

27 **59-C-15.83. General Incentive Density Considerations.**

28 In approving any incentive density based on the provision of public benefits, the
29 Planning Board must consider:

- 30 (a) The policy objectives and priorities of the applicable master or sector plan;
- 31 (b) Any applicable design guidelines and any adopted public benefit standards
32 and guidelines;
- 33 (c) The size and configuration of the tract;
- 34 (d) The relationship of the site to adjacent properties;
- 35 (e) The presence or lack of similar public benefits nearby; and
- 36 (f) Enhancements not listed in the individual public benefit descriptions or
37 criteria that increase public access to or enjoyment of the benefit.

38 **59-C-15.84. CR Zones Incentive Density Implementation Guidelines.**

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

- 41 (a) Consistent with the objectives of this Division; and
- 42 (b) In addition to any standards, requirements, or rules of incentive density
43 calculation included in this Division, but may not supersede those
44 provisions.

45 **59-C-15.85. Individual Public Benefit Descriptions and Criteria.**

46 **59-C-15.851. Major Public Facilities.**

47 Major public facilities provide public services at convenient locations and where
48 increased density creates higher demand for civic uses and demands on public
49 infrastructure.

- 50 (a) Major public facilities include, but are not limited to, such facilities as
51 schools, libraries, recreation centers, parks, county service centers, public

52 transportation or utility upgrades, or other resources delineated in an
 53 applicable master or sector plan.

54 (b) If a major public facility is not recommended in the applicable master or
 55 sector plan, the Planning Board must find that the facility or improvement
 56 provides the community with a resource of particularly beneficial civic
 57 impact.

58 (c) Because of their significance in place-making, the Planning Board may
 59 approve incentive density of up to 40 percent in the CRT zones and 70
 60 percent in the CR zones for the conveyance of a site, floor area, and/or
 61 construction of a major public facility that is accepted for use and/or
 62 operation by the appropriate public agency, community association, or
 63 nonprofit organization.

64 **59-C-15.852. Transit Proximity.**

65 Development near transit facilities encourages greater use of transit, controls
 66 sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions.
 67 Transit proximity points are granted based on service level and CR context as
 68 follows:

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<u>Proximity</u>	<u>Adjacent or</u>		<u>Within ¼</u>		<u>Between ¼ and</u>		<u>Between ½ and</u>	
	<u>confronting</u>		<u>mile</u>		<u>½ mile</u>		<u>1 mile</u>	
Transit Service Level	1	2	1	2	1	2	1	2
CRT	25	15	20	10	15	5	10	5
CR	50	30	40	25	30	20	20	15

70 (a) A project is adjacent to or confronting a transit station or stop if it shares a
 71 property line, easement line, or is separated only by a right-of-way from an

72 existing or planned transit station or stop and 100 percent of the gross tract
73 area submitted in a single sketch plan application is within ¼ mile of the
74 transit portal.

75 (b) For split proximity-range projects:

76 (1) If at least 75 percent of the gross tract area in a single sketch plan
77 application is within the closer of two proximity ranges, the entire
78 project may take the points for the closer range; but

79 (2) If less than 75 percent of the gross tract area in a single sketch plan is
80 within the closer of two proximity ranges, the points must be
81 calculated as the weighted average of the percentage of area in each
82 range.

83 **59-C-15.853. Connectivity and Mobility.**

84 Development that enhances connectivity between uses and amenities and increase
85 mobility options; encourages non-automotive travel; facilitates social interaction;
86 provides opportunities for healthier living; and stimulates local businesses.

87 (a) **Neighborhood Services:** At least 10 points for safe and direct pedestrian
88 access to 10 different retail services on site or within ¼ mile, of which at
89 least 4 have a maximum retail bay floor area of 5,000 square feet.

90 (b) **Minimum Parking:** Up to 10 points for providing less than the maximum
91 allowed number of parking spaces, if applicable.

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

94 (d) **Public Parking:** Up to 25 points for providing up to the maximum number
95 of parking spaces allowed in the zone as public parking.

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

- 98 (f) **Trip Mitigation:** At least 15 points for entering into a binding and
 99 verifiable Traffic Mitigation Agreement to reduce the number of weekday
 100 morning and evening peak hour trips attributable to the site in excess of any
 101 other regulatory requirement; the agreement must result in a non-auto driver
 102 mode share of at least 50% for trips attributable to the site.
- 103 (g) **Grey-Field Redevelopment:** At least 5 points for the redevelopment of an
 104 infill site.
- 105 (h) **Streetscape:** Up to 20 points for construction of off-site streetscape
 106 excluding any streetscape improvements required by this Division.
- 107 (i) **Advance Dedication:** Up to 30 points for dedicating or providing a
 108 reservation for dedication for master-planned rights-of-way in advance of a
 109 preliminary or site plan application.
- 110 (j) **Way-Finding:** At least 5 points for design and implementation of a way-
 111 finding system orienting pedestrians and cyclists to major open spaces,
 112 cultural facilities, and transit opportunities.

113 **59-C-15.854. Diversity of Uses and Activities.**

114 Development that increases the variety and mixture of land uses, types of housing,
 115 economic variety, and community activities contributes to development of a more
 116 efficient and sustainable community; reduces the necessity for automobile use; and
 117 facilitates healthier lifestyles and greater social interaction.

- 118 (a) **Affordable Housing:**
- 119 (1) All residential development must comply with the requirements of
 120 Chapter 25A for the provision of Moderately Priced Dwelling Units
 121 (MPDUs) except that the percent bonus density achieved per the table
 122 in Section 25A-5(c)(3) is equivalent to points required by this
 123 Division.

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Example: Provision of 14.5% MPDUs is awarded 20 points; provision of 13.0% MPDUs is awarded 5 points.

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- (2) Up to 30 points for providing Workforce Housing Units (WFHUs) at a rate of 2 points per the percentage of total units, excluding MPDUs.

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Example: Provision of 5% WFHUs is awarded []10 points []; provision of 12% WFHUs is awarded []24 points [].

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- (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.

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- (c) **Care Centers:** Up to 20 points for constructing child or adult day care facilities. The minimum care center that may qualify must provide spaces for at least 15 users.

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

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- (e) **Dwelling Unit Mix:** At least 5 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.

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- (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.

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- (g) **Diversity Ratio:**
 - (1) 30 points for developments over 2.0 FAR that provide a minimum of 30% of the market rate units as rentals; 30% of the market rate units

149 for sale; 15% of the total units as MPDUs and/or WFHUs (rental or
150 for sale); and 10% of the total FAR as retail trades, businesses, and
151 services of a general commercial nature.

152 (2) 10 points for developments of up to 2.0 FAR that provide at least the
153 greater of 3 units or 10% of the total unit count as live/work units.

154 **59-C-15.855. Quality Building and Site Design.**

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

160 Location, height, massing, façade treatments, and ornamentation of buildings
161 affect sense of place, orientation, and the perception of comfort and convenience.

162 The quality of the built environment affects light, shadow, wind, and noise, as well
163 as the functional and economic value of property.

164 (a) **Historic Resource Protection:** Up to 20 points for the preservation and/or
165 enhancement of, or payment towards preservation and/or enhancement of a
166 historic resource designated in the Master Plan for Historic Preservation.

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

169 (c) **Tower Step-Back:** At least 5 points for stepping back a building's upper
170 floors by a minimum of 6 feet behind the first floor façade at a maximum
171 height of 72 feet.

172 (d) **Public Art:** Up to 15 points for installing public art reviewed for comment
173 by, or paying a fee accepted by, the Public Arts Trust Steering Committee.

- 174 (e) **Public Open Space:** Up to 20 points for providing, or making a payment
 175 for, open space in addition to the minimum public use space required by this
 176 Division.
- 177 (f) **Exceptional Design:** Up to 10 points for building and/or site design whose
 178 visual and functional impacts enhance the character of a setting per the
 179 purposes delineated in this Section.
- 180 (g) **Architctural Elevations:** Up to 20 points for providing elevations of
 181 architectural façades. Particular elements of design, such as minimum
 182 amount of transparency, maximum separation between doors, and awning,
 183 sigh, or lighting parameters that affect the perception of mass and
 184 neighborhood compatibility may be binding on the applicant.
- 185 (h) **Public Charette:** At least 10 points for conducting a public charette prior to
 186 the required pre-submittal meeting for a sketch plan, suring which input is
 187 solicited from parties that are required to be noticed. Documentation and
 188 discussion of promotion of the event, the process, and responses to input are
 189 required.

190 **59-C-15.856. Protection and Enhancement of the Natural Environment.**

191 Protection and enhancement of natural systems and decreases in energy
 192 consumption help mitigate or reverse environmental impacts such as heat island
 193 effects from the built environment, inadequate carbon-sequestration, habitat and
 194 agricultural land loss, and air and water pollution caused by reliance on the
 195 automobile.

- 196 (a) **BLTs:** Up to 30 points for the purchase of building lot termination (BLT)
 197 easements or payment to the Agricultural Land Preservation Fund (ALPF).

- 198 (1) In the CR zones, development must purchase BLT easements or make
199 payments to the ALPF, in an amount equal to 5% of the incentive
200 density floor area under the following parameters:
- 201 (A) One BLT must be purchased or equivalent payment made for
202 every 20,000 square feet included in the 5% incentive density
203 floor area; and
- 204 (B) Any private BLT easement must be purchased in whole units;
205 or
- 206 (C) BLT payments must be made to the ALPF, based on the
207 amount established by Executive Regulations under Chapter
208 2B; if a fraction of a BLT easement is needed, a payment based
209 on the gross square footage of incentive density must be made
210 for at least the fraction of the BLT easement.
- 211 (2) Up to 25 points for the purchase of BLTs, or equivalent payments to
212 the ALPF for any incentive density above 5%. Each BLT easement
213 purchase or payment is equal to 30,000 square feet of floor area, or
214 proportion thereof. This is converted into points by dividing the
215 incentive density floor area covered by the purchase or payment by
216 the total square feet of the incentive density area.

217 *Example:* If a 50,000 square-foot CR3.0 site is fully developed, the
218 incentive density available to be earned equals 125,000sf (150,000sf -
219 25,000sf = 125,000sf). The 5% BLT requirement of 125,000sf equals
220 6,250sf, which equals 0.32 BLTS (6,250sf / 20,000sf = 0.32). If the
221 applicant seeks an additional 10 points through the purchase of BLTs, 10%
222 of the incentive density is calculated, which in this case is 12,500sf
223 (125,000sf x 0.10 = 12,500sf). Because 1 BLT, above the required 5%, is

224 equivalent to 30,000sf, the 12,500sf requires a payment for an additional
225 0.42 BLTs (12,500sf / 30,000sf = 0.42). Together the required and
226 incentive BLTs equal 0.74 BLTs for 10 points in the Environment category.

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

233 (c) **Vegetated Wall:** At least 5 points for the installation and maintenance of a
234 vegetated wall that covers at least 30% of any blank wall or parking garage
235 façade that is at least 300 feet in area and is visible from a public street or
236 open space.

237 (d) **Tree Canopy:** At least 10 points for tree canopy coverage at 15 years of
238 growth of at least 25% of the on-site open space.

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

242 (f) **Vegetated Roof:** At least 10 points for installation of a vegetated roof with
243 a soil depth of at least 4 inches covering at least 33% of a building’s roof,
244 excluding space for mechanical equipment.

245 (g) **Cool Roof:** At least 5 points for constructing any roof area that is not
246 covered by a vegetated roof with a minimum solar reflectance index (SRI)
247 of 75 for roofs with a slope at or below a ration of 2:12 and a minimum SRI
248 of 25 for slopes above 2:12.

- 249 (h) **Recycling Facility Plan:** At least 5 points for providing a recycling facility
 250 plan to be approved as part of a site plan for buildings that must comply
 251 with Montgomery County Executive Regulation 15-04AM or Montgomery
 252 County Executive Regulation 18-04.
- 253 (i) **Habitat Preservation and Restoration:** Up to 20 points for protection,
 254 restoration, or enhancement of natural habitats onsite or within the same
 255 local watershed that are in addition to requirements of the Forest
 256 Conservation Law or other county laws.

257 **59-C-15.9. Existing Approvals.**

- 258 (a) One or more lawfully existing buildings or structures and the uses therein,
 259 which predate the applicable sectional map amendment, are conforming
 260 structures or uses, and may be continued, renovated, repaired, or
 261 reconstructed to the same size and configuration, or enlarged up to a total of
 262 10 percent above the total existing floor areas of all buildings and structures
 263 on site or 30,000 square feet, whichever is less, and does not require a site
 264 plan. Enlargements in excess of the limitations in this Subsection will
 265 require compliance with the full provisions of this Division.
- 266 (b) A project that received an approved development plan under Division 59-D-
 267 1 or schematic development plan under Division 59-H-2 before the
 268 enactment of the CR zones may proceed under the binding elements of the
 269 development plan and will thereafter be treated as a lawfully existing
 270 building, and may be renovated or reconstructed under Subsection (a)
 271 above. Such development plans or schematic development plans may be
 272 amended as allowed under Division 59-D-1 or 59-H-2 under the provisions
 273 of the previous zone; however, any incremental increase in the total floor
 274 area beyond that allowed by Subsection (a) above or any incremental

275 increase in building height greater than 15 feet requires, with respect to the
276 incremental increase only, full compliance with the provisions of this
277 Division.

278 (c) At the option of the owner, any portion of a project subject to an approved
279 development plan or schematic development plan described in Subsection
280 (b) above may be developed under this Division. The remainder of that
281 project continues to be subject to the approved development plan or
282 schematic development plan, under Subsections (a) and (b).

283 (d) A project which has had a preliminary or site plan approved before the
284 applicable sectional map amendment may be built or altered at any time,
285 subject to either the full provisions of the previous zone or this division, at
286 the option of the owner. If built under the previous approval, it will be
287 treated as a lawfully existing building and may be renovated or
288 reconstructed under Subsection (a) above. If built with an incremental
289 increase over the previous approval, only that incremental increase must
290 comply with this Division.