

## [[ARTICLE 59-6. OPTIONAL METHOD REQUIREMENTS

Editor's Note: Article 6 in ZTA 13-04, as introduced, was included in Article 4 of the approved code, thereby reducing the total number of Articles by 1.

SEC. 6.1.2. GENERAL SITE AND BUILDING TYPE MIX .....	6 – 4
SEC. 6.1.3. DETACHED HOUSE .....	6 – 5
SEC. 6.1.4. DUPLEX .....	6 – 6
SEC. 6.1.5. TOWNHOUSE .....	6 – 7
SEC. 6.1.6. APARTMENT[/CONDO] .....	6 – 8]

### [DIV. 6.2. CLUSTER DEVELOPMENT IN RURAL RESIDENTIAL AND RESIDENTIAL ZONES

SEC. 6.2.1. GENERAL REQUIREMENTS .....	6 – 9
SEC. 6.2.2. DEVELOPMENT STANDARDS .....	6 – 9
SEC. 6.2.3. GENERAL SITE, BUILDING TYPE MIX, AND HEIGHT STANDARDS .....	6 – 11
SEC. 6.2.4. DETACHED HOUSE AND DUPLEX .....	6 – 12
SEC. 6.2.5. TOWNHOUSE .....	6 – 13]

### [DIV. 6.3. TRANSFERABLE DEVELOPMENT RIGHTS (TDR) OVERLAY

SEC. 6.3.1. IN GENERAL .....	6 – 14]
------------------------------	---------

### [DIV. 6.4. COMMERCIAL/RESIDENTIAL ZONES

SEC. 6.4.1. GENERAL REQUIREMENTS .....	6 – 17
SEC. 6.4.2. DEVELOPMENT STANDARDS .....	6 – 17]

### [DIV. 6.5. EMPLOYMENT ZONES

SEC. 6.5.1. GENERAL REQUIREMENTS .....	6 – 18
SEC. 6.5.2. DEVELOPMENT STANDARDS .....	6 – 18]

### [DIV. 6.6. OPTIONAL METHOD PUBLIC BENEFITS

SEC. 6.6.1. GENERAL PROVISIONS .....	6 – 20
SEC. 6.6.2. PUBLIC BENEFIT OVERVIEW .....	6 – 20
SEC. 6.6.3. PUBLIC BENEFIT DESCRIPTIONS AND CRITERIA .....	6 – 21]

## Division 6.1. MPDU Development in Rural Residential and Residential Zones

### Section 1.1.1. General Requirements

This optional method of development is permitted [Where] where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, [this optional method of development is permitted in order] to facilitate the construction of those units.

#### A. Development Approval Procedure

[A site] Site plan [must be filed] approval under [Sec.] Section 8.3.4 is required.

#### B. MPDU Development Across Different Zones

Optional method MPDU [Optional Method] Development may occur across different zones under the following limitations:

1. The differently zoned areas must be contiguous;
2. Uses and building types are governed by the zone; [and]
3. [Total density and open space must satisfy the requirements under Sec. 6.1.2. and must not exceed the maximum density or provide less than the minimum open space] The requirements of Section 6.1.2 apply; density and open space must be calculated as if each area were developed individually; and
4. The allowed number of units and required open space may be located without regard to the limits in the underlying zone.

#### C. Usable Area

Density is calculated on usable area within the tract.

#### D. Requirements for MPDU Projects with 20 or Fewer Dwelling Units

In a Residential Detached zone, an applicant who voluntarily provides at least 12.5% MPDUs in a development with 20 or fewer dwelling units may use the optional method development standards of [Sec.] Section 6.1.2., except that:

1. [any] a perimeter lot that is adjacent, abutting, or confronting one or more existing detached house dwellings must [conform to] satisfy the dimensional standards under the standard method of development;

2. the MPDU buildings must be similar in size and height to the market rate dwellings in that development; and
3. the maximum percentage of townhouses [must not exceed] is 40% of the total residential dwellings in that development, [; however, the Planning Board may approve] unless a development in which up to 100% of the units consist of townhouses [, if] is approved by the Planning Board [finds] upon a finding that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.

#### E. Special Requirements for the RNC Zone

1. A diversity of lot sizes is required. The Planning Board must evaluate the range of lot sizes provided and ensure that a proposed development is compatible with existing development on adjoining properties and is consistent with the purpose and intent of the zone.
2. The Planning Board [should encourage] must favor diversity of house sizes where such diversity would be substantially consistent with neighboring communities.
3. A lot developed under the optional method must be connected to a community water and sewerage system, unless the applicant provides in a preliminary plan application that a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.

#### F. Special Requirements for the RE-2C and RE-1 Zones

Optional method MPDU [Optional Method] Development is applicable only for development that is served by public sewer service and where designated for sewer service in the applicable master plan.

#### G. Dedicated Land

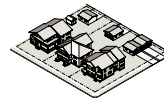
Land dedicated to public use for school and park sites may be included in the calculation of the density of development if development of the remaining land satisfies [the general requirements of this] Division 6.1 [(Div. 6.1)].

## H. Building Types Allowed by Zone

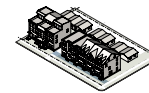
Building types are allowed in optional method MPDU Development as follows:



Detached  
House



Duplex



Townhouse



Apartment[/Condo]

Rural Residential Zones				
Rural Neighborhood Cluster (RNC)	A	A	A	--
Residential Detached Zones				
Residential Estate - 2C (RE-2C)	A	A	A	--
Residential Estate - 1 (RE-1)	A	A	A	--
Residential - 200 (R-200)	A	A	A	--
Residential - 90 (R-90)	A	A	A	--
Residential - 60 (R-60)	A	A	A	--
Residential - 40 (R-40)	A	A	A	--
Residential Townhouse Zones				
Townhouse Low Density (TLD)	A	A	A	--
Townhouse Medium Density (TMD)	A	A	A	--
Townhouse High Density (THD)	A	A	A	--
Residential Multi-Unit Zones				
Residential Multi-Unit Low Density - 3 (R-30)	A	A	A	A
Residential Multi-Unit Medium Density - 2 (R-20)	A	A	A	A
Residential Multi-Unit High Density - 1 (R-10)	A	A	A	A

KEY: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed

### Section 1.1.2. General Site and Building Type Mix

Optional method MPDU Development allows an increase in density above the total number of dwelling units allowed by the standard method of development; allows additional building types; and provides more flexibility for certain dimensional standards as indicated in [Sec.] Section 6.1.2 through [Sec.] Section 6.1.6.

A. Site	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
<b>Dimensions (min)</b>													
Usable area	10 acres	34 acres	17 acres	9 acres	5 acres	3 acres	3 acres	20,038 SF	20,038 SF	39,204 SF	11,761 SF	15,682 SF	20,038 SF
<b>Specification for Dimensions</b>													
1 In the RNC zone, the Planning Board may waive the 10 acre minimum where the property abuts an existing property developed under the provisions of [this] Division 6.1, and the resulting development is a logical extension of the existing development.													
<b>Density (max)</b>													
Density (units/acres)	1.22/1	0.48/1	1.22/1	2.44/1	4.39/1	6.1/1	10.12/1	9.76/1	15.25/1	18.30/1	17.69/1	26.47/1	53.07/1
<b>Coverage (min)</b>													
Rural open space (% of usable area)	65%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Common open space (% of usable area)	5%	5%	10%	20%	30%	40%	40%	45%	45%	30%	35%	35%	35%

### B. Building Type

<b>Building Type (max % of building type)</b>													
Detached House	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Duplex or Townhouse	100%	30%	30%	40%	50%	60%	100%	100%	100%	100%	100%	100%	100%
Apartment[/Condo]	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	100%	100%
<b>Specification for Building Type</b>													
1 In the R-200, R-90, and R-60 zones, the Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in [this] Division 6.1 [(Div. 6.1)] for the required number of detached house dwelling units.													

### Section 1.1.3. Detached House

A. Lot	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
<b>Dimensions (min)</b>													
Lot area	4,000 SF	12,000 SF	9,000 SF	6,000 SF	4,000 SF	3,000 SF	3,000 SF	3,000 SF	2,000 SF	1,500 SF	1,500 SF	1,000 SF	1,000 SF
Lot width at front building line (feet)	Determined at site plan												
Lot width at front lot line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Frontage on street or open space	Required												
<b>Specification for Lot</b>													
1	In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under [Sec.] <a href="#">Section 4.4.2.B.</a>												
<b>B. Placement</b>													
<b>Principal Building Setbacks (min)</b>													
Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in <a href="#">Article 59-4</a> for a detached house building type in the abutting zone												
Rear setback, alley	4' or 20'												
<b>Accessory Structure Setbacks (min)</b>													
Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
Side street setback	Side street setback for principal building plus 5'												
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in <a href="#">Article 59-4</a> for a detached house building type in the abutting zone												
Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
<b>Coverage (max)</b>													
Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%
<b>C. Height</b>													
<b>Building Height (max)</b>													
Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

## Section 1.1.4. Duplex

A. Lot	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
<b>Dimensions (min)</b>													
Lot area	3,500 SF	7,500 SF	4,500 SF	3,000 SF	2,000 SF	1,500 SF	1,500 SF	1,500 SF	1,000 SF	1,000 SF	1,000 SF	800 SF	800 SF
Lot width at front building line	Determined at site plan												
Lot width at front lot line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Frontage on street or open space	Required												
<b>Specification for Lot</b>													
1	In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under <a href="#">[Sec.] Section 4.4.2.B.</a>												
<b>B. Placement</b>													
<b>Principal Building Setbacks (min)</b>													
Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in <a href="#">Article 59-4</a> for a detached house building type in the abutting zone												
Rear setback, alley	4' or 20'												
<b>Accessory Structure Setbacks (min)</b>													
Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
Side street setback	Side street setback for principal building plus 5'												
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in <a href="#">Article 59-4</a> for a detached house building type in the abutting zone												
Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
<b>Coverage (max)</b>													
Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%
<b>C. Height</b>													
<b>Building Height (max)</b>													
Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

## Section 1.1.5. Townhouse

A. Lot	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
<b>Dimensions (min)</b>													
Lot area	1,500 SF	1,500 SF	1,500 SF	1,200 SF	1,200 SF	1,200 SF	1,200 SF	800 SF	800 SF	800 SF	800 SF	800 SF	800 SF
Lot width at front building line	Determined at site plan												
Lot width at front lot line	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'
Frontage on street or open space	Required												
<b>Specification for Lot</b>													
1	In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under [Sec.] Section 4.4.2.B.												
<b>B. Placement</b>													
<b>Principal Building Setbacks (min)</b>													
Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone												
Rear setback, alley	4' or 20'												
<b>Accessory Structure Setbacks (min)</b>													
Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
Side street setback	Side street setback for principal building plus 5'												
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone												
Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
<b>Coverage (max)</b>													
Roofed buildings and structures	50%	50%	50%	50%	60%	60%	60%	60%	60%	75%	75%	75%	75%
<b>C. Height</b>													
<b>Building Height (max)</b>													
Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

## Section 1.1.6. Apartment[/Condo]

A. Lot	R-30	R-20	R-10
<b>Dimensions (min)</b>			
Lot area	12,000 SF	16,000 SF	20,000 SF
Lot width at front lot line	50'	50'	50'
<b>B. Placement</b>			
<b>Principal Building Setbacks (min)</b>			
Front setback from public street	Determined at site plan		
Side street setback	Determined at site plan		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback in <a href="#">Article 59-4</a> for a detached house building type in the abutting zone and <a href="#">[Sec. 7.4.3] Section 4.1.8.A</a>		
<b>Parking Setbacks (min)</b>			
Front setback	30'	30'	30'
Side street setback	10'	10'	10'
Side or rear setback	0'	0'	0'
Side or rear setback, abutting property not included in application	Equal to required setback in <a href="#">Article 59-4</a> for a detached house building type in the abutting zone and <a href="#">[Sec. 7.4.3] Section 4.1.8.A</a>		
<b>Coverage (max)</b>			
Roofed buildings and structures	18%	18%	12%
<b>C. Height</b>			
<b>Building Height (max)</b>			
Principal building	35' <a href="#">[and Sec. 7.4.4]</a>	80' and <a href="#">[Sec. 7.4.4] Section 4.1.8.B</a>	100' and <a href="#">[Sec. 7.4.4] Section 4.1.8.B</a>
Accessory structure	25'	25'	25'



## Division 6.2. Cluster Development in Rural Residential and Residential Zones

### Section 1.2.1. General Requirements

The cluster method of development provides an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. Optional method Cluster Development allows flexibility in lot layout and for variety in the types of residential buildings. The density of dwelling units per acre and open space requirements are not changed. The character of the existing neighborhood is protected and open space for common use is provided. [In order to] To accomplish these objectives, certain changes in lot areas and dimensions and a greater variety of building types are allowed. An applicant's use of this method of development, and site plan approval for portions of such development, are subject to approval by the Planning Board.

#### A. Development Approval Procedure

[An applicant for development on a property with an approved sketch plan must file a site] Site plan approval under [Sec.] Section 8.3.4 is required.

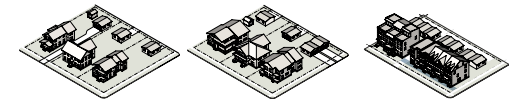
#### B. Community Water and Sewer

In the Residential Detached zones, development under this method is prohibited unless the resulting development will be connected to community water supply and sewerage systems; however, if land in the RE-2C zone is not served by community sewer, it may be developed under this method under the following conditions:

1. A master plan specifically recommends cluster development with community water but not community sewer;
2. The resulting development will be connected to community water; and
3. The resulting development meets all of the requirements for individual sewerage systems in the most recent County comprehensive water supply and sewerage systems plan and Executive Regulation No. 5-79, as amended, on individual water supply and sewage disposal systems.

### C. Building Types Allowed by Zone

Building types are allowed in optional method Cluster Development as follows:



Detached House

Duplex

Townhouse

Rural Residential Zones			
Rural Cluster (RC)	A	--	--
Residential Detached Zones			
Residential Estate - 2C (RE-2C)	A	--	--
Residential Estate - 1 (RE-1)	A	--	--
Residential- 200 (R-200)	A	--	--
Residential- 90 (R-90)	A	A	A
Residential - 60 (R-60)	A	A	A

KEY: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed

### Section 1.2.2. Development Standards

Optional method Cluster Development must satisfy [with the requirements of Sec.] Section 6.2.2.A through [Sec.] Section 6.2.2.F.

#### A. Master Plan and Design Guidelines

1. Development must substantially conform with the recommendations of the applicable master plan.
2. [Development] The applicant must address any design guidelines approved by the Planning Board that implement the applicable master plan.

#### B. Cluster Development Across Different Zones

Optional method Cluster Development may occur across different zones under the following limitations:

1. The differently zoned areas must be contiguous;
2. Uses and building types are governed by the zone; [and]
3. [Total density and common open space must satisfy the requirements under Sec. 6.2.3 and must not exceed the maximum density or provide less than the minimum common open space] The requirements of Section 6.2.3 ap-

ply, with density and open space calculated as if each area were developed individually; and

4. The allowed number of units and required common open space may be located in any zone.

### C. Usable Area

Density is calculated on usable area in the tract.

### D. Dedicated Land

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land [can satisfy] satisfies [the requirements of this Section (Sec. 6.2.2)] Division 6.2.

### E. Special Requirements for the RC Zone

1. The plan of cluster development must show how scenic vistas would be preserved or enhanced, and reflect an arrangement that has considered the visual impact of the residential development on such vistas.
2. The Planning Board may deny the [cluster method] optional method Cluster Development [or a plan of cluster development] if the development would:
  - a. [Significant agricultural, farming, or similar activity would be jeopardized unduly through development under the cluster method] unduly jeopardize significant farming or agricultural activity;
  - b. threaten the [The] natural integrity of environmentally sensitive areas [would be threatened due to the cluster development]; or
  - c. eliminate or substantially diminish significant [Significant] scenic vistas [would be lost or substantially diminished in value due to the cluster development].

### F. Lots Fronting on a Private Cul-de-Sac in the RE-2C Zone

In the RE-2C zone, lots may front on a private cul-de-sac if the Planning Board finds, as part of the cluster subdivision plan approval, that the private cul-de-sac:

1. provides safe and adequate access;
2. has sufficient width to accommodate the proposed dwelling units [proposed];

3. will [better] protect significant environmental features on- and off-site bet-ter than would a public road; and
4. has proper drainage.

Each private cul-de-sac must [comply with the requirements of] satisfy Chapter 50 ([Sec.] Section 50-25(h)) concerning private roads. [A] Site plan approval under Section 8.3.4 may also be required for a subdivision with lots fronting on a private cul-de-sac [may also be required to comply with site plan under Sec. 8.3.4].

### Section 1.2.3. General Site, Building Type Mix, and Height Standards

Optional method Cluster Development permits additional building types and provides more flexibility for certain dimensional standards.

A. Site	RC	RE-2C	RE-1	R-200	R-90	R-60
<b>Dimensions (min)</b>						
Usable area	n/a	50 acres	50 acres	5 acres	5 acres	5 acres
<b>Specification for Site</b>						
The Planning Board may allow development to proceed under the optional method Cluster Development on a smaller site than allowed in Usable Area if the						
1 subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.						
<b>Density (max)</b>						
Density (units/acres of usable area)	1/5	0.4/1	1/1	2/1	3.6/1	5/1
<b>Coverage (min)</b>						
Rural open space (% of property)	60%	n/a	n/a	n/a	n/a	n/a
Common open space (% of usable area)	n/a	5%	10%	20%	30%	40%
<b>Specification for Coverage</b>						
1 In the RC zone, the Planning Board may approve a plan with a lower percentage of rural open space if an applicant can demonstrate that such a plan would better accomplish the purposes of the zone.						
<b>B. Building Type</b>						
<b>Building Type (max % of building type)</b>						
Detached House	100%	100%	100%	100%	100%	100%
Duplex or Townhouse	0%	0%	0%	0%	100%	100%
<b>C. Height</b>						
<b>Building Height (max)</b>						
Principal building	50'	40'	40'	40'	35'	35'
Accessory structure	50'	25'	25'	25'	25'	25'
<u>Agricultural building</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>

[Height restrictions do not apply to agricultural buildings. See Sec. 4.1.4.D.3.e]

## Section 1.2.4. Detached House and Duplex

A. Lot	RC	RE-2C	RE-1	R-200	R-90	R-60
<b>Dimensions (min)</b>						
Lot area for detached house	40,000 SF	15,000 SF	12,000 SF	9,000 SF	5,000 SF	3,000 SF
Lot area for duplex	n/a	7,500 SF	6,000 SF	4,500 SF	2,500 SF	1,500 SF
Lot width at front building line	125'	n/a	n/a	n/a	n/a	n/a
Lot width at front lot line	25'	25'	25'	25'	25'	25'
Frontage on street or open space	Required					
<b>Specification for Lot</b>						
1 In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under <a href="#">[Sec.] Section 4.4.2.B.</a>						
<b>B. Placement</b>						
<b>Principal Building Setbacks (min)</b>						
Front setback from public street	50'	35'	35'	25'	25'	20'
Front setback from private street or open space	50'	10'	10'	10'	10'	10'
Side street setback	50'	20'	20'	15'	15'	15'
Side or rear setback	Determined at site plan					
Side setback, abutting property not included in application	17'	Equal to required setback in <a href="#">Article 59-4</a> for a detached house building type in the abutting zone				
Rear setback, abutting property not included in application	35'	50'	50'	40'	30'	30'
Rear setback, alley	4' or 20'					
<b>Accessory Structure Setbacks (min)</b>						
Front setback	80'	80'	80'	65'	60'	60'
Side street setback	Side street setback for principal building plus 5'					
Side or rear setback	Determined at site plan					
Side or rear setback, abutting property not included in application	Equal to required setback in <a href="#">Article 59-4</a> for a detached house building type in the abutting zone					
Rear setback, alley	4'	4'	4'	4'	4'	4'
<b>Specifications for Principal Building and Accessory Structure Setbacks</b>						
1 In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.						
2 In the RC zone, the front setback and side street setback must consist of any scenic setback indicated on a master plan or 50 feet, whichever is greater.						
3 In the RC, RE-2C, and RE-1 zones, accessory structures on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under <a href="#">[Sec.7.5.3.B.5] Section 7.4.3.C.3.</a>						
4 In the R-90 and R-60 zones, for accessory structures with a height greater than 15', the minimum side and rear setback must be increased by 2' for each foot of height in excess of 15'.						
5 In the R-90 and R-60 zones, for accessory structures with a length along a rear or side property line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. Swimming pools are exempt from this limit.						
<b>Coverage (max)</b>						
Roofed buildings and structures	10%	15%	15%	25%	30%	35%
<b>Specification for Coverage</b>						
In the RC zone, the total impervious surface area of <a href="#">[any] a</a> proposed preliminary plan must <a href="#">[not exceed] satisfy</a> any impervious surface area limit recommended by the master plan.						
1 A project which has had a preliminary plan approved before December 24, 2012 may be built or altered without a limit on impervious surface area. A preliminary plan approved before December 24, 2012 may be built or altered if the coverage of any lot is 10% of the lot or less, without a limit on total impervious surface area.						

## Section 1.2.5. Townhouse

A. Lot	R-90	R-60
<b>Dimensions (min)</b>		
Lot area	1,500 SF	1,500 SF
Lot width at front lot line	16'	14'
Average frontage of a group of attached townhouses	Determined at site plan	
<b>Specification for Lot</b>		
1 In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under <a href="#">[Sec.] Section 4.4.2.B.</a>		
<b>B. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback from public street	25'	20'
Front setback from private street or open space	10'	10'
Side street setback	15'	15'
Side or rear setback	Determined at site plan	
Side or rear setback, abutting property not included in application	30'	30'
Rear setback, alley	4' or 20'	
<b>Accessory Structure Setbacks (min)</b>		
Front setback	60'	60'
Side street setback	Side street setback for principal building plus 5'	
Side or rear setback	Determined at site plan	
Side or rear setback, abutting property not included in application	Equal to required setback in <a href="#">Article 59-4</a> for a detached house building type in the abutting zone	
Rear setback, alley	4'	4'
<b>Specifications for Accessory Structure Setbacks</b>		
1 In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.		
2 For accessory structures with a height greater than 15', the minimum side and rear setback must be increased by 2' for each foot of height in excess of 15'.		
3 For accessory structures with a length along a rear or side property line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. Swimming pools are exempt from this limit.		
<b>Coverage (max)</b>		
Roofed buildings and structures	75%	75%
<b>C. Form</b>		
<b>Massing (max)</b>		
Number of units permitted in any one row	8	10

## Division 6.3. Transferable Development Rights (TDR) Overlay

### Section 1.3.1. In General

The TDR Overlay optional method of development permits an increase in the maximum density of development established in [Article 59-4](#), if the development satisfies the requirements for optional method development using Transferable Development Rights under [\[this Section \(Sec. 6.3.1\)\] Division 6.3](#).

#### A. Applicability

The procedures and requirements in [\[this Section 6.3.1\] Division 6.3](#) apply to the transfer of development rights from land in the AR zone to land in a Transferable Development Rights (TDR) Overlay zone. The Planning Board may approve subdivision of such land at densities up to the maximum density allowed in the applicable TDR Overlay zone and substantially conforming to the recommendations in the applicable master plan.

#### B. General Provisions

1. The development density of a property under the TDR Overlay optional method is allowed up to the maximum density permitted in the TDR Overlay zone.
2. A [developer of](#) property developed with the transfer of development rights must satisfy the requirement for MPDUs under [Chapter 25A](#). The applicability of [Chapter 25A](#) and the MPDU density increase in [\[Sec.\] Section 6.1.2.A](#) must be calculated after the base density of a property has been increased by the transfer of development rights. The density increase under [\[Sec.\] Section 6.1.2.A](#) may be made without the acquisition of additional TDRs.
3. A request to use TDRs on a property under the optional method must be in the form of a preliminary subdivision plan submitted under Chapter 50.

#### C. Recording of Development Right

1. A development right must may be created, transferred, and extinguished only by means of an easement and appropriate release, in a recordable form approved by the Planning Board. Any easement must limit the future construction of detached houses on land zoned AR zone to the total number of development rights allowed by zoning minus all development rights previ-

ously transferred under this Section (Sec. 6.3.1), the number of development rights to be transferred by the instant transaction, and the number of existing detached houses on the property.

2. The transfer of development rights must be recorded in the land records of the County.]
1. [\[3. Before recordation of a final record plat for a subdivision using transferred development rights, an\] An](#) easement to the Montgomery County Government limiting future construction of dwellings on a property in the AR zone by the number of development rights received must be recorded among the land records of the County [before recordation of a final record plat for a subdivision using transferred development rights](#).
2. [\[4.\] A final record plat for a subdivision using transferred development rights must contain a statement including the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance as required by \[Sec. 6.3.1\] Division 6.3.](#)

#### D. Development with Moderately Priced Dwelling Units

1. [A property developed under Division 6.3 must satisfy Chapter 25A.](#)
2. [A density bonus allowed under Chapter 25A is calculated after the base density of the property has been increased under Division 6.3 through TDRs.](#)
3. [In a Rural Residential or Residential zone, development using TDRs and providing MPDUs above 12.5% must follow the requirements under Division 6.1.](#)

#### E. Additional Findings

[In addition to the findings required for approval of a site plan under Section 8.3.4, for projects developed under Division 6.3 the Planning Board must find that the proposed development provides an appropriate range of housing types that takes advantage of existing topography and environmental features and achieves a compatible relationship between the proposed development and adjoining land uses.](#)

## Section 1.3.2. [D. Density Designation] Rural Residential and Residential Zones

### A. [1. Rural Residential and Residential Zones:] Density Designation

- Land in a TDR Overlay zone is assigned a density number, as recommended in the applicable master plan, that states the maximum number of units per acre that may be built through the purchase of TDRs, [but must not exceed] up to the following limits:

Zones	[Density without] Base Density for the Calculation of Required TDRs (max units/acre)	TDR Density (max units/acre)
RNC	0.2	1
RE-2	[0.5] 0.4	4
RE-2C	[0.5] 0.4	2
RE-1	[1.09] 1	2
R-200	[2.18] 2	11
R-90	[4.84] 3.6	28
R-60	[7.26] 5	28
R-30	14.5	40
R-20	21.7	50
R-10	43.5	100

- TDR Overlay zones are shown on the zoning map with the symbol (TDR) followed by the TDR density designation (1 through 100, including fractions), (TDR-#).

### [2. Commercial/Residential and Employment Zones:

- Optional method development in a TDR Overlay zone must use TDRs. TDRs must be purchased as recommended by the master plan or, if no recommendation is made, at least 5 public benefit points must be provided through the purchase of TDRs, under Div. 6.6.
- TDR Overlay zones are shown on the zoning map with the symbol (TDR).]

### B. [E.] Calculation of TDRs Required in the Rural Residential or Residential Zones

Development using TDRs must include at least [two-thirds]  $\frac{2}{3}$  of the maximum number of development rights unless the Planning Board finds that a lower density is more appropriate for environmental or compatibility reasons [a lower density is more appropriate].

- In the Rural Residential and Residential zones, the following building types require a minimum percent of total units indicated, and where applicable a maximum allowed number of units (noted in parentheses). In addition, the minimum amount of common open space required is indicated:

TDR Density Designation	Size of Development	Building Type (minimum required as a percentage of total units)				Common Open Space (min)
		Detached House	Duplex	Townhouse	Apartment/[Condo]	
1	Any size	100%	0%	0%	Not permitted	0%
2	Any size	100%	0%	0%	Not permitted	0%
3-5	< 800 units	30%	0%	0%	Not permitted	35%
	800+ units	30%	0%	0%	0% (20% max)	35%
6-10	< 200 units	15%	0%	0%	Not permitted	40%
	200+ units	15%	0%	0%	0% (35% max)	40%
11-15	< 200 units	0%	0%	0%	0%	50%
	200+ units	0%	0%	0%	35% (60% max)	50%
16-28	< 200 units	0%	0%	0%	0%	50%
	200+ units	0%	0%	0%	25% (60% max)	50%
> 28	Any size	0%	0%	0%	25%	50%

- The apartment/[condo] building type is permitted only where specifically recommended in the area master plan for the receiving area. Where the minimum percentage requirement would yield a total of 150 units or fewer, no such units are required. Where the minimum percentage would



yield 151 units or greater, the full number must be required unless the Planning Board finds that a lower density is more appropriate for environmental or compatibility reasons [otherwise, see Sec. 6.3.1.B.3.c].

- b. A duplex or townhouse building type may be substituted for all or part of the apartment[/condo] requirement.
  - c. An apartment[/condo] building type is limited to a maximum building height of 40 feet. The height limit may be waived by the Planning Board if it finds that the proposed development can achieve greater compatibility with adjacent development than would result from adherence to the standards.
2. Each single TDR purchased allows the construction of the following number of units up to the TDR density designation:
    - a. In a Metro Station Policy Area:
      - i. 2 detached houses;
      - ii. 2 units in a duplex building type;
      - iii. 2 units in a townhouse building type; or
      - iv. 3 units in an apartment[/condo] building type.
    - b. In a Non-Metro Station Policy Area:
      - i. one detached house unit;
      - ii. one unit in a duplex building type;
      - iii. one unit in a townhouse building type; or
      - iv. 2 units in an apartment[/condo] building type.
  3. The Planning Board may waive the minimum required or maximum allowed number of units of a particular building type if it finds that a different mix of building types is appropriate for environmental or compatibility reasons [a different mix of building types is appropriate].

### C. [F.] Development Standards

The following table indicates the required development standards for each TDR density designation:

TDR Density Designation	Development Standards
1	In a Rural Residential zone, same as for a detached house building type under standard method in the RNC zone, see [Div.] <a href="#">Division 4.3</a> In a Residential zone, same as for a detached house building type under standard method in the RE-1 zone, see [Div.] <a href="#">Division 4.4</a>
2	Same as for a detached house building type under standard method in the R-200 <a href="#">zone</a> , see [Div.] <a href="#">Division 4.4</a>
3-5	May utilize the R-60 optional method MPDU Development standards, see [Div.] <a href="#">Division 6.1</a>
6 or more	Determined at site plan

## Section 1.3.3. Commercial/Residential and Employment Zones

### A. Density Designation

1. Land in a TDR Overlay zone is assigned a residential density number, as recommend in the applicable master plan, that states the maximum residential FAR that may be built through the purchase of TDRs. Total density may be increased by the amount of additional residential FAR achieved through the purchase of TDRs.
2. TDR Overlay zones are shown on the zoning map with the symbol (TDR) followed by the TDR density designation in FAR (1 through 10, including fractions), (TDR-#).

### B. Calculation of TDRs Required in the Rural Residential or Residential Zones

1. TDRs may be purchased to achieve the maximum residential FAR indicated under the TDR Overlay zone. A fraction of a TDR cannot be purchased; any fraction of a TDR must be rounded up to the next whole number.
2. Each TDR purchased allows the construction of 2,400 square feet of residential density, except for in a Metro Station Policy Area, which allows the construction of 4,400 square feet of residential density. To determine the number of TDRs required per acre, subtract the residential FAR in the base



zone from the requested residential FAR up to the maximum allowed under the TDR Overlay. Multiply the difference by 43,560 to get the additional number of residential square feet per acre allowed through the purchase of TDRs. Divide the residential square feet per acre by 2,400 or 4,400, as applicable, to determine the required number of TDRs per acre that must be purchased.

3. For optional method development, the Planning Board may grant a maximum of 20 public benefit points for TDRs under Section 6.6.3.F.3.

#### **[G. Development with Moderately Priced Dwelling Units**

1. Any property developed under this Section (Sec. 6.3.1) must satisfy the requirements of Chapter 25A.
2. Any density bonus allowed under Chapter 25A is calculated after the base density of the property has been increased under Division 6.3 through TDRs.
3. In a Rural Residential or Residential zone, development using TDRs and providing MPDUs above 12.5% must follow the requirements under Div. 6.1.

#### **H. Additional Findings**

In addition to the findings required for approval of a site plan under Sec. 8.3.4, for projects developed under this Division (Div. 6.3), the Planning Board must find that the proposed development provides an appropriate range of housing types that takes advantage of existing topography and environmental features and achieves a compatible relationship between the proposed development and adjoining land uses.]

## Division 6.4. Commercial/Residential Zones

### Section 1.4.1. General Requirements

#### A. Procedure for Approval

A sketch plan must be approved under [Sec.] Section 8.3.3. A site plan must be approved under [Sec.] Section 8.3.4. for any development on a property with an approved sketch plan.

#### B. Public Benefit Points and Categories

- Public benefits under [Div.] Division 6.6 must be provided according to zone and [to the] tract size or maximum total mapped FAR, whichever requires [fewer] more public benefit points:

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
CRT	< 10,000 SF OR < 1.5 max FAR	25	2
	10,000 SF to < 1,250,000 SF OR 1.5 to < [3.25] 3.5 max FAR	50	3
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	75	4
CR	< 10,000 SF OR < 1.5 max FAR	50	3
	10,000 SF to < 1,250,000 SF OR 1.5 to < [3.25] 3.5 max FAR	100	4
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	125	5

- In the CR zone, the purchase of BLTs is required under [Sec.] Section 6.6.3.F.1.a.

#### C. Building Type

All building types allowed under [Div.] Division 4.5 are allowed in the CRT and CR zones under optional method development.

#### D. Compatibility Standards

Development must satisfy the compatibility standards under [Div. 7.4] Section 4.1.8.

### Section 1.4.2. Development Standards

#### A. Open Space

- A [development] developer must provide open space based on the lot area and number of frontages as described in the following table:

Lot Area	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Open Space			
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

- In a development with townhouse, apartment[condo], multi use, or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.
- Open space for the townhouse building type is common open space and for other buildings is public open space under [Div.] Division 7.3.
- Open space must satisfy [Div.] Division 7.3.

#### B. Lot, [and] Density, and Height

- Lot standards for detached house, duplex, and townhouse building types are determined by the site plan approval process.
- Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR, maximum nonresidential FAR (C), maximum residential FAR (R), and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	C FAR (max)	R FAR (max)	Height (max)
CRT	0.5 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

3. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in Section 6.4.2.B.2.
4. The maximum total, nonresidential, and residential FARs and the maximum height are established by the mapped zone.

#### **C. Placement**

Setbacks for principal buildings, accessory structures, and parking are established by the site plan [approval process](#).

#### **{D. Height**

The maximum height is established by the mapped zone.]

#### **D. [E.]Form**

Form standards are established by the site plan [approval process](#) and must address, at a minimum, transparency, blank walls, and active entrances.

## Division 6.5. Employment Zones

### Section 1.5.1. General Requirements

#### A. Procedure for Approval

A sketch plan must be approved under [Sec.] Section 8.3.3. A site plan must be approved under [Sec.] Section 8.3.4. for any development on a property with an approved sketch plan.

#### B. Public Benefit Points and Categories

- Public benefits under [Div.] Division 6.6 must be provided according to zone and [to the] tract size or maximum total mapped FAR, whichever requires [fewer] more public benefit points:

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
LSC	< 10,000 SF OR < [1.5] 1.0 max FAR	15	1
	10,000 SF to < 1,250,000 SF OR [1.5] 1.0 to < [3.25] 1.75 max FAR	30	2
	≥ 1,250,000 SF OR ≥ [3.5] 1.75 max FAR	40	3
EOF	< 10,000 SF OR < 1.5 max FAR	30	2
	10,000 SF to < 1,250,000 SF OR 1.5 to < [3.25] 3.5 max FAR	60	3
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	75	4

- In the LSC zone, the purchase of BLTs is required under [Sec.] Section 6.6.3.F.1.b.

#### C. Building Type

All building types allowed under [Div.] Division 4.6. are allowed in the LSC and EOF zones under optional method development.

#### D. Compatibility Standards

Development must satisfy the compatibility standards under [Div. 7.4] Section 4.1.8.

### Section 1.5.2. Development Standards

#### A. Open Space

- A developer must provide open space based on the lot area and number of frontages as described in the following table.

Lot Area	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Open Space			
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

- In a development with townhouse, apartment[condo], multi use, or general building types, open space is calculated on the site area minus any area used for detached house and duplex unit lots.
- Open space for the townhouse building type is common open space and for other buildings is public open space under [Div.] Division 7.3.
- Open space must satisfy [Div.] Division 7.3.

#### B. Lot, [and] Density, and Height

- Lot standards for detached house, duplex, and townhouse building types are established by the site plan approval process.
- [The maximum density is established by the mapped zone.]Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	Height (max)
LSC	0.5 to 2.5	35' to 200'
EOF	0.5 to 4.0	35' to 200'

3. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in Section 6.5.2.B.2.
4. The maximum total, nonresidential, and residential FARs and the maximum height are established by the mapped zone.
5. [3. Gross floor area of all Household Living uses in an application must not exceed 30% of maximum allowed FAR.] In the GR, NR, and EOF zones, gross floor area of all Household Living uses on a site is limited to 30% of the total gross floor area on the subject site.
6. [4.] In the LSC zone[, for tracts larger than 5 acres]:
  - a. For tracts larger than 5 acres:
    - i. [a.] A minimum of 40% of the gross floor area proposed must be for Life Sciences and related uses. The proposed gross floor area used for the purpose of calculating the minimum percentage of Life Sciences uses excludes: (1) Hospitals and the Hospital's accessory uses; and (2) educational facilities.
    - ii. [b.] A maximum of 10% of the gross floor area proposed may be used for Retail/Service Establishment; however, a maximum of 15% of the gross floor area proposed may be used for a Retail/Service Establishment if the Planning Board finds unique circumstances and the development would be enhanced by additional retail activity[, then a maximum of 15% of the gross floor area proposed may be used for a Retail/Service Establishment].
  - b. Gross floor area of all Household Living uses is limited to 30% of the maximum allowed FAR mapped on the subject site.
  - c. [5.] [In the LSC zone, any] Any area used exclusively for mechanical equipment is excluded from the maximum density calculation, and any area excluded from this calculation that exceeds the FAR of the zone must [not] be used [for any other] only for purpose. The total area of any partial floors or stories excluded from the maximum density calculation [must not exceed] is limited to the gross floor area of any full floor of the building.

### C. Placement

Setbacks for principal buildings, accessory structures, and parking are established by the site plan [approval process](#).

### [D. Height

The maximum height is established by the mapped zone.]

### D. [E.] Form

Form standards are established by the site plan [approval process](#) and must address, at a minimum, transparency, blank walls, and active entrances.

## Division 6.6. Optional Method Public Benefits

### Section 1.6.1. General Provisions

#### A. Public Benefit Categories

1. Public benefits must be provided that enhance or contribute to the objectives of the zone among the following categories:
  - a. Major Public Facilities;
  - b. Transit Proximity;
  - c. Connectivity and Mobility;
  - d. Diversity of Uses and Activities;
  - e. Quality Building and Site Design; and
  - f. Protection and Enhancement of the Natural Environment.
2. The individual public benefits that may be accepted in each of these categories in each zone are in **Section 6.6.2.**

#### B. General Public Benefit Considerations

Granting points as a public benefit for any amenity or project feature otherwise required by law is prohibited. In approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations and objectives of the applicable master plan;
2. the CR Zone Incentive Density Implementation Guidelines;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

#### C. Public Benefit Implementation Guidelines

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

1. be consistent with the objectives of [\[this\]](#) Division [6.6](#) [\[\(Div. 6.6\)\]](#);
2. be in addition to any standards, requirements, or rules of incentive density calculation included in [\[this\]](#) Division [6.6](#) [\[\(Div. 6.6\)\]](#), but must not conflict with those provisions; and
3. [\[only\]](#) allow incentive FAR [only](#) for those public benefits listed in [\[Sec.\] Section 6.6.3.](#)

### Section 1.6.2. Public Benefit Overview

The Planning Board must determine the public benefit points under optional method development from the following categories:

#### A. Major Public Facility

#### B. Transit Proximity

#### C. Connectivity and Mobility

##### [\[1. Advance Dedication\]](#)

1. [\[2.\] Minimum Parking](#)
2. [\[3.\] Neighborhood Services](#)
3. [\[4.\] Public Parking](#)

##### [\[5. Through-Block Connection\]](#)

4. [\[6.\] Transit Access](#) [\[or Streetscape Improvement\]](#)

##### [\[5. Streetscape Improvement\]](#)

6. [\[7.\] Trip Mitigation](#)

##### [\[8. Way Finding\]](#)

#### D. Diversity of Uses and Activities

##### [\[1. Adaptive Buildings\]](#)

##### [\[2. Affordable Housing\]](#)

1. [\[3.\] Care Centers](#)
2. [\[4.\] Dwelling Unit Mix](#)
3. [\[5.\] Enhanced Accessibility for the Disabled](#)

- [6. Enhanced Visitability for Seniors/Disabled]
- [7. Live/Work]
- 4. [Moderately Priced Dwelling Units](#)
- 5. [8.] Small Business Opportunity
- [9. Workforce Housing]
- E. Quality Building and Site Design
  - 1. Architectural Elevations
  - [2. Enhanced Recreation Facilities]
  - 2. [3.] Exceptional Design
  - 3. [4.] Historic Resource Protection
  - 4. [5.] Public Art
  - 5. [6.] Public Open Space
  - 6. [7.] Structured Parking
  - [8. Tower Step-Back]
- F. Protection and Enhancement of the Natural Environment
  - 1. Building Lot Terminations
  - 2. Building Reuse
  - [3. Cool Roof]
  - 4. Energy Conservation
  - 5. Energy Generation
  - 6. Habitat Preservation and Restoration
  - 7. Recycling Facility Plan]
  - 3. [8.] Transferable Development Rights
  - [9. Tree Canopy]
  - 10. Vegetated Area
  - 11. Vegetated Roof
  - 12. Vegetated Wall]

## Section 1.6.3. Public Benefit Descriptions and Criteria

### A. Major Public Facilities

1. Major public facilities include, but are not limited to, such facilities as a school, library, recreation center, park, County service center, bike share station, public transportation or utility upgrade, or other resource delineated in an applicable master plan. Major public facilities provide public services at a convenient location where increased density creates a greater need for civic uses and greater demands on public infrastructure.
2. Where a proposed major public facility is not recommended in the applicable master 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 public facilities recommended in the applicable master 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.
3. Due to their significance in placemaking, the Planning Board may approve incentive FAR for the conveyance of a site or floor area for the construction of or making a partial or full payment for a major public facility that is accepted for use or operation by an appropriate public agency, community association, or nonprofit organization.
4. Up to the following number of points may be awarded if the requirements of [Sec.] [Section 6.6.3.A.3](#) are met:
  - a. 20 points in an LSC zone;
  - b. 40 points in an EOF or CRT zone; and
  - c. 70 points in a CR zone.

### B. Transit Proximity

1. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT, CR, LSC, and EOF zones.
  - a. Transit proximity is categorized in 3 levels:

- i. Level 1 is proximity to an existing or master planned Metrorail Station.
- ii. Level 2 is proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; this excludes a site that is within one mile of an existing or master planned MARC station.
- iii. Level 3 is proximity to an existing or master planned MARC station.

All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

- b. A project is abutting 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% of the tract in a single sketch plan application is within ¼ mile of the transit portal.
- c. For split proximity-range projects:
  - i. If at least 75% of the tract 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;
  - ii. If less than 75% of the tract in a single sketch plan is within the closer of 2 proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.

[Proximity]	Abutting or Confronting			Within 1/4 Mile			Between 1/4 and 1/2 Mile			Between 1/2 and 3/4 Mile]		
[Transit Service Proximity Level]	1	2	3	1	2	3	1	2	3	1	2	3]
[LSC]	10	5	2.5	8	4	0	6	2	0	4	0	0]
[EOF or CRT]	25	15	5	20	12.5	2.5	15	10	0	10	7.5	0]
[CR]	50	30	10	40	25	5	30	20	5	20	15	2.5]

Proximity	Abutting or Confronting		Within 1/4 Mile		Between 1/4 and 1/2 Mile		Between 1/2 and 3/4 Mile	
Transit Service Proximity Level	1	2	1	2	1	2	1	2
LSC	10	5	8	4	6	2	4	0
EOF or CRT	15	10	15	10	10	5	5	5
CR	25	15	20	15	15	10	10	10

### C. Connectivity and Mobility

Development that enhances connectivity between uses and amenities; increases mobility options; encourages walking, cycling and transit; facilitates social interaction; provides opportunities for healthier living; and stimulates local businesses may achieve public benefit points.

- [1. **Advance Dedication:** Up to 8 points in the LSC zone, 15 points in the EOF and CRT zones, and 30 points in the CR zone for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.]
1. [2.] **Minimum Parking:** Up to [10] 20 points in the CR and LSC zones and up to 15 points in the CRT and EOF zones for providing [less] fewer than the maximum allowed number of parking spaces, where a maximum is applicable.
2. [3.] **Neighborhood Services:** When fewer than 10 different basic services exist within ¼ mile, up to 10 points for providing retail bays appropriate for at least 10 different basic services on-site or within ¼ mile, of which at least 4 have a maximum retail bay floor area of [no greater than] 5,000 square feet.
3. [4.] **Public Parking:** Up to [25] 20 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
- [5. **Through-Block Connections:** Up to 15 points for safe and attractive pedestrian connections between streets.]
4. [6.] **Transit Access [or Streetscape Improvement]:** Up to [20] 5 points for [creating] constructing new or improving existing transit access [or for con-



struction of off-site improvements, excluding any streetscape improvements otherwise required].

5. Streetscape Improvement: Up to 10 points for construction of off-site improvements, excluding any streetscape improvements otherwise required.
6. [7.] Trip Mitigation: Up to [15] 5 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 reduction of at least 50% for trips attributable to the site.
- [8. Way-Finding: Up to 5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities.]

#### D. 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.

- [1. Adaptive Buildings: Up to 10 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. ]
- [2. Affordable Housing
  - a. Up to 40 points for providing MPDUs above the 12.5% minimum required under Chapter 25A.
  - b. Points are calculated as follows:
    - i. 12 points are granted for every 1% of MPDUs greater than 12.5%. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 12 points.
    - ii. Above 15% of MPDUs, each 1% of additional MPDUs entitles the applicant to an additional 2 benefit points. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 2 points.

iii. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU optional method or points in any zone.

- c. The gross floor area of any MPDUs provided above 12.5% is exempt from the calculation of FAR.]
1. [3.] Care Centers: Up to [20] 15 points for constructing a child, teen, or adult day care facility accommodating at least 15 users that satisfies State standards.
2. [4.] Dwelling Unit Mix: Up to [10] 5 points for integrating a mix of residential market-rate unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three- or more bedroom units; the proportional number of MPDUs for each unit type must satisfy [the requirements of] Chapter 25A.
3. [5.] Enhanced Accessibility for Seniors or the Disabled: Up to [15] 20 points for constructing dwelling units with interiors that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
- [6. Enhanced Visitability for Seniors or the Disabled: Up to 15 points for constructing dwelling units that satisfy ANSI A117.1, Type C, VISIBLE Unit, each of which has a kitchen, dining area, living area, full bathroom, and bedroom on the accessible level. ]
- [7. Live/Work: Up to 10 points for developments of up to 2.0 FAR total allowed density that provide at least 3 units or, for developments allowed greater than 2.0 FAR, 10% of the total unit count as live/work units.]
4. Moderately Priced Dwelling Units: There is no limitation on the number of points for providing more than 12.5% of the residential units as MPDUs under Chapter 25A.
  - a. Points are calculated as follows:
    - i. 12 points are granted for every 1% of MPDUs greater than 12.5%. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 12 points.
    - ii. An additional 2 points are granted for every 1% of 2 bedroom MPDUs not otherwise required.

- iii. An additional 5 points are granted for every 1% of 3 bedroom MPDUs.
- iv. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU public benefit points in any zone.
- b. For a project that exceeds 12.5% MPDUs, the height limit of the applicable zone and master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.
- c. For a project providing less than 15% MPDUs, the gross floor area of any MPDUs provided above 12.5% is exempt from the calculation of FAR.
- d. For a project providing a minimum of 15% MPDUs:
  - i. the gross floor area of all MPDUs provided is exempt from the calculation of FAR; and
  - ii. one less category than is required under Section 6.4.1.B and Section 6.5.1.B must be satisfied. A project that provides a minimum of 20% MPDUs does not have to satisfy any other benefit category under Section 6.4.1.B and Section 6.5.1.B.

5. **[8.]Small Business Opportunities:** Up to [20] 10 points for providing on-site space for small, neighborhood-oriented businesses.

**[9. Workforce Housing:** Up to 20 points for providing workforce housing under Chapter 25B at a rate of 2 points for each percentage of the total units, excluding MPDUs.]

## E. 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. Due to increased density in these settings, buildings tend to be highly visible and high quality design helps attract residents, patrons and businesses to these areas. Location, height, massing, façade treatments and ornamentation of buildings

all 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.

1. **Architectural Elevations:** Up to 20 points in the CRT zone for providing elevations of architectural facades and agreeing to be bound by particular elements of design that exceed the requirements of [this] Division 6.6 [(Div. 6.6)], such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass, pedestrian comfort, or enhance neighborhood compatibility.
2. **Enhanced Recreation Facilities:** Up to 10 points for providing on-site recreation facilities above the level required by Planning Board approved Recreation Guidelines.]
2. **[3.] Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts exceptionally enhance the character of a setting per the purposes [delineated] listed in [this] Division 6.6 [(Div. 6.6)]. Of the 10 points, at least 5 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.
3. **[4.]Historic Resource Protection:** Up to [20] 15 points for the preservation or enhancement of, or payment towards preservation or enhancement of, a historic resource or a contributing element within an historic district designated in the Master Plan for Historic Preservation.
4. **[5.]Public Open Space:** Up to [20] 15 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone.
5. **[6.]Public Art:** Up to [15] 10 points for installing public art reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee.
6. **[7.]Structured Parking:** Up to 20 points for placing parking [within,] in an above or below grade parking [structures] structure.
- [8. Tower Step-Back:** Up to 5 points for stepping back a building's upper floors

by a minimum of 6 feet behind the first floor facade. The step-back must begin at a height no greater than 72 feet.]

## F. Protection and Enhancement of the Natural Environment

Protection and enhancement of natural systems and reduced 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.

1. **Building Lot Termination (BLT):** Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF).
  - a. In the CR zone:
    - i. An applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 7.5% of the incentive density floor area under the following parameters:
      - (a) One BLT, equivalent to 9 points, must be purchased or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area;
      - (b) [Any] A 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.
    - ii. Up to 25 points for the purchase of BLTs or equivalent payments to the ALPF may be made for any incentive density above 7.5%. Each BLT easement purchase or payment is equivalent to 9 points, or such proportionate points represented by a fractional BLT purchase or payment.
  - b. In the LSC zone:
    - i. BLTs are mandatory for all optional method developments in the LSC zone and each percent of incentive density achieved is equal to one

point. For those projects that don't achieve 30 points under the mandatory calculation, additional BLTs may be purchased or payments made for up to 30 total points.]

- i. [ii.] An applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density under the following parameters:
  - (a) For any floor area above 0.50 FAR, one BLT, equivalent to 9 points, must be purchased or an equivalent payment made for:
    - (1) each 31,500 square feet of floor area of residential, non-residential, and Life Sciences between 0% and 40% of the project's floor area; and
    - (2) each 60,000 square feet of Life Sciences between 40% and 50% of the project's floor area.
  - (b) Any private BLT easement must be purchased in a whole unit; 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.
- ii. [iii.] Floor area restricted to the following uses is subtracted from the total density before calculating the required BLTs:
  - (a) workforce housing units;
  - (b) MPDUs;
  - (c) hospitals, including the hospital's accessory uses, other than medical office buildings;
  - (d) educational facilities for non-life sciences; and
  - (e) Life Sciences in excess of 50% of the project's total floor area.
- c. In the CRT and EOF zones, BLT payments are optional; each BLT easement purchase or payment is equal to 9 points, or such proportionate points represented by a fractional BLT purchase or payment.

2. **Building Reuse:** Up to 100 points for reuse of an existing building that satisfies the following:
  - a. 75% of the structural system of the building must be retained; and
  - b. An architectural deconstruction company must be used to remove reusable and recyclable materials before any demolition.
  - c. Although 100 points may be obtained, public benefit category minimums must be met.
3. **Cool Roof:** Up to 5 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.
4. **Energy Conservation:** Up to 10 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.
5. **Energy Generation:** Up to 15 points for providing renewable energy generation facilities on-site or within 2,640 feet of the site for a minimum of 2.5% of the projected energy requirement for the development.
6. **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.
7. **Recycling Facility Plan:** Up to 5 points for providing a recycling facility plan to be approved as part of a site plan for buildings that [complies with] satisfies Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.]
3. **[8.] Transferable Development Right:** Up to 20 points for the purchase of TDRs. Every TDR purchased is worth 1 point. If a site is within a TDR Overlay zone, TDRs [must] may be purchased under Division 6.3. [as recommended by the master plan or, if no recommendation is made, at least 5 points must be provided through the purchase of TDRs.]
9. **Tree Canopy:** Up to 10 points for protecting tree canopy coverage with at

least 20 years of growth per Trees Technical Manual approved by the Planning Board, as amended, on at least 25% of the on-site open space.

10. **Vegetated Area:** Up to 5 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. An individual area must be a minimum of 500 square feet. This does not include vegetated roofs or stormwater management facilities.
11. **Vegetated Roof:** Up to 10 points for installation of a vegetated roof with a soil depth of at least four inches covering at least 33% of a building's roof, excluding space for mechanical equipment.
12. **Vegetated Wall:** Up to 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space. ] ]