zoning Ordinance, which states:

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.

These guidelines were originally developed in concert with drafting the CR zones and were to be integrated into the zoning ordinance. As such, they were developed in consultation with the Zoning Advisory Panel, established as part of the comprehensive zoning rewrite project, and with numerous stakeholders during conversations and public hearings on numerous master plans.

1.1. Use of the 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.

1.2. Limits of the 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 of built projects. Alternatives to the criteria may be proffered 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 other county policies or regulations, the policy or regulation must be observed and the intent of the criteria must be addressed by other means.

2. CR ZONES OVERVIEW

2.1. Provisions of the CR Zones

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#.

The maximum total density, nonresidential density, residential density, 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, mix, and height are fixed.

2.2. 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 by the zone on the map. A conceptual sketch plan is required for all optional method development, which also requires a site plan. Site plans are required of any standard method development over 10,000 square feet or 10 dwelling units.

2.3. Requirements and Standards of the CR Zones

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.



Typical CR Zoning Map

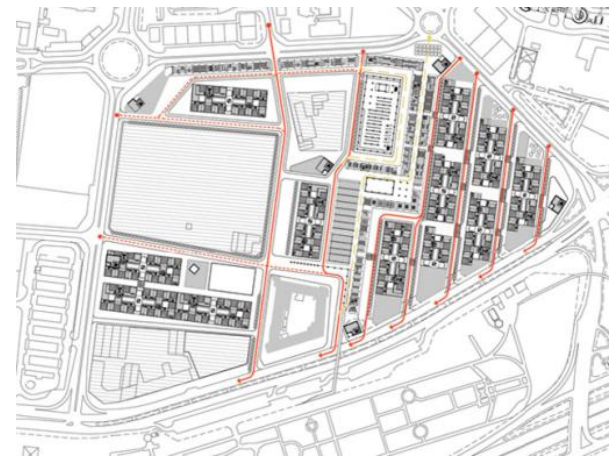
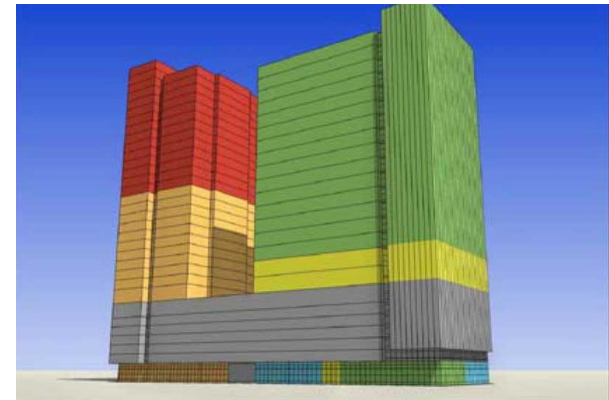
3. PROCESS & CONTENTS OF A SKETCH PLAN

3.1. Sketch Plan Concept

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 present designs to citizens and staff prior to “hard-line engineering” of development to ensure that alternatives are 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. Examples of appropriate levels of detail are included in these guidelines; in many cases more or less detail may be needed, which will become apparent in the early discussions of 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 Development Review Division 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 may be obtained at www.MontgomeryPlanning.org or at 301.495.4595.



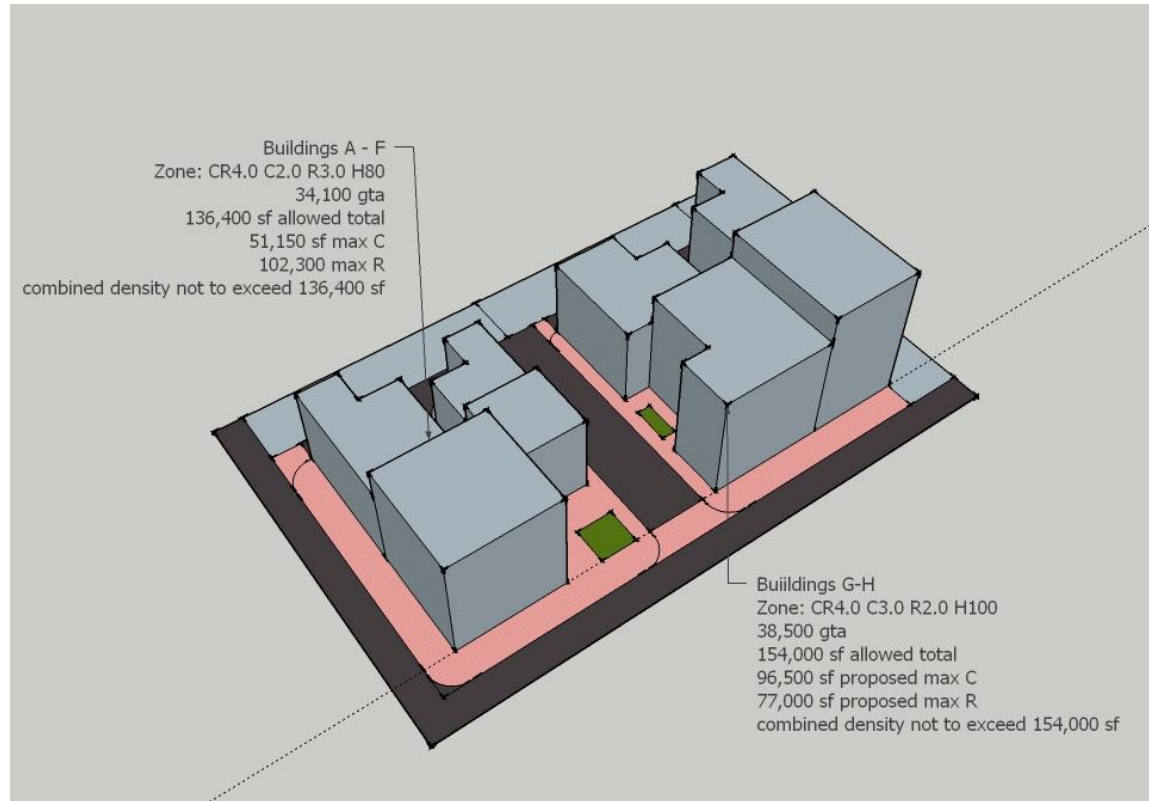
3.2. Sketch Plan Application Contents

- Justification Statement

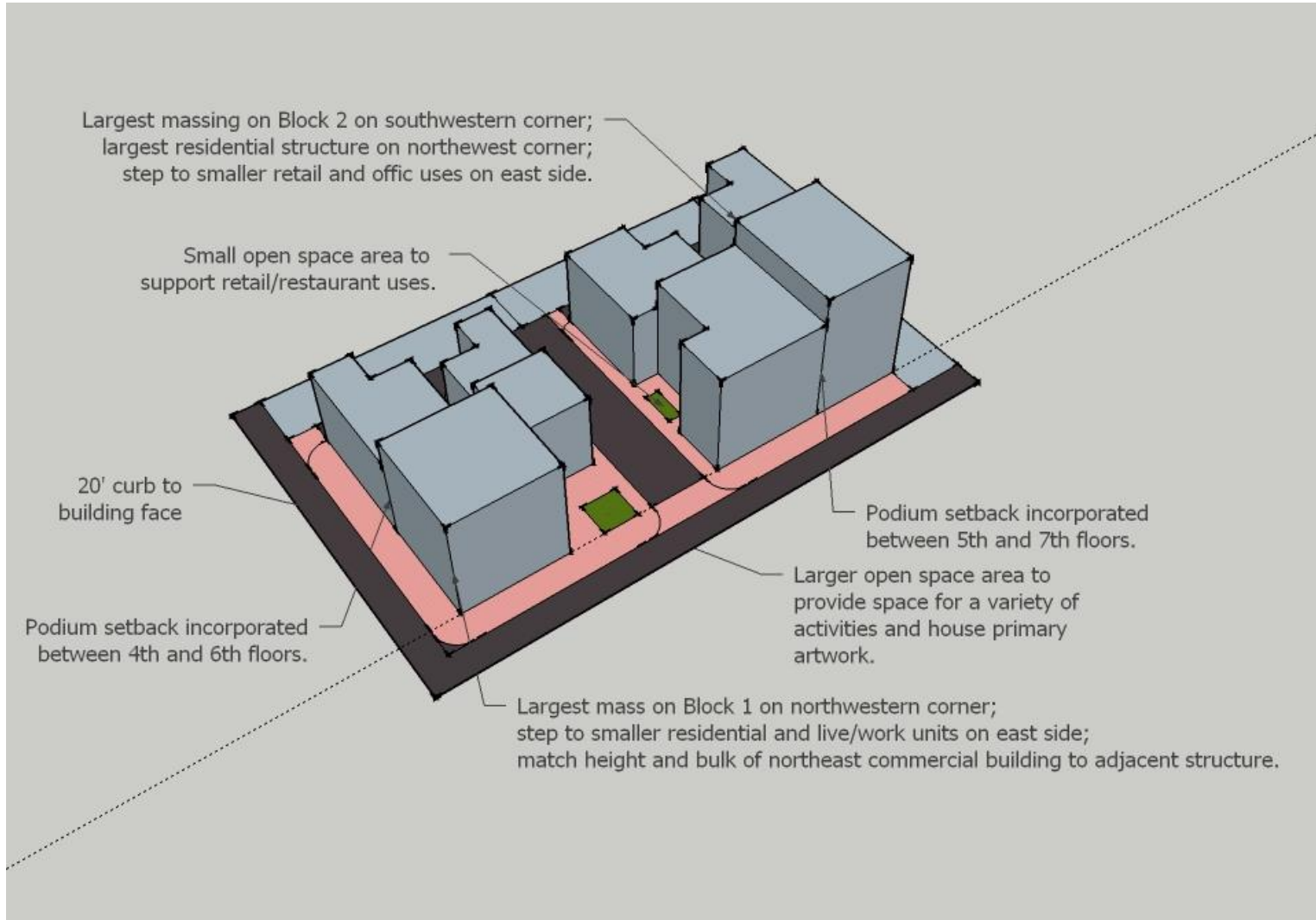
A justification statement generally describes how the project will meet all of the standards, general requirements, and use restrictions of the zone and how the project will further the goals of the applicable master plan and any associated design guidelines. After an introductory project description, the justification statement should be presented in a section-by-section response to the five findings the Planning Board must make under section 59-C-15.42.(c) of the CR Zones.

- Illustrative Plan/Model

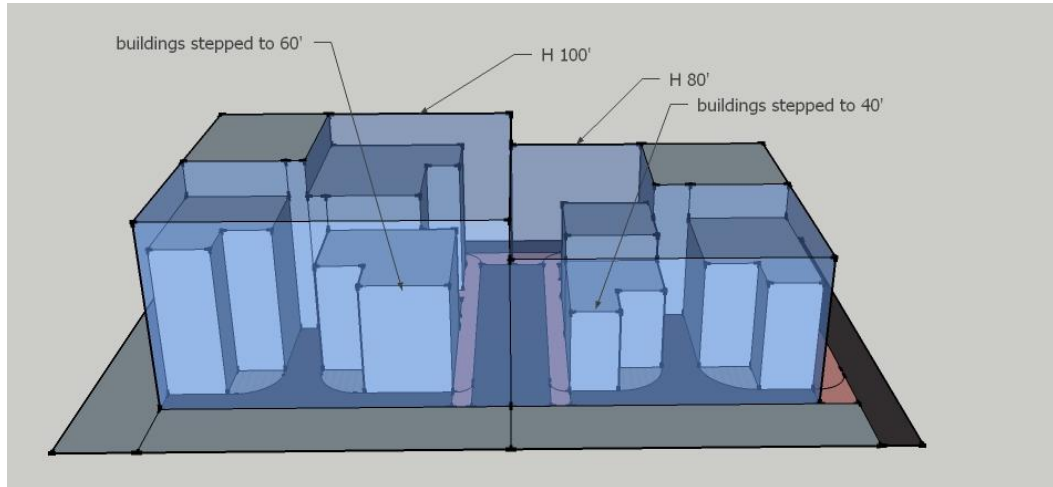
- Shows maximum densities of residential and commercial density;



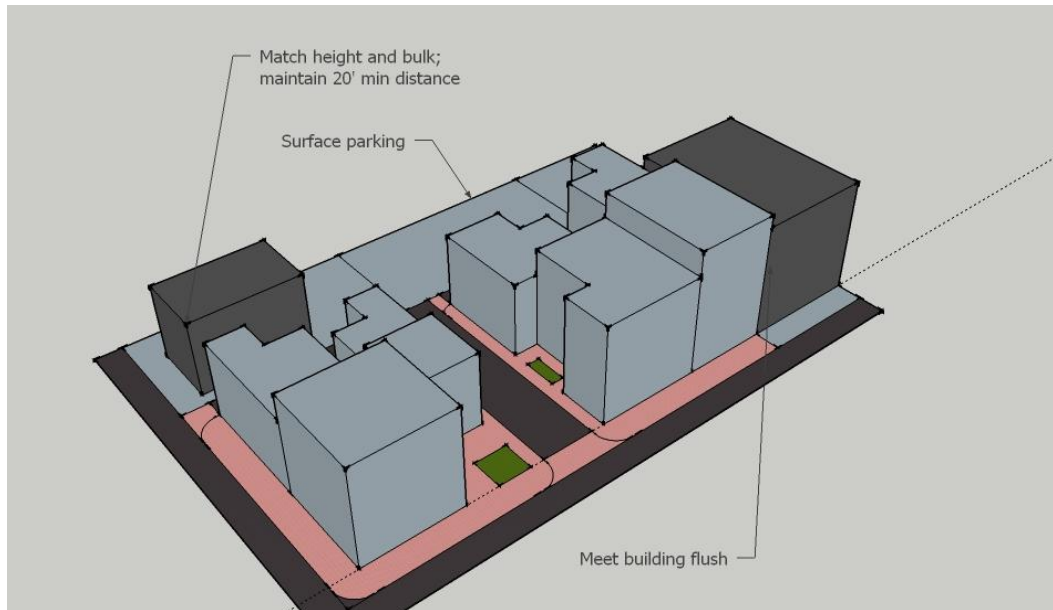
- Provides illustration of general building massing and open space;



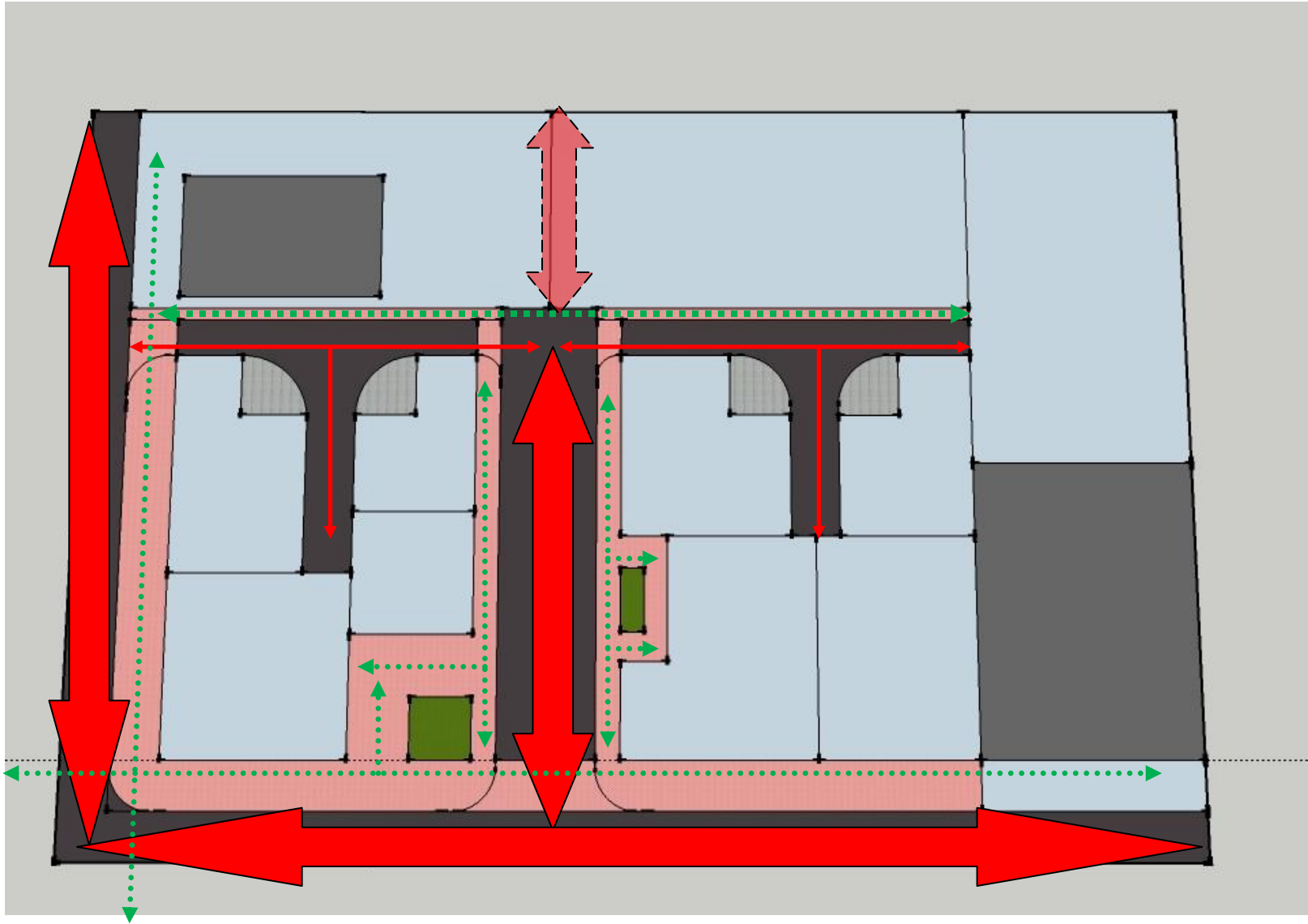
- Provides illustration of building heights; and



- Indicates relationships of proposed buildings to existing adjacent buildings.



- Circulation Plan



- Table of Proposed Benefits

A table of proposed public benefits and amenities and the incentive density requested for each must be filed with a sketch plan for any optional method development on a CR-zoned property.

<i>Example of Proposed Benefit Density Calculation Table for Phase of a CR 3.0 Mixed Use Development</i>				
Public Benefit	Criteria Met	Input Measure	Input Data	% Received
Individual Categories				
Transit Proximity	see table 59-C-15.83 in ordinance and guidelines	% from table	32%	32%
Advanced Dedication of R.O.W.	dedication prior to application	% of gross tract area	4%	4%
			Subtotal	36%
Diversity of Uses & Activities				
Adaptive Buildings	15-foot floor-to-floor first floor; 12-foot floor-to-floor other floors; open structural system per guidelines	0=no; 1=yes	1	10%
Care Centers	provision of child or adult care center per guidelines	0=no; 1=yes	1	15%
			Subtotal	25%
Design Quality				
Structured Parking	% of spaces in structure above grade	% of spaces * 0.10	4%	4%
	% of spaces in structure below grade	% of spaces * 0.20	12%	12%
Public Art	review by PAT or payment per guidelines	0=no; 1=yes	1	5%
			Subtotal	21%
Natural Environment Protection & Enhancement				
BLTs	per code up to 30%	% of incentive density per formula	5%	5%
Tree Canopy	minimum per code	0=no; 1=yes	1	10%
Vegetated Roof	minimum per code	0=no; 1=yes	1	10%
			Subtotal	25%
Total for All Categories (must = 100% or greater)				107%

- **Phasing Plan**

A phasing plan must be provided for any project that will be built under more than one site plan. Each phase must have a separate public benefit table that provides amenities totaling 100%. Some public benefits may apply across phases if they provide an amenity that benefits the entire area and is provided early in the development program; others may only apply to specific phases if they will not be provided until later in the development program or if they are building specific, such as an energy-efficient building or a tower setback.

Phasing plans should inventory basic program elements such as buildings and densities, extent of frontage improvements per phase, roadways and other infrastructure, public amenities, and open space improvements.

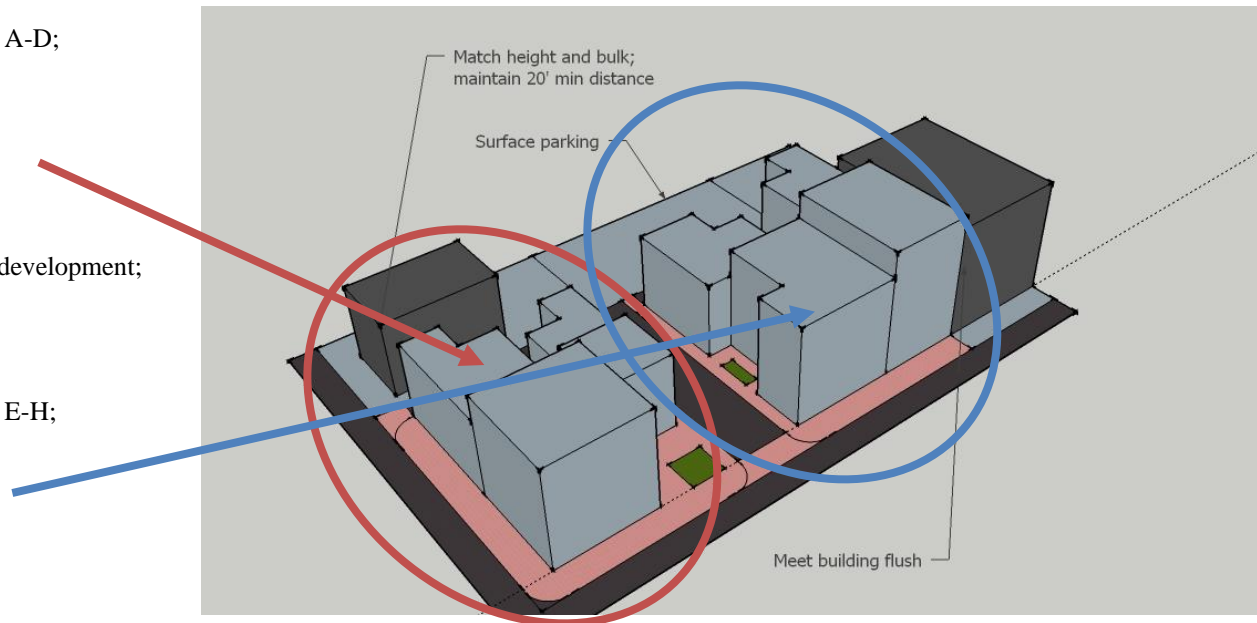
Example:

Phase 1:

- 134,600 square feet in buildings A-D;
- streetscape & road B-2 to curb;
- large open space;
- 1st artwork;
- tower setback on streetwalls;
- care center;
- BLT purchases;
- stormwater structures for entire development;
- parking garage.

Phase 2:

- 154,000 square feet in buildings E-H;
- streetscape on frontage;
- small open space;
- 2nd artwork;
- tower setback on street walls;
- parking garage;
- wfhus.



4. DENSITY CALCULATION

4.1. Density

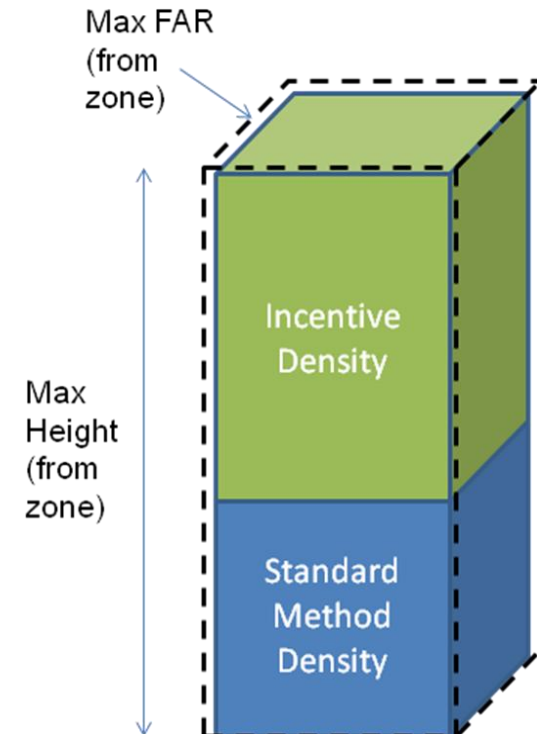
All CR zones have the same standard method density: 0.5 FAR (floor area ratio) or 10,000 square feet, whichever is greater. The density between that allowed by the standard method and the density indicated by the zone on the map is defined as the “incentive density”.

4.2. 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 – that is, no additional height is granted when a public benefit is provided. The height of the zone on the map is simply the maximum height allowed (regardless of whether the density can be achieved). Any applicant that wishes to develop above the standard method density – up to that allowed by the zone – must apply for an optional method of development approval. This process entails the provision of public benefits and amenities that will support the additional density.

4.3. Calculation Method for New Development

All optional method development proposals must provide public benefits equal to 100% of the incentive density. Each of the seven 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 may not equal 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; these must be chosen for each optional method development project and added one to the other until 100% is reached.

Example:

The base criteria for a tower setback are established by the zone and require a minimum 6-foot setback at a maximum height of 72 feet. These guidelines permit incentive density of 5% when a project meets these minimum criteria. If an Applicant wishes to provide a building with a 15-foot setback at a maximum height of 45 feet due to master plan priorities for compatibility, the Planning Board may approve an incentive density above 5%.

The base numbers established in the following section are meant to provide an amount of certainty from which negotiation can proceed based on master plan priorities, other applicable guidelines, and the 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. All calculations must be listed in the table of proposed benefits and must be provided for each phase.

4.4. Calculation Method for Redevelopment with Existing Buildings

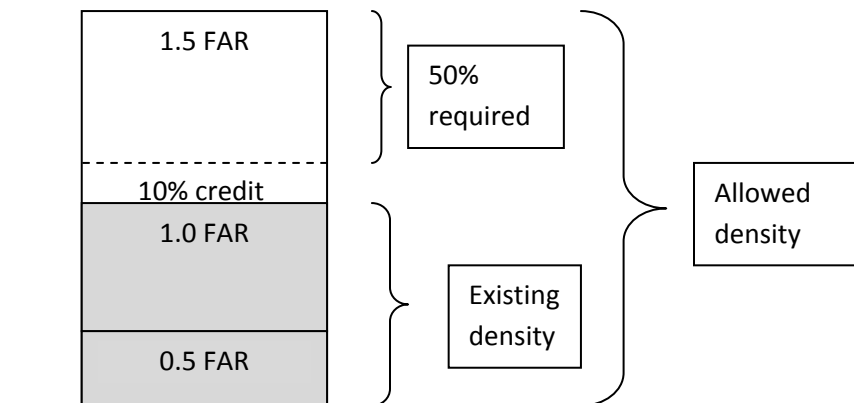
A project that redevelops a site with existing buildings may take advantage of an alternative method of incentive density calculation if it:

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 existing square footage of the reused and/or renovated square footage above the greater of 0.5 FAR or 10,000 square feet is divided by the difference between the total allowed density for the site and the standard method density, added to 10% and credited towards the 100% requirement.

Example:

- 100,000 square foot site in the CR3.0, C2.5, R2.5, H80 zone;
- Existing building with 150,000 square feet of gross floor area; and
- Meets the criteria for the redevelopment with existing buildings;
- Is credited with 50% incentive density ($((150,000 - 50,000) / 250,000) + 0.10$) and
- Must provide additional public benefits totaling 50%.



Illustration

5. Public Benefit Criteria

5.1. Categories of Public Benefits

There are 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 may be provided by an Applicant to obtain incentive density. These categories and individual public benefits are established by the ordinance and certain basic criteria for implementation must be met. Additional standards and rules are established by these design guidelines.

5.2. Table of Public Benefits

The following list of public benefits provides a brief overview of the entire “menu” and the respective section references.

Public Benefit	Section Reference
<i>Master-Planned Facility</i>	5.4
<i>Transit Proximity</i>	5.5
<i>Advanced Dedication of Right-of-Way</i>	5.6

Public Benefit	Section Reference	Public Benefit	Section Reference
<i>Connectivity</i>		<i>Design</i>	
Neighborhood Services	5.7.A.	Historic Resource Protection	5.9.A.
Minimum Parking	5.7.B.	Structured Parking	5.9.B.
Through-Block Connection	5.7.C.	Tower Setback	5.9.C.
Public Parking	5.7.D.	Public Art	5.9.D.
Transit Access Improvement	5.7.E.	Public Open Space	5.9.E.
Trip Mitigation	5.7.F.	Streetscape, Off-Site	5.9.F.
<i>Diversity</i>		Exceptional Design	5.9.G.
Affordable Housing: MPDUs	5.8.A.	<i>Environment</i>	
Affordable Housing: WFHUs		BLTs	5.10.A.
Adaptive Buildings	5.8.B.	Energy Efficiency and Generation	5.10.B.
Care Center	5.8.C.	Green Wall	5.10.C.
Small Business Retention	5.8.D.	Tree Canopy	5.10.D.
Dwelling Unit Mix	5.8.E.	Vegetated Area	5.10.E.
Enhanced Accessibility for the Disabled	5.8.F.	Vegetated Roof	5.10.F.

5.3. General Public Benefit Standards Required by the Ordinance

There are three aspects of a public benefit that must be analyzed for compliance with the ordinance:

1. Does it address the general considerations required by the zone for all public benefits?
2. Does it address the individual standards required by the zone for the specific benefit?
3. 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”. Further, the CR zones list general considerations for approving any incentive density and certain “threshold” standards that must be met by any particular benefit to obtain incentive density.

General Considerations for all Public Benefits

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.

Fundamentally, these general considerations establish that a public benefit must be consistent with the approved master plan and design guidelines and appropriate for the particular context. They must be analyzed for all public benefits and any additional criteria must be consistent with them. Individual benefits, on the other hand, have specific criteria that are enumerated in subsequent sections.

Generally, lots under 20,000 square feet or that have total allowed densities near or below 1.5 should be granted higher incentive density percentages than larger, high-density lots because of the proportionately higher economic impacts. In most cases, multiplying the standard incentive density suggested in the individual descriptions below by 1.5 (a 50% increase) is appropriate.

5.4. Master-Planned Facilities

Ordinance Criteria

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

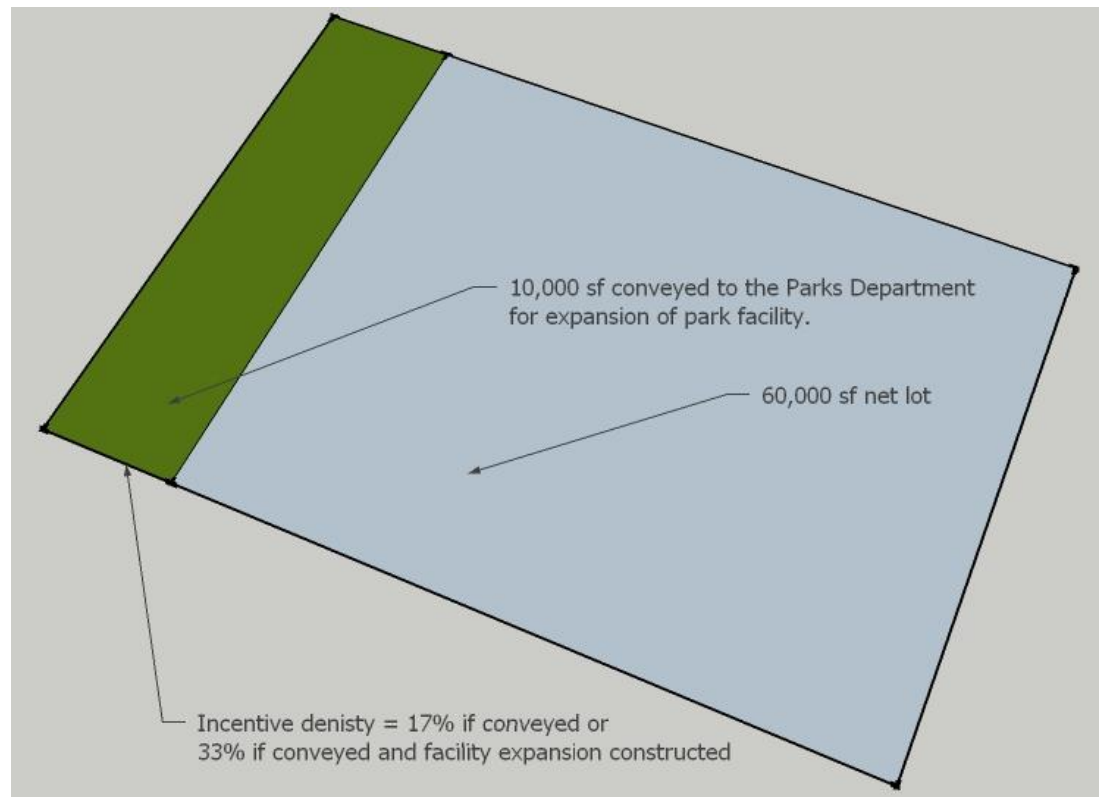
Major public facilities such as schools, libraries, recreation centers, urban parks, and county service centers provide public services at convenient locations, centers for community meetings, and civic events. Because of their significance in place-making, the Planning Board may approve incentive density 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

Assuming the ordinance criteria are met, master-planned public facilities are analyzed on two fronts:

1. Whether there is only a conveyance of land or also construction of a facility; and
2. The relative size of the land or facility.

The percentage of incentive density should equal the percent of net lot conveyed plus the percent of any area improved by the Applicant. For example, conveyance of 10% of the net lot should be awarded 10% incentive density. If that area is also improved with the applicable facility, an additional 10% incentive density should be awarded. In the unlikely event that a master-planned facility is planned on a lot less than 20,000 square feet or with a density under 2.0 FAR, this incentive density should be increased two-fold.



It should be remembered that conveyed land may also be considered part of the gross tract area, from which floor area ratio is calculated.

5.5. Transit Proximity

Ordinance Criteria

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 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.

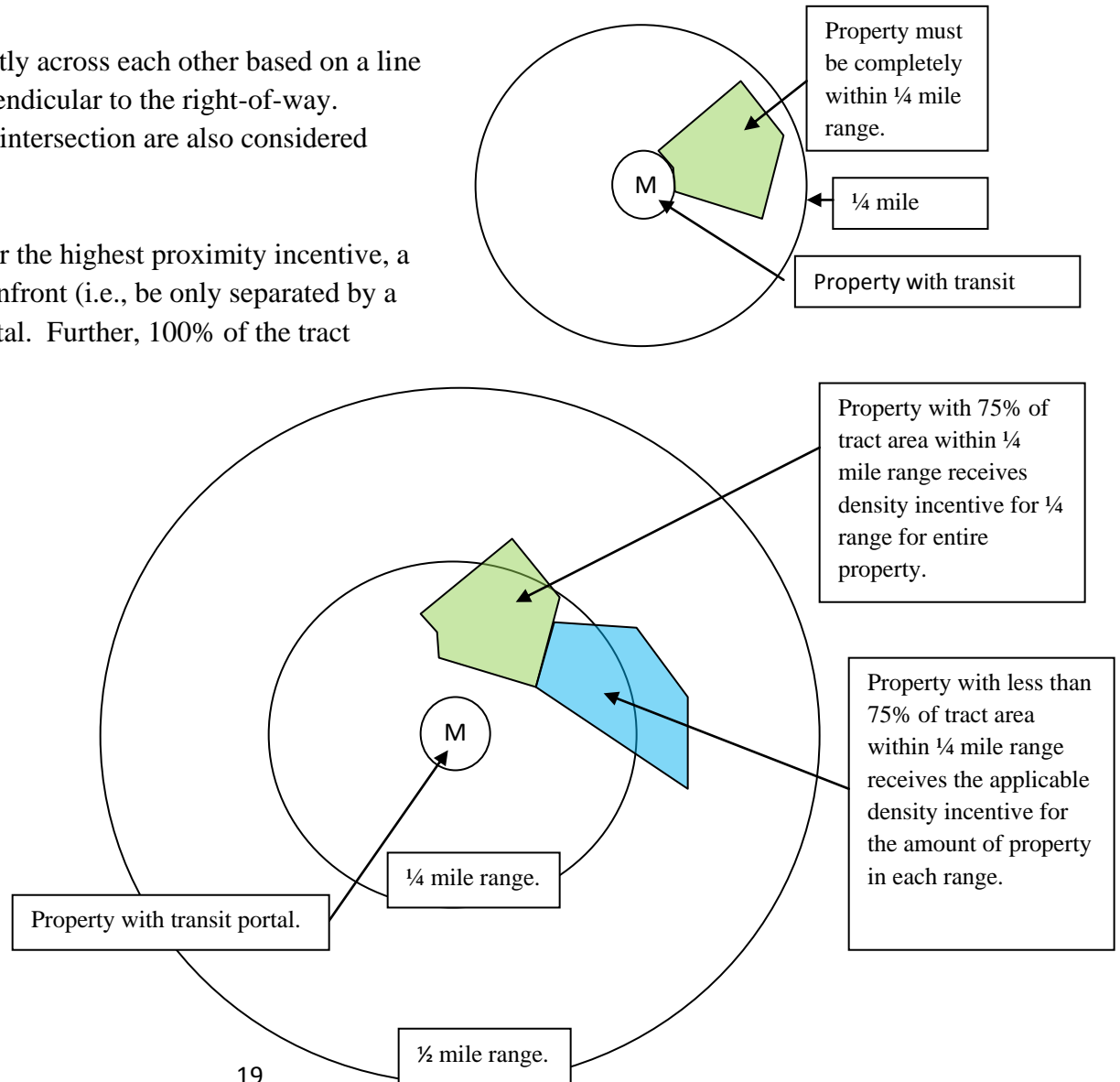
Level 1 transit is defined in this division as a Metrorail station. Level 2 transit is defined as an existing or planned station or stop along a rail or bus line with a dedicated, fixed path (e.g., MARC, purple line, CCT). Planned stations or stops are those that have been

identified on an approved master or sector plan. There are no guideline criteria; the following provides an explanation and example to clarify this section.

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 (i.e., be only separated by a right-of-way) the property with the transit portal. Further, 100% of the tract submitted in a single sketch plan that takes advantage of this incentive must be within $\frac{1}{4}$ mile of that boundary.

Subsection b) ensures that properties are granted incentive density in proportion to their proximity to a transit portal 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.



Examples

1. Tract bisected equally by a transit proximity range:

Zone:	CR 2.5 C1 R2 H100
Tract:	100,000 sf (included in one sketch plan)
Net tract area within ¼ mile of Metro Station	50,000 sf (50% of tract area)
Net tract area between ¼ and ½ mile of Metro Station	50,000 sf (50% of tract area)
Incentive density for each area:	
Tract area within ¼ mile of Metro Station:	40%
Tract area between within ½ mile of Metro Station:	30%
Transit Incentive Density Percentage for Application	35% (0.50*0.40+0.50*0.30)

2. Tract bisected unequally by a transit proximity range:

Zone:	CR 4.0 C3 R3 H300
Tract:	80,000 sf (included in one sketch plan)
Net tract area with ½ mile of Marc Station	55,000 sf (69% of tract area)
Net tract area between ½ mile and 1 mile of Marc Station	25,000 sf (31% of tract area)
Incentive density for each area:	
Tract area within ½ mile of Metro Station	20%
Tract area between ½ and 1 mile of Marc Station	15%
Transit Incentive Density Percentage for Application	18% (0.69*0.20+0.30*0.15)

5.6. Advanced Dedication

Ordinance Criteria

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.

Benefit Criteria

The incentive density for advanced dedication of a right-of-way is calculated on a sliding scale up to 30% based on the percent of gross tract area that is dedicated. Dedicated right-of-way may also be considered part of the gross tract area for FAR calculations.

Example: A 100,000 square foot lot proposes to dedicate and record 10,000 square feet for a master-planned bikeway prior to making an application.

- $10,000 \text{ sf dedication} / 100,000 \text{ sf gross lot area} = 10\%$

5.7. Connectivity and Mobility

Ordinance Criteria

59-C-18.84. Incentives for Connectivity and Mobility.

In order to enhance connectivity between uses and amenities and increase mobility options; encourage non-automotive travel for short and multi-purpose trips as well as for commuting; facilitate social and commercial interaction, provide opportunities for healthier living; and stimulate local businesses, the Planning Board may approve incentive density of up to 30% for a project that provides at least two of the following public benefits:

- 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.
- b) Minimum Parking: Provision of the minimum required parking for projects of one acre of gross tract area or more.
- c) Through-Block Connections: Safe and attractive pedestrian connections between streets.
- d) Public Parking: Provision of up to the maximum number of parking spaces allowed in the zone as public parking.
- e) Transit Access Improvement: Ensuring that access to transit facilities meets County standards for handicapped accessibility.
- 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.

Individual Connectivity & Mobility Benefit Criteria

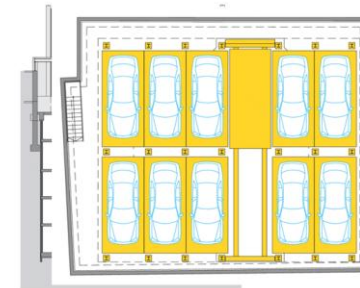
A. Neighborhood Services

1. Incentive density of 10% is appropriate for projects that provide or are within ¼ mile of
 - a. At least 10 different retail services; and
 - b. At least 4 of those uses have a maximum retail bay floor area of 5,000 square feet.
2. “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.
3. Additional suggestions:
 - a. Ensuring accessibility to those services for the disabled,
 - b. Provision of services associated with live-work units, or
 - c. That the required number of retail uses is within 1 block.



B. Minimum Parking

1. The incentive density increase is calculated on a sliding scale from no increase for providing the maximum allowable number of spaces on-site to an increase of 20% for providing no more than the minimum number of spaces on site.
2. The incentive density increase is calculated as follows:
 - a. Numerator = maximum # of spaces allowed – actual # of spaces provided;
 - b. Denominator = maximum # of spaces allowed – minimum # of spaces required; and
 - c. The resulting ratio multiplied by 0.20 is equal to the incentive density.



Example: If a development has a minimum of 50 required spaces and a maximum of 100 allowed spaces and provides 60 spaces:
 $((100-60)/(100-50)) \times 0.20 = 0.16$, or 16% incentive density increase.

C. Through-Block Connections

1. Incentive density of 15% is appropriate for connections that meet the following requirements:
 - a. Be open-air, non-climate controlled
 - b. Provide 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;
 - c. Be at least 15 feet in width;
 - d. Provide at least 35 percent of the walls facing the interior pedestrian connection below a height of 8 feet with clear, unobstructed windows; and
 - e. Be open to the public between sunrise and sunset and, where it 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.
2. Additional suggestions:
 - a. Direct connection to parks, transit facilities, or public buildings;
 - b. Accessible retail uses along a majority of its length;
 - c. Connections increased in width; or
 - d. Public artworks integrated into the walk.



D. Public Parking

1. The incentive density increase is calculated on a sliding scale from no increase for providing no public parking to an increase of 25% for providing 100% of the spaces between the minimum required and the maximum allowed as publicly available spaces.
2. The incentive density increase is calculated as follows:
 - a. Numerator = # of public spaces provided;



- b. Denominator = total number of spaces provided – minimum # of spaces required; and
- c. The resulting ratio multiplied by 0.25 is equal to the incentive density.

E. Transit Access Improvement

- 1. Incentive density of 15% is appropriate for transit access improvements that are:
 - a. Located within 1/2 mile of the proposed development site or, in the case of mobile transit improvements such as a bus shuttle, provide regular access for passengers within 1/2 mile; and
 - b. Built to ADA accessibility standards as amended.
- 2. Additional suggestions:
 - a. Closer access,
 - b. New access easements,
 - c. Connecting walkways or mezzanines,
 - d. Seating areas, or
 - e. Structures for wind/rain protection.



F. Trip Mitigation

- 1. Incentive density of 15% is appropriate for trip mitigation that results in a minimum 50% reduction of weekday peak hour trips attributable to the development site. A traffic mitigation agreement is required per the following criteria:
 - a. This agreement must be accepted by M-NCPPC and MCDOT prior to certification of any site plan for a development subject to the agreement; and
 - b. This agreement must outline in detail the policies, tracking mechanisms, and reporting procedures to be enacted regarding car-pooling, transit subsidies, parking restrictions, bicycle facilities, and other mitigating strategies to be employed.
- 2. Additional suggestions:
 - a. Shower facilities not otherwise required,
 - b. Bike storage facilities above the minimum required,
 - c. Flex-car spaces, or
 - d. Provision of a transportation information center.

5.8. Diversity of Uses and Activities

Ordinance Criteria

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.

Individual Diversity Benefit Criteria

A. Affordable Housing

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.

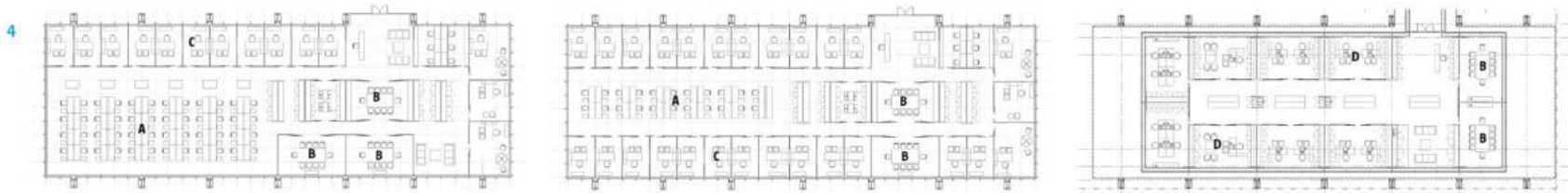
Example:

A development provides 100 units total with 14.5% MPDUs and 5% WFHUs. 15 units must be MPDUs ($\text{roundup}(100 * 0.0145)$) and 5 units must be WFHUs ($\text{roundup}((100 - 15) * 0.05)$). 80 units are market rate units and 30% incentive density is granted: 20% for the MPDUs under Chapter 25A and 10% for the WFHUs under Section 59-C-15.85(a).

B. Adaptive Buildings

1. Incentive density of 10% is appropriate for adaptive building that provide:
 - a. A floor to floor dimension of at least 15 feet for the first floor;
 - b. Floor to floor dimensions of at least 12 feet for all additional floors; and
 - c. An internal floor plan is based on a structural system allowing flexibility of volumes divisible from 1 open floor plate to any number of parceled volumes.
2. Additional suggestions:
 - a. The structural system has additive capacity for any available density and height that is not used by the building without demolition of the structure; or
 - b. The internal layout is built to allow changes between residential, retail, and office uses by minor modifications.

FLOOR PLAN OPTIONS ↓



A. OPEN PLAN OFFICE B. CONFERENCE C. PRIVATE OFFICES D. SHARED OFFICES

C. Care Centers

1. Incentive density of 15% is appropriate for care centers that provide:
 - a. Daytime adult or child care for at least 15 total users and
 - b. At least 25 percent of the spaces open to the public at large.
2. Additional suggestions
 - a. Additional users,
 - b. Adjacent lay-by or on-site drop-off area,
 - c. Increase in users from the general public, or
 - d. Recreation facilities provided above those required by law.

D. Small Business Retention

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

1. At least 3 small businesses on large sites; or
2. All of the commercial spaces on small sites.
3. 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.

E. Dwelling Unit Mix

1. Incentive density of 5% is appropriate for providing residential buildings with a minimum mix of dwelling unit types (calculated by rounding to the next higher whole number):
 - a. 7.5 percent as efficiency dwelling units;
 - b. 8 percent as one-bedroom dwelling units;
 - c. 8 percent as two-bedroom dwelling units; and
 - d. 5 percent as three-bedroom or larger dwelling units.



F. Enhanced Accessibility for the Disabled

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

5.9. Design Quality

Ordinance Criteria

59-C-15.86. Incentives for Quality Building and 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 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.

Individual Design Benefit Criteria

A. Historic Resource Protection

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

1. Preservation and restoration of a historic resource designated in the Master Plan for Historic Preservation;
2. Protection and enhancement of off-site historic resources by providing interpretive signs, museum-type exhibits, integration and construction of context-appropriate landscapes and settings, or protection of important viewsheds; or
3. A payment to the Department of Parks as follows:
 - a. The minimum fee is calculated on 1 percent of the development's projected cost or \$100,000, whichever is greater;
 - b. The fee is paid to the Department of Parks prior to release of a building permit; and
 - c. The fee is used for the stabilization, restoration, or rehabilitation of publicly owned historic resource on parkland, with preference given to the policy area where the proposed development is located.

B. Structured Parking

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

Example:

If 500 parking spaces are provided and 100 are below grade, 350 are above grade, and 50 are on a surface lot, the density incentive granted would be 11%.

$((100 / 500) * 0.20) + ((350 / 500) * 0.10)$.

C. Tower Setback

1. Incentive density of 5% is appropriate for buildings that have a minimum tower setback of 6 feet from the first floor building frontage at or below 72 feet.
2. Greater setbacks and/or setbacks at lower levels may be granted greater incentive density.



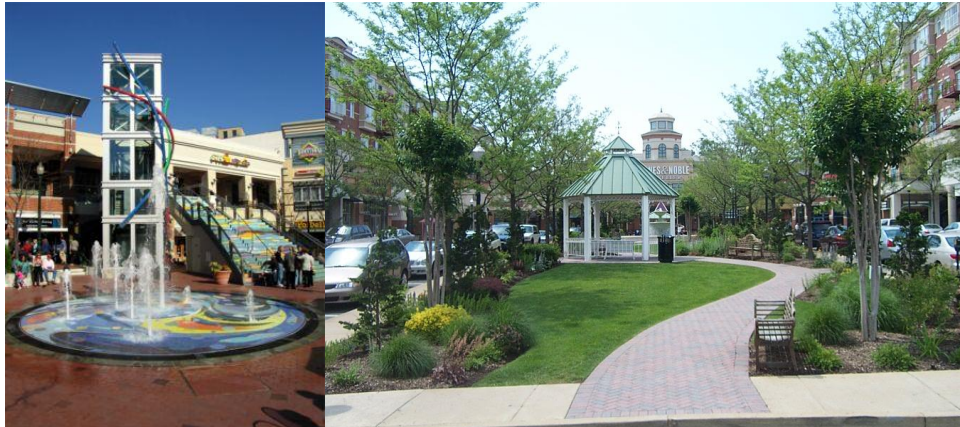
D. Public Art

1. 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:
 - a. Achieve aesthetic excellence;
 - b. Ensure an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context;
 - c. Ensure public access and invite public participation;
 - d. Encourage collaboration between the artist(s) and other project designers early in the design phases;
 - e. Ensure long-term durability of permanent works through material selection or a documented maintenance program;
 - f. Encourage a rich variety of arts including permanent, temporary (revolving), and event programming;
 - g. Increase public understanding and enjoyment of art through interpretive information and/or programmed events; and
 - h. Achieve a collection of commissioned art that is unique and contributes in a positive way to the identity of the community.
2. A fee instead of public art may be accepted for incentive density as follows:
 - a. The minimum fee is calculated on 1 percent of the development's projected cost or \$100,000;
 - b. The fee is paid to the Public Arts Trust Steering Committee prior to release of a building permit;
 - c. 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; and



E. Public Open Space

1. Incentive density for the provision of public open space above the requirements of the zone is set on a sliding scale based on the percent of the net lot area up to 20%. The open space should meet the following requirements:
 - a. The open space is directly accessible to a street;
 - a. The open space must be open to the public at least between sunrise and sunset; and
 - b. No proposed loading or parking facilities should be visible below a height of the fourth floor; and
2. Additional suggestions:
 - a. The open space should be at least 50 feet;
 - b. where the plaza is provided as part of a redevelopment, buildings facing the plaza should be designed so that:
 - i. The walls of any non-residential floor area facing the plaza must have windows on at least 60 percent of the façade below a height of 40 feet; and
 - ii. The main entry to any dwelling units is from a wall facing the plaza; and
 - c. The plaza should contain seating, trash receptacles, landscaping, and other amenities such as water features, kiosks, and passive recreation areas.
3. A fee-in-lieu of public open space may be accepted for incentive density as follows:
 - a. 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 incentive density up to 20%;
 - b. The fee is paid to the Planning Department prior to release of a building permit; and
 - c. 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.



F. Streetscape

Incentive density for improvements to off-site streetscape is granted on a sliding scale equal to the area improved calculated as a percentage of the net lot multiplied by 0.25.

Example:

A 100,000 square foot lot improves 20,000 square feet of streetscape a block away. This public benefit would be granted incentive density of 5% $((20,000 / 100,000) * 0.25)$.

G. Exceptional Design

Incentive density of 10% is appropriate for development that meets at least 4 of the following criteria:

1. Provides innovative solutions in response to the architectural context and surrounding landscape, for example, by rotating floor plates for views or reconciling offset street-walls;
2. Creates a sense of place that will serve as a landmark in the community, for example, by creating a distinguishing element that is visible from an important view or at a gateway to an area;
3. Enhances the public realm in a distinct and original manner, for example, by using existing materials and forms in new ways to provide continuity and contrast;
4. Adds to the diversity of the built realm within the community, for example, by introducing new materials, building methods, or design styles;
5. Uses design solutions to make compact/infill living, working, and shopping environments pleasurable and desirable, for example, by retrofitting surface parking lots and single-use retail malls or creating multi-use, pedestrian-dominated realms in previous auto-oriented areas; and
6. Integrates environmentally sustainable solutions, for example, by using stormwater management facilities that incorporate best management practices in an apparent and observable way or integrating passive solar features into the visible structure of a building or site.

5.10. Natural Environment Protection and Enhancement

Ordinance Criteria

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.

(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.

(c) **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.

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

(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.

(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.

Individual Environmental Benefit Criteria

A. Building Lot Termination (BLTs)

The calculations for incentive density for BLTs are provided in the zoning ordinance and must comply with all applicable regulations.

B. Energy Conservation and Generation

Incentive density for energy conservation and generation is split into the two constituent parts:

1. 10% should be granted for new buildings that provide energy systems that use 17.5% less energy than the average similar building type or 10.5 percent less for existing building renovations.
2. 15% should be granted for developments that provide renewable energy generation facilities on-site or within ½ mile of the site that meet 2.5% of the development's projected energy requirement.



C. Green Wall

1. Incentive density of 5% is appropriate for green walls that are designed, installed, and maintained to cover at least 30 percent of the area of a blank wall or parking garage facing a street or plaza.
2. Additional suggestions:
 - a. Greater percent of coverage,
 - b. Southern or western exposure,
 - c. The use of plants with varying flowering seasons, or
 - d. Integration into an overall energy or environmental site design program.



D. Tree Canopy

1. Incentive density of 10% is appropriate for the provision of tree canopy that will cover at least 25 percent of the on-site open space at 15 years growth.

2. Additional suggestions:
 - a. Greater coverage;
 - b. Larger planting size;
 - c. Increased number of varieties;
 - d. Integration with stormwater facilities; or
 - e. Use of native species.

E. Vegetated Area

1. Incentive density of 5% is appropriate for vegetated areas that meet the following criteria:
 - a. The area must be at least 5,000 square feet;
 - b. It should be in addition to any required on-site open space or any vegetated roof incentive;
 - c. The area should replace impervious area;
 - d. The area must provide at least 12 inches of soil depth; and
 - e. The area must be well-maintained.
2. Additional suggestions:
 - a. Larger area,
 - b. Greater soil depth, or
 - c. Use of the vegetated area as a community garden.



F. Vegetated Roof

1. Incentive density of 10% is appropriate for a vegetated roof requires that:
 - a. Covers at least 33 percent of the roof of the building, excluding any space occupied by mechanical equipment; and
 - b. Has soil or media depth of at least 4 inches.
2. Additional suggestions: greater coverage and/or depth.

