

Commercial/Residential Zones Incentive Density Implementation Guidelines

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Description

- Revised Commercial/Residential Zones Incentive Density Implementation Guidelines.
- Reflecting text amendments to the zones, including new public benefits.
- Revisions and restructuring for clarity and to incorporate changes based on implementation of several sketch plans.

Summary

- The CR zones were amended to add two categories, the Commercial/Residential Neighborhood and Commercial/Residential Town zones, and to generally modify several provisions. Included in these modifications were changes to some public benefits that were originally approved and the addition of several new benefits. As before, “the Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits” (59-C-15.84).
- These new guidelines are formatted to be more clear and concise, provide numerous illustrations and examples, and provide specific guidelines for the new public benefits: Wayfinding, Live-Work Units, Architectural Elevations, Recycling Facility Plan, Habitat Preservation and Restoration, and Retained Buildings.
- The guidelines are meant to be generally self-contained, providing citations for each relevant section of the Zoning Ordinance; additional criteria intended to guide staff, citizens, applicants and the Board; formulas and examples, where applicable; illustrations; and submittal requirements.
- **Staff recommends adoption of the revised Commercial/Residential Zones Incentive Density Implementation Guidelines.**

Commercial/Residential Zones

Incentive Density Implementation Guidelines

June 2012



Montgomery County Planning Department

M-NCPPC

MontgomeryPlanning.org

Abstract

This document includes text of the CR Zones and the guidelines that explain how to meet the zones' requirements.

Source of copies

The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Online at: http://www.montgomeryplanning.org/development/com_res_zones.shtm

Commercial/Residential Zones

Incentive Density Implementation Guidelines

June 2012

Prepared by the Montgomery County Planning Department

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purpose

Zoning Ordinance Citation

59-C-15.84. CR zones incentive density implementation guidelines.

The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits. The guidelines must:

- (a) be consistent with the objectives of the applicable master or sector plan and the purpose of the CR zones;
- (b) be in addition to any standards, requirements, or rules of incentive density calculation included in this Division, but may not conflict with those provisions; and
- (c) only allow incentive density for those public benefits listed in Section 59-C-15.85.

Use of Guidelines

The Planning Board, Planning Department Staff, applicants, and citizens will use these guidelines when determining the adequacy of public benefits and amenities provided by an optional method application for development on a CR- or CRT-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 illustrate and supplement the requirements in the zoning ordinance. Criteria for public benefits are based on best practices, meaningful 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, the applicable master or sector plan recommendations are implemented, 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.

Enforcement

Enforcement of the public benefits provided under these guidelines is governed by Section 59-D-3.h, Failure to comply, under the site plan provision of the Zoning Ordinance.

Optional method development is a zoning procedure used in Central Business District (CBD), Residential mixed-use (RMX), Transit mixed use (TOMX and TMX), and Commercial/Residential (CR) Zones that encourages comprehensive planning and mixed-use development. Under the optional method, higher densities are allowed in exchange for significant public amenities and facilities to support that additional density.

A **sketch plan** is a conceptual design that establishes a basic building, open space, and circulation framework for future, more detailed planning approvals. It is an initial agreement between the applicant and the Planning Board about the public benefits that will be provided for the density proposed.

CR and CRT zones overview

Provisions

The Commercial/Residential Zones are a family of mixed-use zones that establish the zoning classification, maximum total density, nonresidential density, residential density, and height. Once the zoning classification and the numbers associated with each of these factors are enacted on a zoning map, the zone is set. These guidelines only apply to CR and CRT Zones because only these zones may develop under the optional method of development requiring public benefits.

Requirements and Standards

There are requirements and standards that must be met by any project in a CR or CRT zone including 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 in the Zoning Ordinance regardless of any public benefits provided.

CR Zones

CRT 2.0, C 1.0, R 1.5, H 60

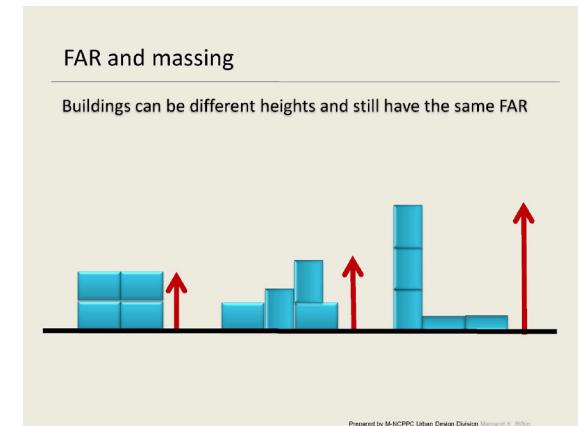
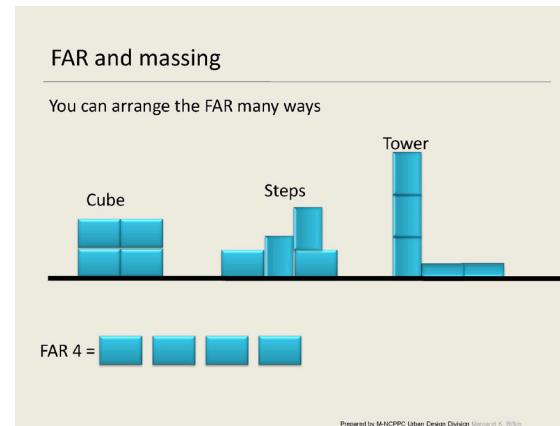
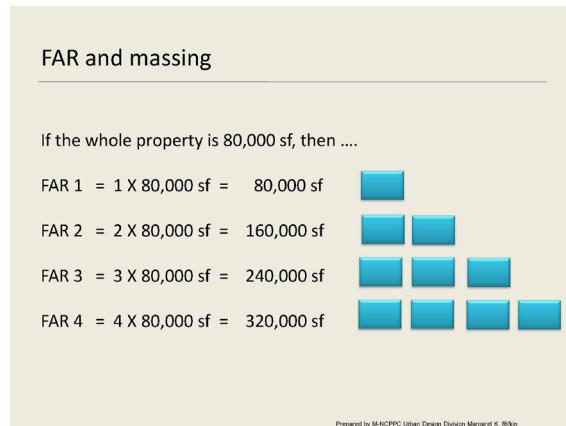
CRT sets the uses and some requirements

2.0 means the building floor ratio (FAR) is a maximum of two times the size of the lot

C 1.0 is the maximum commercial FAR within the total 2.0 FAR

R 1.5 is the maximum residential floor area within the total 2.0 FAR

H 60 is the maximum building height—60 feet



Floor area ratio (FAR) - The ratio of the gross floor area of a building to the area of the lot on which it is located. Parking and non-leasable space of the building are generally excluded from the computation. For example, a building with a gross floor area of 43,560 square feet on a one-acre lot would have a 1.0 FAR.

process and contents of a sketch plan

Provisions

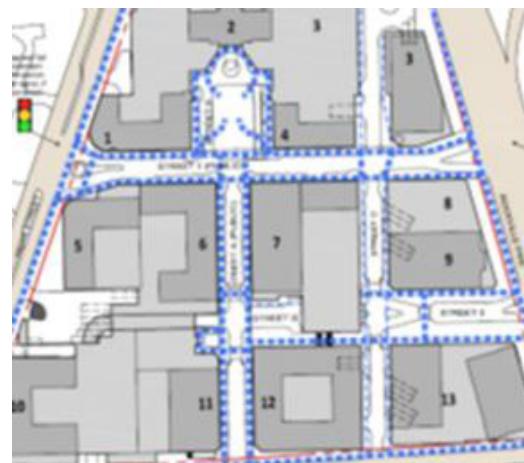
A sketch plan showing the general nature of a development, including all proposed public benefits and amenities, must be presented to the public prior to filing an application. Applicants are encouraged to use this required public meeting to present designs to citizens and staff before hardline engineering 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-15.43.(c). Examples of appropriate levels of detail are included in these guidelines, but more or less detail may be needed, which will become apparent in the early discussions about an application.

It should be remembered by all parties that a sketch plan approval only ensures 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, 8787 Georgia Avenue, Silver Spring, MD 20910. More information is available at www.MontgomeryPlanning.org or at 301-495-4595.

A **site plan** is a detailed plan, required only in certain cases, that shows proposed development on a site in relation to immediately adjacent areas. It indicates roads, walks, parking areas, buildings, landscaping, open space, recreation facilities, lighting, etc. The Planning Board approves the site plan after sketch plan approval and before building permits can be issued.



public benefits required

Density

Development on CR-and CRT-zoned land may proceed under standard or optional method development. Standard method development is limited in density to (whichever is greater) 0.5 FAR or 10,000 square feet in the CR Zones and 1.0 FAR or 10,000 square feet in the CRT Zones. The density between the standard method and the density indicated on the zoning map is defined as the “incentive density.” Any applicant wishing to develop above the standard method density—up to the maximum allowed by the zone—must apply for an optional method development approval. During this application process, the applicant proposes to provide specific public benefits and amenities that support the project’s incentive density. The Planning Board will determine whether the proposed public benefits support the additional density requested.

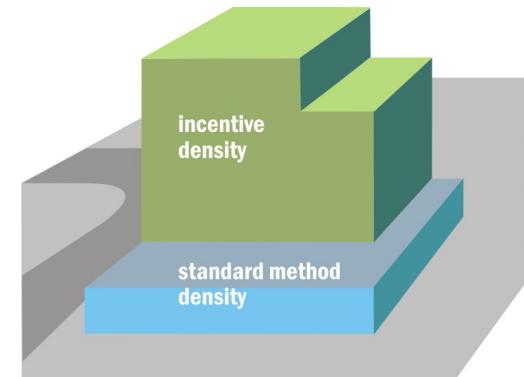
Height

The height on the zoning map (H) is the maximum height allowed under standard or optional method. Any development exceeding 40 feet in height that does not require a sketch plan will require a site plan.

Minimum Points and Categories

Optional method applications must provide public benefits from at least the number of benefit categories and for at least the minimum number of points indicated in the table (59-C-15.82) regardless of whether the full density allowed by the zone is realized. No proportional allocation of density and public benefits is allowed. To ensure that applications are not filed piecemeal to avoid providing public benefits, common ownership of adjoining properties are counted in any application and the applicable number of benefit categories and benefit points is required.

All CR-zoned properties must purchase (or make a payment) for building lot terminations under section 59-C-15.856(a).



Incentive density is the amount of a building’s floor area above the maximum development allowed without public benefits. To support this added floor area, public amenities must be provided and additional public review is required.

Zoning Ordinance Citation

59-C-15.82. Public benefits required.

- (a) Any optional method development must satisfy the minimum public benefit points from the minimum number of benefit categories as shown in Table 1. To determine the minimum number of public benefit points and the minimum number of benefit categories, all land adjoining and abutting the subject property under common ownership when the CR or CRT Zone was applied must be included to determine the area of the site.
- (b) Development in the CR Zones must provide Building Lot Terminations (BLTs) required under Section 59-C-15.856(a) for at least 5 points and provide additional public benefits; the sum of the public benefit points must equal at least 100.

Table 1: Required Public Benefits

Sites smaller than 10,000 square feet of land area or less than 1.5 maximum allowed FAR		Sites equal to or larger than 10,000 square feet of land area or equal to or more than 1.5 maximum allowed FAR		
zoning classification	public benefit points	number of benefit categories	public benefit points	number of benefit categories
CRT	25	2	50	3
CR	50	3	100	4

Building Lot Termination is a transferable development right created from land that: is at least 25 acres; is capable of being served by an individual sewage treatment unit that meets the requirements of Chapter 27A (Montgomery County Code) and applicable regulations issued under that Chapter; and is located in the Rural Density Transfer (RDT) Zone and could be transferred by a BLT easement under Chapter 59 (Montgomery County Zoning Ordinance). When a BLT easement is recorded in the land records, the easement extinguishes the right to build a dwelling unit in the RDT Zone.

public benefit categories

Zoning Ordinance Citation

59-C-15.81. Incentive Density Categories.

Public benefits must be provided that enhance or contribute to the objectives of the CR and CRT Zones in some or all of the following categories:

- (a) Major public facilities;
- (b) Transit proximity;
- (c) Connectivity between uses, activities, and mobility options;
- (d) Diversity of uses and activities;
- (e) Quality of building and site design;
- (f) Protection and enhancement of the natural environment; and
- (g) Retained Buildings.

Section 59-C-15.85 indicates the individual public benefits that may be accepted in each of these categories.

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

Major Public Facilities, Transit Proximity, and Retained Buildings are self-contained categories. The other categories, Connectivity, Diversity, Quality Design, and Environment, have lists of individual public benefits that an applicant may provide to obtain incentive density. These self-contained categories and the 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 guidelines.

Table 2: Public Benefits Categories

Major Public Facilities	
Transit Proximity	
Connectivity Between Uses, Activities, and Mobility Options	
Neighborhood Services	Transit Access Improvement
Minimum Parking	Trip Mitigation
Through-block Connection	Streetscape
Public Parking	Advanced Dedication
Wayfinding	
Diversity of Uses and Activities	
Affordable Housing	Adaptive Buildings
Care Centers	Small Business Opportunities
Dwelling Unit Mix	Enhanced Accessibility for the Disabled
Live-work Units	
Quality of Building and Site Design	
Historic Resource Protection	Structured Parking
Tower Step-Back	Public Art
Public Open Space	Exceptional Design
Architectural Elevations	
Protection and Enhancement of the Natural Environment	
Building Lot Termination (BLT)	Energy Conservation and Generation
Vegetated Wall	Tree Canopy
Vegetated Area	Vegetated Roof
Cool Roof	Recycling Facility Plan
Habitat Preservation and Restoration	
Retained Buildings	

public benefit criteria

Zoning Ordinance Citation

59-C-15.83. General incentive density considerations.

In approving any incentive density based on the provision of public benefits, the Planning Board must not grant incentive density for any attribute required by law and must consider:

- (a) The recommendations, objectives, and priorities of the applicable master or sector plan;
- (b) The CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area;
- (c) The size and configuration of the tract;
- (d) The relationship of the site to adjacent properties;
- (e) The presence or lack of similar public benefits nearby; and
- (f) Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit.

General Public Benefit Considerations

The foundation of optional method development is that applicants must “provide public benefits in return for increases in density and height above the standard method maximums, up to the maximum permitted by the zone” (59-C-15.8). Three aspects of a public benefit must be analyzed:

- The general considerations required by the zone for all public benefits.
- The zone’s standards required for individual public benefits applicable to the specific benefit.
- The additional criteria required by the guidelines.

Fundamentally, the general considerations establish that a public benefit must be consistent with the Zoning Ordinance and the applicable master plan and design guidelines, and must be appropriate for the particular context. The six considerations 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 benefit criteria.

Major Public Facilities

Zoning Ordinance Citation

59-C-15.851. Major public facilities.

Major public facilities provide public services at convenient locations and where increased density creates a greater need for civic uses and greater demands on public infrastructure.

- (a) Major public facilities include, but are not limited to, such facilities as schools, libraries, recreation centers, parks, county service centers, public transportation or utility upgrades, or other resources delineated in an applicable master or sector plan.
- (b) If a major public facility is not recommended in the applicable master or sector plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major facilities recommended in the applicable master or sector plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
- (c) Because of their significance in place-making, the Planning Board may approve incentive density of up to 40 points in the CRT zones and 70 points in the CR zones for (1) the conveyance of a site or floor area for, (2) construction of, and/or (3) making a payment for a major public facility that is accepted for use and/or operation by an appropriate public agency, community association, or nonprofit organization.

Guideline Criteria

Incentive density is limited to a maximum of 40 points in the CRT zones and 70 points in the CR zones.

Incentive density points may be granted for major public facilities if:

1. The applicant conveys land and/or floor area for the facility
2. Constructs the facility
3. Makes a payment towards construction of the facility.

Projects that are not providing simple conveyance and/or construction, choosing for example, a payment, will be granted incentive density based on public review and comment that assesses master plan goals and community priorities.

In the case of a CR-zoned, 8-acre lot that includes provision of floor area and full buildout of satellite library/community center within the building with no land conveyed, the Zone standards would be applied as follows.



Wisconsin Place Community Center

Formula: $\{[(L+F)/N]*2\} + [(C/N)*4]\}*100$	Example
N(net lot area)	348,480 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: 23 points

Submittal Requirements

Sketch plan: description and calculation

Site plan: final calculation, detailed layout, and agency or association acceptance

Transit Proximity

Zoning Ordinance Citation

59-C-15.852. Transit Proximity.

Development near transit facilities encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions, and is eligible for incentive density. The Planning Board may approve incentive density for transit proximity under this section. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT and CR zones as follows:

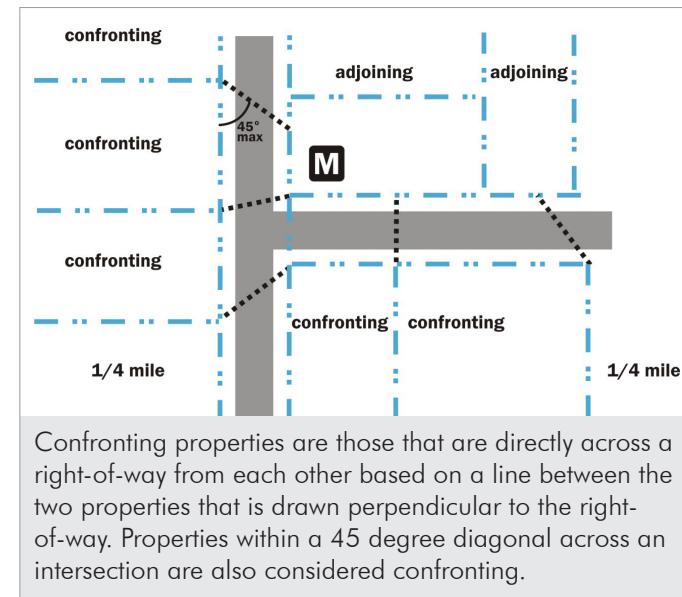
- (a) A project is adjacent to or confronting a transit station or stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop, and 100 percent of the gross tract area in a single sketch plan application is within $\frac{1}{4}$ mile of the transit portal.
- (b) For split proximity-range projects:
 1. If at least 75 percent of the gross tract area in a single sketch plan application is within the closer of two proximity ranges, the entire project may take the points for the closer range;
 2. If less than 75 percent of the gross tract area in a single sketch plan is within the closer of two proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.

Guideline Criteria

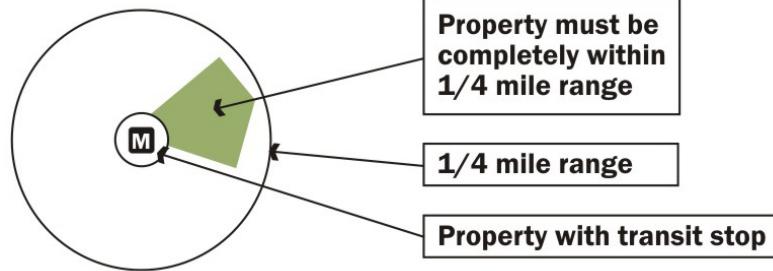
Level 1 transit is defined in the zoning ordinance as a Metrorail station; level 2 transit is defined as an existing or master-planned station or stop along a rail or bus line with a dedicated, fixed path (MARC, Purple Line, CCT) (59-C-15.3).

According to subsection a) to qualify for the highest density points, a project must share a property line with or confront a property with a transit station or stop. Further, 100 percent of the tract submitted in a single sketch plan that takes advantage of this proximity must be within $\frac{1}{4}$ mile of that portal.

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 percent within a proximity range, the entire property is eligible for the density incentive enumerated for that range. Second, if less than 75 percent 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.

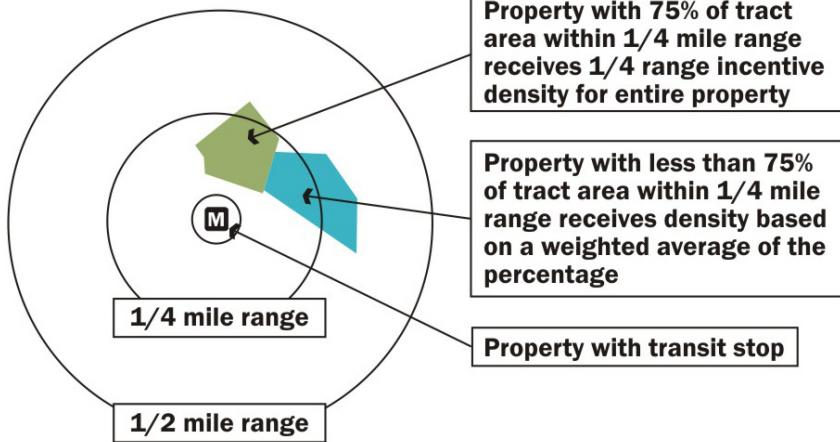


To qualify for subsection a):



A split-proximity range project is one that has property with less than 75 percent of its area within a proximity range (for example, within ¼, ½, or one mile of a Metro station).

To calculate under subsection b):



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

Example

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 (points for range 1)	20 points
P2 (points for range 2)	15 points
Calculation: 18 points	

Submittal Requirements

Sketch plan: scaled plan showing transit portal and entire sketch plan area

Site plan: revised plan with final area calculations

Connectivity between Uses, Activities, and Mobility Options

Zoning Ordinance Citation

59-C-15.853. Connectivity and mobility.

Development that enhances connectivity between uses and amenities; increases mobility options; encourages non-automotive travel; facilitates social interaction; provides opportunities for healthier living; and stimulates local businesses is eligible for incentive density.

- (a) **Neighborhood Services:** When fewer than 10 different basic services are within $\frac{1}{4}$ mile of the subject site, up to 15 points for providing floor area resulting in at least 10 different basic services within $\frac{1}{4}$ mile of the subject site. Of those 10 services, at least 4 must have tenant or owner bays of no more than 5,000 square feet each. However, for all sketch plan applications approved by the Planning Board before October 11, 2011, and for any subsequent related site plan approvals, at least 10 points for safe and direct pedestrian access to at least 10 different retail services on site or within $\frac{1}{4}$ mile, of which at least 4 have a retail bay floor area of no greater than 5,000 square feet.
- (b) **Minimum Parking:** Up to 10 points for providing less than the maximum allowed number of parking spaces, if a maximum is applicable under Section 59-C-15.631.
- (c) **Through-Block Connections:** Up to 20 points for safe and attractive pedestrian connections between streets.
- (d) **Public Parking:** Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
- (e) **Transit Access Improvement:** Up to 20 points for ensuring that access to transit facilities meets County standards for handicapped accessibility.
- (f) **Trip Mitigation:** Up to 20 points for entering into a binding 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 a non-auto driver mode share of at least 50% for trips attributable to the site.
- (g) **Streetscape:** Up to 20 points for construction of off-site streetscape, excluding any streetscape improvements required by this Division.
- (h) **Advance Dedication:** Up to 30 points for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.
- (i) **Wayfinding:** Up to 10 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities, and transit opportunities.

Neighborhood Services

Zoning Ordinance Citation

(a) **Neighborhood Services:** When fewer than 10 different basic services are within $\frac{1}{4}$ mile of the subject site, up to 15 points for providing floor area resulting in at least 10 different basic services within $\frac{1}{4}$ mile of the subject site. Of those 10 services, at least 4 must have tenant or owner bays of no more than 5,000 square feet each. However, for all sketch plan applications approved by the Planning Board before October 11, 2011, and for any subsequent related site plan approvals, at least 10 points for safe and direct pedestrian access to at least 10 different retail services on site or within $\frac{1}{4}$ mile, of which at least 4 have a retail bay floor area of no greater than 5,000 square feet.

Guideline Criteria

Incentive density of 10 points is appropriate for a project that meets Zoning Ordinance criteria. No one use should occupy an excessive amount of frontage and the services should contribute to improving the pedestrian environment.

Up to 5 additional incentive density points may be granted if other criteria are met, such as:

- required number of retail uses is within one block
- more than the minimum number of services are small businesses.



Qualifying basic 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.

Neighborhood services contribute to an active daily life and reduce the need for vehicle trips.

Submittal Requirements

Site plan: map of all qualifying basic services, existing and proposed, within $\frac{1}{4}$ mile of subject site, measured from each residential or office lobby

Minimum Parking

Zoning Ordinance Citation

- (b) **Minimum Parking:** Up to 10 points for providing less than the maximum allowed number of parking spaces, if a maximum is applicable under Section 59-C-15.631.

Guideline Criteria

Incentive density is calculated on a sliding scale from no points for providing the maximum allowable number of spaces on-site to 10 points for providing no more than the minimum number of spaces on site.

Qualifying basic 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.

Unbundled parking is parking spaces priced separately from the building rent.

Formula: $[(A/P)/(A/R)]*10$	Example
A (maximum allowed spaces)	100 spaces
R (minimum required spaces)	50 spaces
P (proposed spaces)	60 spaces
	Calculation: 8 points

Submittal Requirements

Sketch plan: initial estimate of calculation

Site plan: parking layout and uses with calculation approved

Through-Block Connections

Zoning Ordinance Citation

(c) **Through-Block Connections:** Up to 20 points for safe and attractive pedestrian connections between streets.

Guideline Criteria

Incentive density of 10 points is appropriate for connections that meet the following criteria:

- open-air, non-mechanical climate control (direct access between streets 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 wide
- open to the public at least between 8:00 a.m. and 9:00 p.m. and, where the connection leads to a transit facility or publicly-accessible parking facility within $\frac{1}{2}$ mile, for the hours of operation of the transit or parking facility.

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

- at least 35 percent of the walls facing the interior pedestrian connection between three and eight feet have clear, unobstructed windows
- direct connection to parks, transit facilities, or public buildings
- accessible retail uses along a majority of its length
- increased width.

Fewer than 10 incentive density points may be granted if some of the guideline requirements are not provided.



Bethesda Row qualifies for the through-block connection public benefit because, among other attributes, the primarily pedestrian area connects two streets, is non-climate controlled, and has windows and activating uses along each length.

Submittal Requirements

Sketch plan: concept layout and narrative regarding guideline criteria

Site plan: final detailed plan of circulation and site layout

Public Parking

Zoning Ordinance Citation

- (d) **Public Parking:** Up to 25 points for providing 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 zero points if no public parking is provided to 25 points for providing 100 percent of the spaces between the minimum required and the maximum allowed as publicly available spaces.



Public parking areas may be run by a public agency or a private entity and may charge a fee.

Formula: $[P/(T-R)]*25$		Example
P (public spaces provided)	25 spaces	
T (total spaces provided)	115 spaces	
R (minimum required spaces)	80 spaces	
Calculation: 17 points		

Submittal Requirements

Sketch plan: initial estimate of calculation

Site plan: detailed parking layout with calculation

Transit Access Improvement

Zoning Ordinance Citation

- (e) **Transit Access Improvement:** Up to 20 points for ensuring that access to transit facilities meets County standards for handicapped accessibility.

Guideline Criteria

Incentive density of 10 points is appropriate for transit access improvements that:

- upgrade pedestrian connections to transit stations or stops to County standards for handicapped accessibility
- are located within ½ mile of the project site or, in the case of mobile transit improvements such as a bus shuttle, provide regular access for passengers within ½ mile
- are not otherwise required on-site or along frontage.

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

- closer access
- provision of public access easements
- construction of seating areas and shelters.



Upgrades of substandard pedestrian routes to meet County accessibility standards qualify as a transit access improvement public benefit.



Additional points may be awarded for enhancements to transit stations, stops, or routes.

Submittal Requirements

Sketch plan: layout and narrative of improvements

Site plan: final detailed improvements and approvals by applicable agencies

Trip Mitigation

Zoning Ordinance Citation

- (f) **Trip Mitigation:** Up to 20 points for entering into a binding 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 a non-auto driver mode share of at least 50% for trips attributable to the site.

Guideline Criteria

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

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

Additional incentive density points may be appropriate if greater than 50 percent non-auto drive mode share is proposed.



Facilities that promote walking, biking, carpooling, and transit use may be accepted as part of a trip mitigation agreement.

Submittal Requirements

Sketch plan: Narrative

Site plan: approved Traffic Mitigation Agreement

Streetscape

Zoning Ordinance Citation

- (g) **Streetscape:** Up to 20 points for construction of off-site streetscape, excluding any streetscape improvements required by this Division.

Guideline Criteria

Incentive density points for improvements to off-site streetscape are granted on a sliding scale based on the area improved calculated as a percentage of the net lot area. The improvements must follow the applicable master plan recommendations, including providing utilities underground. Construction of streetscape along the property frontage is required and does not qualify for incentive density.

Formula: $(S/N)*100$	Example
S (streetscape improvements)	9,000 square feet
N (net lot area)	78,000 square feet
	Calculation: 11 points



A safe and attractive pedestrian environment encourages walking.

Submittal Requirements

Sketch plan: conceptual layout

Site plan: final layout, improvement details, and applicable agency approvals

Advance Dedication

Zoning Ordinance Citation

- (h) **Advance Dedication:** Up to 30 points for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.

Guideline Criteria

The incentive density for advance dedication of right-of-way is calculated on a sliding scale up to 30 points based on the percentage of gross tract area that is dedicated. Right-of-way dedicated in advance of submitting a development application may also be considered part of the gross tract area for FAR calculations. 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 site plan or those made within areas that will be developed during later phases of a sketch plan.

For example, the owner of a 75,300 square foot lot dedicates 8,500 square feet for a master-planned bikeway prior to filing a site plan application for that portion of the site:

Formula: (D/N)*100	Example
D (dedicated land area)	8,500 square feet
N (net lot after dedication)	75,300 square feet
	Calculation: 11 points

Submittal Requirements

Sketch plan: conceptual layout at sketch plan

Preliminary plan: final location and area

Prior to site plan: area recorded by plat

Wayfinding

Zoning Ordinance Citation

- (f) **Wayfinding:** Up to 10 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities, and transit opportunities.

Guideline Criteria

Incentive density of five points is appropriate for installing wayfinding signage in proposed open spaces and public spaces. These signs should provide maps and information orienting pedestrians and cyclists to nearby:

- parks and publicly accessible open spaces
- trails and paths
- cultural and governmental facilities
- transit stations and stops
- artworks and landmarks
- special areas, buildings, or facilities of interest.

Additional incentive density points may be appropriate if other criteria are met, including:

- a large number of signs are provided
- the wayfinding system helps implement a municipal program or capital improvement priority.



Legible cities are livable cities.

Submittal Requirements

Sketch plan: narrative with conceptual layout and design

Site plan: final design, locations, and installation details approved by applicable agencies prior to use-and-occupancy permit

Diversity of Uses and Activities

Zoning Ordinance Citation

59-C-15.854. Diversity of uses and activities.

Development that increases the variety and mixture of land uses, types of housing, economic variety, and community activities; contributes to development of more efficient and sustainable communities; reduces the necessity for automobile use; and facilitates healthier lifestyles and greater social interaction is eligible for incentive density.

(a) Affordable Housing:

- (1) All residential development must comply with the requirements of Chapter 25A for the provision of Moderately Priced Dwelling Units (MPDUs).
- (2) MPDU Incentive Density: Provision of MPDUs above the minimum number of units required by Chapter 25A.
 - (A) MPDU units above the minimum number of units required, but not more than 15 percent of all units, entitles the applicant to 12 incentive density points for each 1 percent increase in MPDUs. Any fraction of 1 percent increase in MPDUs entitles the applicant to an equal fraction of 12 points.
 - (B) Above 15 percent of MPDUs, each 1 percent of additional MPDUs entitles the applicant to an additional 2 benefit points; any fraction of 1 percent increase in MPDUs entitles the applicant to an equal fraction of 2 points.
 - (C) MPDUs under this subsection may be provided in any manner allowed by Chapter 25A.

- (b) **Adaptive Buildings:** Up to 15 points for constructing commercial or mixed-use 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:** Up to 20 points for constructing a child day care, adult day care, or teen center facility, with spaces for at least 15 users.
- (d) **Small Business Opportunities:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.
- (e) **Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential unit types with 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:** Up to 20 points for constructing dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
- (g) **Live/Work:** Up to 15 points for developments of up to 2.0 FAR total density that provide at least the greater of 3 units or 10% of the total unit count as live/work units.

Affordable Housing

Zoning Ordinance Citation

(a) Affordable Housing:

- (1) All residential development must comply with the requirements of Chapter 25A for the provision of Moderately Priced Dwelling Units (MPDUs).
- (2) MPDU Incentive Density: Provision of MPDUs above the minimum number of units required by Chapter 25A.
 - (A) MPDU units above the minimum number of units required, but not more than 15 percent of all units, entitles the applicant to 12 incentive density points for each 1 percent increase in MPDUs. Any fraction of 1 percent increase in MPDUs entitles the applicant to an equal fraction of 12 points.
 - (B) Above 15 percent of MPDUs, each 1 percent of additional MPDUs entitles the applicant to an additional 2 benefit points; any fraction of 1 percent increase in MPDUs entitles the applicant to an equal fraction of 2 points.
 - (C) MPDUs under this subsection may be provided in any manner allowed by Chapter 25A.

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. MPDUs are calculated as a percent of the total number of dwelling units.

Formula for 12.6% to 15% MPDUs:	Example
12 points per 1% MPDUs	
Total units proposed	
Total units proposed	100 units
MPDUs percent provided	14.5% units
MPDUs required	15
MPDUs above minimum 12.5%	2
Calculation: 24 points	

Formula for greater than 15% MPDUs:	Example
2 points per 1% MPDUs	
Total units proposed	
Total units proposed	100 units
MPDUs percent provided	20% units
MPDUs required	20
MPDUs above minimum 15%	5
Calculation: 10 points (in addition to 24 points above)	

Submittal Requirements

Sketch plan: initial calculation

Site plan: final approval per the Department of Housing and Community Affairs' Agreement to Build

Adaptive Buildings

Zoning Ordinance Citation

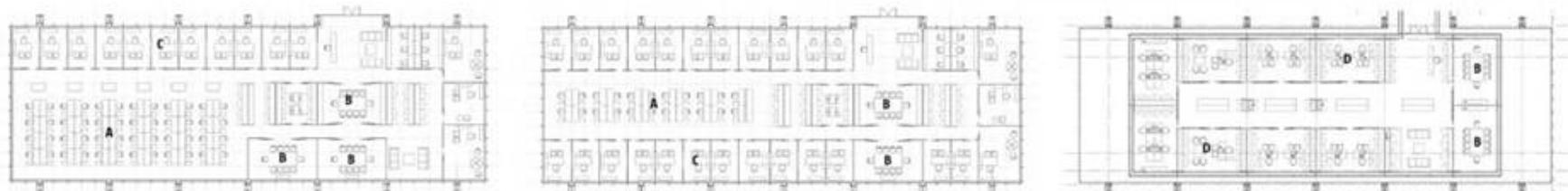
- (b) **Adaptive Buildings:** Up to 15 points for constructing commercial or mixed-use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.

Guideline Criteria

Incentive density of 10 points is appropriate for an adaptive building that meets the requirements of the zoning code. Points will be pro-rated per building in multi-building projects.

Additional incentive density points may be appropriate if other criteria are met, including:

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



Submittal Requirements

Sketch plan: conceptual layout at sketch plan

Preliminary plan: final location and area

Care Centers

Zoning Ordinance Citation

(c) **Care Centers:** Up to 20 points for constructing a child day care, adult day care, or teen center facility, with spaces for at least 15 users.

Guideline Criteria

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

- daytime child, teen, or adult care for at least 15 total users
- at least 25 percent of the spaces open to the public at large.

Additional incentive density points may be appropriate if other criteria are met, including:

- the care center is a master plan priority
- serves more than 15 users
- includes an adjacent lay-by or on-site drop-off area
- offers a higher percentage of spaces open to the general public
- provides recreation facilities above those required by law.



Easter Seals' Harry and Jeanette Weinberg Inter-Generational Center in Silver Spring serves children and seniors.

Submittal Requirements

Sketch plan: narrative and location at sketch plan

Site plan: final size, location, and layout

Small Business Opportunities

Zoning Ordinance Citation

- (d) **Small Business Opportunities:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.

Guideline Criteria

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

- at least three small businesses on sites over one 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 County land records that reflects these restrictions.

Greater or fewer points are appropriate if more or less spaces are provided. Additional incentive density points are appropriate if small business opportunities are a master plan priority.



Small businesses provide jobs, keep dollars in communities, and provide diverse products and services.

Submittal Requirements

Sketch plan: conceptual layout and location with narrative

Site plan: final layout, design, and location approved

Prior to building permit: recorded covenant

Prior to use-and-occupancy: as-built floor plans

Dwelling Unit Mix

Zoning Ordinance Citation

- (e) **Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential unit types with at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units.

Guideline Criteria

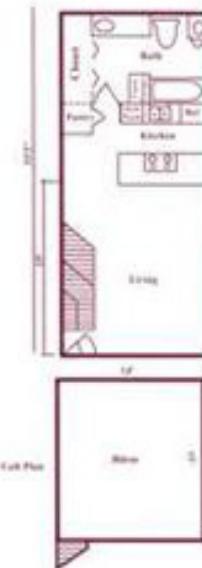
Incentive density of 5 points is appropriate for providing residential buildings with a mix of dwelling unit types (calculated by rounding to the next higher whole number) with a minimum of:

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

Incentive density of 10 points 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:

- 10 percent efficiency dwelling units
- 10 percent one-bedroom dwelling units
- 10 percent two-bedroom dwelling units
- 7.5 percent three-bedroom or larger dwelling units.

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



2 Bedroom / 1 Bath
approx. 850 sq. ft.



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



Submittal Requirements

Sketch plan: conceptual layout and location with narrative

Site plan: final layout, design, and location approved at site plan

Prior to use-and-occupancy: as-built floor plans

Enhanced Accessibility for the Disabled

Zoning Ordinance Citation

- (f) **Enhanced Accessibility for the Disabled:** Up to 20 points for constructing dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or 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 points on a sliding scale calculated as a percentage of complying units up to 20 points. Each percent of units is worth 3 points, thus, provision of seven percent of all units would be worth the full 20 points.



Simple changes in fixtures and facilities allow people with disabilities to live comfortably and independently.

Formula: $(A/T) * 300$	Example
A (ANSI 117.1 units)	12 units
T (total units)	200 units
	Calculation: 18 points

Submittal Requirements

Sketch plan: conceptual layout at sketch plan

Site plan: final location and area

Live/Work Units

Zoning Ordinance Citation

- (g) **Live/Work Units:** Up to 15 points for developments of up to 2.0 FAR total density that provide at least the greater of 3 units or 10% of the total unit count as live/work units.

Guideline Criteria

Incentive density of 10 points is appropriate for developments that provide live work units equal to at least 10 percent of their total units or three live/work units if the development provides up to 30 total units. This benefit may be used only when the CR or CRT Zone allows no more than 2.0 FAR maximum total density.

Incentive density of 15 points is appropriate for developments that provide live/work units equal to at least 15 percent of their total units if the development provides more than 30 total units or five live/work units if the development provides up to 30 total units.



Live/work units integrated into mixed-use communities provide products and services convenient to home.

Submittal Requirements

Sketch plan: conceptual layout and location with narrative

Site plan: final layout, design, and location

Quality Building and Site Design

Zoning Ordinance Citation

59-C-15.855. Quality building and site design.

High quality design is especially important in urban, integrated-use settings, to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development, and is eligible for incentive density. Due to increased density in these settings, buildings tend to be highly visible; high quality design helps attract residents, patrons, and businesses to these areas. 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.

- (a) **Historic Resource Protection:** Up to 20 points for the preservation and/or enhancement of, or payment towards preservation or enhancement of a historic resource or a contributing element within a historic district designated in the Master Plan for Historic Preservation.
- (b) **Structured Parking:** Up to 20 points for placing parking within above- or below-grade structures.
- (c) **Tower Step-Back:** Up to 10 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor façade. The step-back must begin at a height no greater than 72 feet.
- (d) **Public Art:** Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Arts and Humanities Council.
- (e) **Public Open Space:** Up to 20 points for providing, or making a payment for, open space in addition to the minimum public use space required by this Division.
- (f) **Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts enhance the character of a setting and the purposes delineated in this Section.
- (g) **Architectural Elevations:** Up to 20 points for providing elevations of architectural façades and agreeing to be bound by particular elements of design, such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass or pedestrian comfort, or enhance neighborhood compatibility.

Historic Resource Protection

Zoning Ordinance Citation

- (a) **Historic Resource Protection:** Up to 20 points for the preservation and/or enhancement of, or payment towards preservation or enhancement of a historic resource or a contributing element within a historic district designated in the Master Plan for Historic Preservation.

Guideline Criteria

Incentive density of up to 20 points is appropriate for projects that protect historic resources by one of the following means.

Preservation or enhancement of a historic resource designated in the Master Plan for Historic Preservation or the Locational Atlas and Index of Historic Sites or for contributing elements within a historic district designated in the Master Plan for Historic Preservation on- or off-site through:

- providing capital improvements, interpretive signs, museum-type exhibits
- integrating and constructing context-appropriate landscape and settings
- protecting important viewsheds.

Alternatively, a payment may be made as follows.

- The minimum fee is 1.0 percent of the development's projected cost up to \$100,000.
- The fee is paid prior to the release of the first building permit for the development.
- 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.
- The fee is to be used for a project within or near the policy area where the proposed development is located.

More points will be awarded for preservation and enhancement projects that most closely adhere to the recommendations in the Master Plan for Historic Preservation or Locational Atlas and Index of Historic Sites.

Fewer points will be granted when less than the applicable recommendations are implemented. No points will be awarded if it is determined the resource is compromised by the proposed development.

Submittal Requirements

- Sketch plan: concept and narrative
Site plan: final details and approval by the Historic Preservation Commission



Retaining and enhancing historic buildings is appropriate for the Historic Resource Protection public benefit.

Structured Parking

Zoning Ordinance Citation

- (b) **Structured Parking:** Up to 20 points for placing parking within above- or below-grade structures.

Guideline Criteria

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



Structured parking should be well integrated and visually pleasing.

Formula: $[(A/T)*10]+[(B/T)*20]$	Example
A (above-grade spaces)	200 spaces
B (below-grade spaces)	145 spaces
T (total spaces)	345 spaces
	Calculation: 14 points

Submittal Requirements

Sketch plan: initial estimate of calculation

Site plan: detailed parking layout with calculation

Tower Step-Back

Zoning Ordinance Citation

- (c) **Tower Step-Back:** Up to 10 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor façade. The step-back must begin at a height no greater than 72 feet.

Guideline Criteria

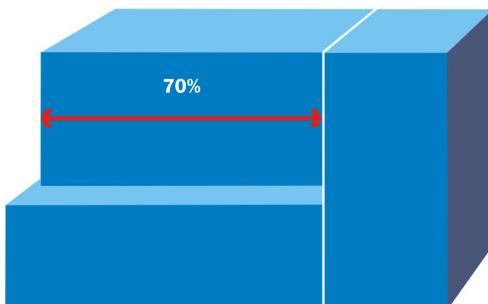
Incentive density of 5 points is appropriate for buildings that meet the requirements of the zoning ordinance. The step-back should be retained across at least 70 percent of the frontage on any right-of-way or open space. Incentive points are pro-rated per building in multi-building projects.

Additional incentive density points may be appropriate if other criteria are met, including:

- greater step-back
- step-back at a lower level
- integration of step-back with reduced floor plate sizes on upper stories.



Tower step-backs decrease wind and shade impacts on open spaces and streets, increasing the comfort of the public realm.



Submittal Requirements

Sketch plan: concept

Site plan: final layout and step-back established

Public Art

Zoning Ordinance Citation

(d) **Public Art:** Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Arts and Humanities Council.

Guideline Criteria

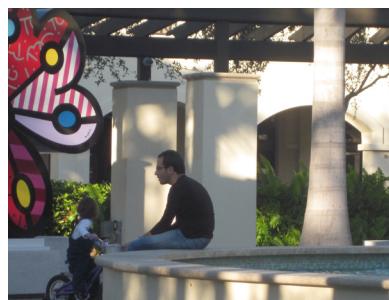
Incentive density of 10 points is appropriate for public art that is reviewed for comment by the Public Arts Trust Steering Committee (PATSC) and is found to fulfill at least five of the following goals.

- 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
- 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 PATSC via the Arts and Humanities Council prior to release of a building permit.
- The fee is used for installation, management, and maintenance of public art at the discretion of the PATSC, with preference given to the policy area where the proposed development is located.

More or fewer points may be awarded for projects that fulfill greater or fewer goals, respectively; more points may be awarded for unique works that expand the County's collection regarding types of works, recognized artists, or that provide rotating temporary pieces. Review by the PATSC should be completed prior to any Board hearing on a site plan except as allowed and conditioned by the Planning Board.



Artwork can define a place and become a landmark, as well as enliven community open space.

Submittal Requirements

Sketch plan: public art concept and narrative (or proposed fee)

Site plan: final details approved after review by the Public Arts Trust Steering Committee

Public Open Space

Zoning Ordinance Citation

- (e) **Public Open Space:** Up to 20 points for providing, or making a payment for, open space in addition to the minimum public use space required by this Division.

Guideline Criteria

Incentive density for public open space above the zone's requirements is granted on a sliding scale based on the percentage of the net lot area. The open space should:

- be directly accessible to a street
- be open to the public between sunrise and sunset
- be designed so that proposed loading or parking facilities are screened or faced with active uses
- contain seating, trash receptacles, landscaping, and other amenities such as water features, kiosks, and passive recreation areas
- be at least 35 feet wide
- be designed so that walls of any nonresidential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet
- be designed so that 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 for incentive density up to 20 points.
- The fee is paid into an amenity fund or other designated open space construction, renovation, or improvement fund prior to release of a building permit.
- 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.

More points may be awarded in addition to those established by the formula when open space is a master plan priority or where there is a lack of open space nearby.



Public spaces should be integrated into development, visible and accessible to all users.

Formula: (P/N)*100	Example
P (public open space)	6,000 square feet
N (net lot area)	46,000 square feet
	Calculation: 13 points

Submittal Requirements

Sketch plan: concept layout and narrative regarding guideline criteria
Site plan: final detailed plan and site layout

Exceptional Design

Zoning Ordinance Citation

- (f) **Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts enhance the character of a setting and the purposes delineated in this Section.

Guideline Criteria

Incentive density of 5 points is appropriate for development that meets at least four of the following criteria and 10 points for development that meets all of them. Building or site 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
- integrates low-impact development methods into the overall design of the site and building.



Exceptional design can create a community landmark as well as have economic and environmental benefits.

Submittal Requirements

Sketch plan: narrative and exhibits addressing criteria with specific examples

Site plan: final details, layout, and justification

Architectural Elevations

Zoning Ordinance Citation

- (g) **Architectural Elevations:** Up to 20 points for providing elevations of architectural façades and agreeing to be bound by particular elements of design, such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass or pedestrian comfort, or enhance neighborhood compatibility.

Guideline Criteria

Incentive density of 10 points is appropriate for development that provides architectural elevations as part of a certified site plan showing particular elements of the façade, including:

- minimum amount of transparency on the first floor
- minimum spacing between operable doors
- design priorities of the applicable master plan or implementing design guidelines.

Additional incentive density points may be granted where additional restrictions, such as signage, awning, and lighting design are included, and where architectural elevations are a priority of the applicable master plan.



Adherence to specific façade design elements can be important in neighborhoods concerned about community character.

Submittal Requirements

- Sketch plan: concept and narrative
Site plan: final details and binding elevations

Protection and Enhancement of the Natural Environment

Zoning Ordinance Citation

59-C-15.856. Protection and enhancement of the natural environment.

Protecting and enhancing natural systems and decreasing energy consumption help mitigate or reverse environmental impacts, such as heat island effects from the built environment, inadequate carbon-sequestration, habitat and agricultural land loss, and air and water pollution caused by reliance on the automobile, and are eligible for incentive density.

- (a) **Building Lot Termination (BLT):** Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF). The first 5 points are mandatory for all developments in the CR zones; up to 25 additional points are allowed as an option.
- (b) **Energy Conservation and Generation:** Up to 15 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings. At least 15 points for providing renewable energy generation facilities on site or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement for the development.
- (c) **Vegetated Wall:** Up to 10 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage façade that is at least 300 square feet in area and is visible from a public street or open space.
- (d) **Tree Canopy:** Up to 15 points for tree canopy coverage at 15 years of growth of at least 25% of the on-site open space.
- (e) **Vegetated Area:** Up to 10 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. This does not include vegetated roofs.
- (f) **Vegetated Roof:** Up to 15 points for installation 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.
- (g) **Cool Roof:** Up to 10 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
- (h) **Recycling Facility Plan:** Up to 10 points for providing a recycling facility plan to be approved as part of a site plan for buildings that must comply with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.
- (i) **Habitat Preservation and Restoration:** Up to 20 points for protection, restoration, or enhancement of natural habitats, on site or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other county laws.

Building Lot Termination

Zoning Ordinance Citation

- (a) **Building Lot Termination (BLT):** Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF). The first 5 points are mandatory for all developments in the CR zones; up to 25 additional points are allowed as an option.
- (1) In the CR zones, an applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 5% of the incentive density floor area under the following parameters:
 - (A) One BLT must be purchased or equivalent payment made for every 20,000 square feet of gross floor area to qualify for the first 5% incentive density floor area;
 - (B) Any private BLT easement must be purchased in whole units; or
 - (C) BLT payments must be made to the ALPF, 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 for at least the fraction of the BLT easement.
 - (2) Up to 25 points for the purchase of BLTs or equivalent payments to the ALPF may be made for any incentive density above 5%. Each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented by a fractional BLT purchase or payment. This is converted into points by dividing the incentive density floor area covered by the purchase or payment by the total square feet of the incentive density area.
 - (3) In the CRT zones, BLT payments are optional; each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented by a fractional BLT purchase or payment.

Guideline Criteria

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

From the Ordinance:

Example: If a 50,000 square-foot CR-3.0 site is fully developed, the incentive density available to be earned equals 125,000 square feet (150,000 square feet - 25,000 square feet [standard method density] = 125,000 square feet). The 5% BLT requirement for 125,000 square feet equals 6,250 square feet, which equals 0.32 BLT ($6,250 \text{ square feet} / 20,000 \text{ square feet} = 0.32$). If the applicant seeks an additional 10 points through the purchase of BLTs, 10% of the incentive density is calculated, which in this case is 12,500 square feet ($125,000 \text{ square feet} \times 0.10 = 12,500 \text{ square feet}$). Because 1 BLT, above the required 5%, is equivalent to 30,000 square feet, the 12,500 square feet requires a payment for an additional 0.42 BLTs ($12,500 \text{ square feet} / 30,000 \text{ square feet} = 0.42$). Together, the required and incentive BLTs equal 0.74 BLTs for 15 points in the Environment category.



Public spaces should be integrated into development, visible and accessible to all users.

Submittal Requirements

Sketch plan: initial calculation

Site plan: final calculation with proof of purchase/payment prior to building permit

Energy Conservation and Generation

Zoning Ordinance Citation

- (b) **Energy Conservation and Generation:** Up to 15 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings. At least 15 points for providing renewable energy generation facilities on site or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement for the development.

Guideline Criteria

Incentive density points for buildings that exceed the energy-efficiency standards for the building type are granted as follows.

Table 3: Energy Efficiency Requirements

	Percent Exceeding Standard		
building	2.5%	10%	17.5%
new	5 points	10 points	15 points
existing	10 points	15 points	n/a

Additional incentive density points are appropriate for buildings that meet the renewable energy generation requirements of the Zoning Ordinance.

Table 4: Renewable Energy Generation

	Percent of Energy Requirements Provided through Renewable Resources		
Zone	1.25%	2.5%	5.0%
CRT	10 points	15 points	35 points
CR	15 points	25 points	60 points



Solar, wind, biomass, combined heat and power systems, and geothermal systems meet renewable energy generation guidelines.

Submittal Requirements

Sketch plan: conceptual exhibits and narrative

Site plan: energy use/generation model with comparisons to average use/generation (in kwh) for building type based on Department of Energy standards or as modeled by a LEED-accredited professional

Vegetated Wall

Zoning Ordinance Citation

- (c) **Vegetated Wall:** Up to 10 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage façade that is at least 300 square feet in area and is visible from a public street or open space.

Guideline Criteria

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

Additional incentive density points may be appropriate if other criteria are met, including:

- greater percent of coverage
- southern or western exposure
- plants with varying flowering seasons
- integration into an overall energy or environmental site design program.



Vegetated walls have environmental, energy, and aesthetic benefits.

Submittal Requirements

Sketch plan: conceptual layout and design

Site plan: final details, coverage, location, and design

Tree Canopy

Zoning Ordinance Citation

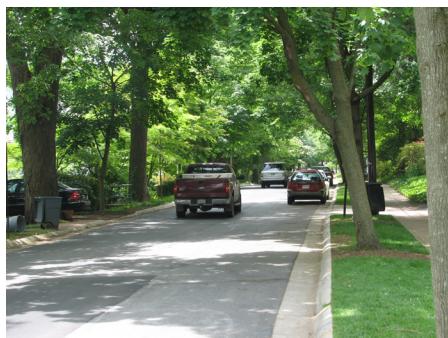
- (d) **Tree Canopy:** Up to 15 points for tree canopy coverage at 15 years of growth of at least 25% of the on-site open space.

Guideline Criteria

Incentive density of 10 points is appropriate for development that meets the requirements of the zoning ordinance. Coverage is calculated as 75 percent of 20-year canopy coverage under the M-NCPCC Trees Technical Manual. Canopy used to satisfy Forest Conservation requirements is not eligible for incentive density.

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

- greater coverage
- larger planting size
- increased number of varieties
- use of native species.



Tree canopy provides habitat, shade, stormwater benefits, carbon sequestration, and mitigates the heat island effect.

Submittal Requirements

Sketch plan: conceptual layout with soil volumes explained

Site plan: final details, layout, and tree type

Vegetated Area

Zoning Ordinance Citation

- (e) **Vegetated Area:** Up to 10 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. This does not include vegetated roofs.

Guideline Criteria

Incentive density of 5 points is appropriate for development that meets the requirements of the zoning ordinance. This area may not be part of the required public use space or open space used for incentive density. Area within stormwater management easements may not be counted either.

Additional incentive density points may be appropriate if other criteria are met, including:

- area that replaces impervious area
- larger area
- maintenance program is provided
- greater soil depth
- use of vegetated area as a community garden.



Vegetated areas provide garden space, habitat, stormwater benefits, carbon sequestration, and mitigate the heat island effect.

Submittal Requirements

Sketch plan: conceptual layout with soil volumes explained

Site Plan: final details, layout, and planting design

Vegetated Roof

Zoning Ordinance Citation

- (f) **Vegetated Roof:** Up to 15 points for installation 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 points is appropriate for development that meets the Zoning Ordinance requirements. Incentive density points may be pro-rated per building for multi-building development.

Additional incentive density points may be appropriate if other criteria are met, including:

- greater coverage
- greater depth
- plant species that provide habitat
- native plant species.



Vegetated roofs save energy costs, reduce the heat island effect, provide habitat, and decrease stormwater run-off.

Submittal Requirements

Sketch plan: Conceptual layout

Site plan: final details, layout, and planting design

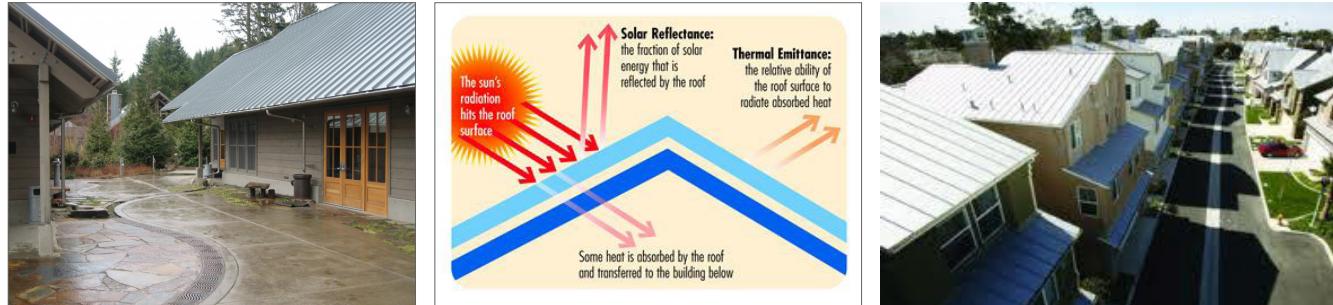
Cool Roof

Zoning Ordinance Citation

- (g) **Cool Roof:** Up to 10 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

Guideline Criteria

On sites greater than one acre, incentive density of five points is appropriate for development that meets the requirements of the Zoning Ordinance. On sites one acre or less, up to 10 points is appropriate. Incentive density points may be pro-rated per total roof area covered for individual or multiple buildings.



Cool roofs keep energy costs down and decrease the heat island effect.

Submittal Requirements

Sketch plan: concept and narrative
Site plan: final layout and details

Recycling Facility Plan

Zoning Ordinance Citation

- (h) **Recycling Facility Plan:** Up to 10 points for providing a recycling facility plan to be approved as part of a site plan for buildings that must comply with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.

Guideline Criteria

Incentive density of five points is appropriate for development that meets the requirements of the zoning ordinance.

Additional incentive density points may be appropriate if other criteria are met, including:

- facilities that exceed the applicable regulations
- facilities that are integrated into building and site design to be readily accessible and easy to find without being visually disruptive.



Facilities that are integrated into site and building design early make it easy to recycle.

Submittal Requirements

Sketch plan: concept and narrative

Site plan: final layout approved by the Division of Solid Waste Services

Habitat Preservation and Restoration

Zoning Ordinance Citation

- (i) **Habitat Preservation and Restoration:** Up to 20 points for protection, restoration, or enhancement of natural habitats, on site or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other County laws.

Guideline Criteria

Up to 20 incentive density points can be granted on a sliding scale for habitat preservation and restoration based on the amount of habitat preserved or restored as a percentage of a site's net lot area. The formula is the same as that used for public open space. The area preserved or restored must meet the following requirements.

- The area must be shown on an exhibit as part of a site plan application.
- Preservation and restoration techniques must at least meet the standards of the M-NCPPC Environmental Guidelines.
- The area must be at least 2,500 square feet.
- The area must be maintained for at least 5 years.
- The area must be protected by a restrictive easement or covenant recorded in the land records or put in a land trust.



Streams, wetlands, and forests are the primary ecosystems in need of preservation and restoration in Montgomery County.

Submittal Requirements

Sketch plan: conceptual layout and methods

Site plan: final details, layout, design, and maintenance approved by M-NCPPC and other applicable agencies or organizations

Retained Buildings

Zoning Ordinance Citation

59-C-15.857. Retained Buildings.

Development that:

- (a) maintains 75% of the structural system of the existing building;
- (b) uses an architectural deconstruction company or organization to remove recyclable materials prior to any demolition; and
- (c) submits documentation showing compliance with these criteria before the County issues a building permit for a new development;

may receive public benefit points, determined by applying the following formula:

- Public benefit points in CR zones =
(Retained gross floor area / Incentive density gross floor area) x 100;
- Public benefit points in CRT zones =
(Retained gross floor area / Incentive density gross floor area) x 50.

Guideline Criteria

A project that redevelops a site with existing buildings may be granted incentive density points according to the Zoning Ordinance's requirements and formula. Incentive density points may be pro-rated per building for a multi-building development.

Formula: (R/I)*100	Example
R (retained gross floor area)	150,000 square feet
I (incentive density gross floor area)	250,000 square feet
	Calculation: 60 points



Incorporating building facades into new construction or re-skinning existing buildings keeps material out of landfills and can create local landmarks.

Submittal Requirements

Sketch plan: concept and initial calculation

Prior to building permit: documentation as required by the Ordinance

Commercial/Residential Zones

Incentive Density Implementation Guidelines

June 2012

Montgomery County Planning Department
 Maryland-National Capital Park and Planning Commission

MontgomeryPlanning.org



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