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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

Div. 6.1. MPDU Development in Rural and Residential Zones

Sec. 6.1.1. In General

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

A. Development Approval Procedure

A Site Plan must be submitted under [Sec. 8.3.4](#).

B. MPDU Development Across Different Zones

MPDU Optional Method Development may occur across different zones, each of which has provisions for MPDU development, under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and open space must be calculated for each area under [Sec. 6.1.2](#), but must not exceed the maximum density or provide less than the minimum open space if the variously zoned areas were developed individually; and
4. The allowed number of units and required open space may be distributed across the variously zoned areas.

C. Usable Area

The usable area upon which the density of development is calculated is determined by deducting from the gross tract area the following:

1. all land indicated on the master plan of highways as a right-of-way of 100 feet in width or more; and
2. all land within areas within environmental buffers exceeding 50% of the site.

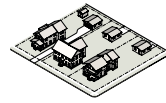
D. Requirements for MPDU Projects with 20 or Fewer Dwelling Units

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. 6.1.2](#), except: (1) any perimeter lot that is adjacent, abutting, or confronting one or more existing detached house dwellings must conform to

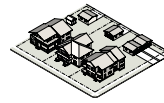
the dimensional standards under the standard method of development; (2) the MPDU buildings must be similar in size and height to the market rate dwellings in that development; and (3) the maximum percentage of townhouses must not exceed 40% of the total residential dwellings in that development; however, the Planning Board may approve a development in which up to 100% of the units consist of townhouses, if the Planning Board finds that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.

E. Building Types Allowed by Zone

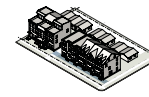
Building types are allowed in Optional Method MPDU Development as follows:



Detached House



Duplex



Townhouse



Apartment/Condo

	Detached House	Duplex	Townhouse	Apartment/Condo
Rural 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 Low Density - 20 (RLD-20)	A	A	A	--
Residential Medium Density - 9 (RMD-9)	A	A	A	--
Residential Medium Density - 6 (RMD-6)	A	A	A	--
Residential Medium Density - 4 (RMD-4)	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 High Density - 3 (RHD-3)	A	A	A	A
Residential High Density - 2 (RHD-2)	A	A	A	A
Residential High Density - 1 (RHD-1)	A	A	A	A

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

Sec. 6.1.2. General Site and Building Type Mix

Optional Method MPDU Development permits an increase in density above the total number of dwelling units permitted by the standard method of development; permits additional building types; and provides more flexibility for certain dimensional standards as indicated in Sections 6.1.2 - 6.1.6.

A. Site	RNC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min.)													
A1 Usable area	10 acres	34 acres	17 acres	9 acres	5 acres	3 acres	3 acres	0.46 acres	0.46 acres	0.90 acres	0.27 acres	0.36 acres	0.46 acres
Density (max.)													
A2 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
Coverage (min.)													
A3 Rural open space (% of usable area)	65%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
A4 Common outdoor area (% of usable area)	5%	5%	10%	20%	30%	40%	40%	45%	45%	30%	35%	35%	35%

B. Building Type

Building Type (max. % of building type)													
B1 Detached House	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
B2 Duplex and/or Townhouse	30%	30%	30%	40%	50%	60%	100%	100%	100%	100%	100%	100%	100%
B3 Apartment/Condo	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	100%	100%

B4 In the RE-2C, RE-1, RLD-20, RMD-9, and RMD-6 zones, the Planning Board may allow up to 100% duplex and/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 regulations in this Division (Div. 6.1) for the required number of detached house dwelling units.

B5 MPDU development standards for the RE-2C and RE-1 zones are applicable only for development that is served by public sewer service and where designated for sewer service in the applicable Master or Sector Plan.

Sec. 6.1.3. Detached House

A. Lot	RNC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min.)													
A1 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
A2 Lot width at front setback line (feet)	Established at Site Plan												
A3 Lot width at property line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
A4 Frontage on street or open space	Required												

B. Placement

Principal Building Setbacks (min.)													
B1 Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
B1 Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
B2 Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
B3 Side or rear setback, interior	Established at Site Plan												
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B5 Rear setback, alley	4' or 20'												
Accessory Structure Setbacks (min.)													
B6 Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
B7 Side street setback	Side street setback for principal building plus 5'												
B8 Side or rear setback, interior	Established at Site Plan												
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
Coverage (max.)													
B11 Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%

C. Height

Building Height (max.)													
C1 Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
C2 Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

Sec. 6.1.4. Duplex

A. Lot	RNC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min.)													
A1 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	800SF	800 SF
A2 Lot width at front building line	Established at Site Plan												
A3 Lot width at front property line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
A4 Frontage on street or open space	Required												

B. Placement

Principal Building Setbacks (min.)													
B1 Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
B1 Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
B2 Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
B3 Side or rear setback, interior	Established at Site Plan												
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B5 Rear setback, alley	4' or 20'												
Accessory Structure Setbacks (min.)													
B6 Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
B7 Side street setback	Side street setback for principal building plus 5'												
B8 Side or rear setback, interior	Established at Site Plan												
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
Coverage (max.)													
B11 Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%

C. Height

Building Height (max.)													
C1 Principal building	35'	40'	40'	40'	40''	40''	40''	40'	40'	40'	40'	40'	40'
C2 Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

Sec. 6.1.5. Townhouse

A. Lot	RNC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min.)													
A1 Lot area	1,500 SF	1,500 SF	1,500 SF	1,200 SF	1,000 SF	1,000 SF	1,000 SF	800 SF	800 SF	800 SF	800 SF	800 SF	800 SF
A2 Lot width at front building line	Established at Site Plan												
A3 Lot width at front property line	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'
A4 Frontage on street or open space	Required												

B. Placement

Principal Building Setbacks (min.)													
B1 Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
B1 Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
B2 Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
B3 Side or rear setback, interior	Established at Site Plan												
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B5 Rear setback, alley	4' or 20'												
Accessory Structure Setbacks (min.)													
B6 Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
B7 Side street setback	Side street setback for principal building plus 5'												
B8 Side or rear setback, interior	Established at Site Plan												
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
Coverage (max.)													
B11 Roofed buildings and structures	50%	50%	50%	50%	60%	60%	60%	60%	60%	75%	75%	75%	75%

C. Height

Building Height (max.)													
C1 Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
C2 Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

Sec. 6.1.6. Apartment/Condo

A. Lot	RHD-3	RHD-2	RHD-1
Dimensions (min.)			
A1 Lot area	12,000 SF	16,000 SF	20,000 SF
A2 Lot width at front property line	50'	50'	50'
B. Placement			
Principal Building Setbacks (min.)			
B1 Front setback from public street	Established at Site Plan		
B2 Side street setback	Established at Site Plan		
B3 Side or rear setback, interior	Established at Site Plan		
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting zone		
Parking Setbacks (min.)			
B5 Front setback	30'	30'	30'
B6 Side street setback	10'	10'	10'
B7 Side or rear setback, interior	0'	0'	0'
B8 Side or rear setback, abutting property not included in application	Equal to required setback of abutting zone		
Coverage (max.)			
B9 Roofed buildings and structures	18%	18%	12%
C. Height			
Building Height (max.)			
C1 Principal building	35'	80'	100'
C2 Accessory structure	25'	25'	25'

Div. 6.2. Cluster Development in Rural and Residential Zones

Sec. 6.2.1. In General

The purpose of the cluster method of development is to provide 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 provides for flexibility in lot layout and for variety in the types of residential buildings while preserving the same limitations on density of dwelling units per acre as normally permitted in the respective zones; protecting the character of existing neighborhoods; and providing open space for common use. In order to accomplish this purpose, certain changes in lot areas and dimensions are permitted and a greater variety of building types are allowed. The 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

A Site Plan must be submitted under [Sec. 8.3.4](#) for any development on a property with an approved Sketch Plan.

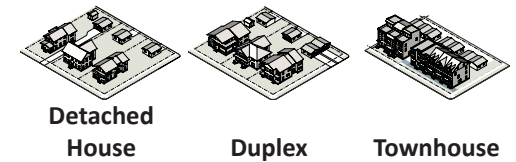
B. Community Water and Sewer

Land in the Residential Detached zones is prohibited from developing under this method and no building permit shall be issued unless the resulting development will be connected to community water supply and sewerage systems, except that land in the RE-2C zone that is not served by community sewer may be developed under this method if it meets all of the following conditions:

1. An approved and adopted Master or Sector 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 outlined 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 MPDU Development as follows:



	Detached House	Duplex	Townhouse
Rural Zones			
Rural Cluster (RC)	A	--	--
Residential Detached Zones			
Residential Estate - 2C (RE-2C)	A	--	--
Residential Estate - 1 (RE-1)	A	--	--
Residential Low Density - 20 (RLD-20)	A	--	--
Residential Medium Density - 9 (RMD-9)	A	A	A
Residential Medium Density - 6 (RMD-6)	A	A	A

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

Sec. 6.2.2. Development Standards

Optional method cluster development must comply with the requirements of [Sec. 6.2.2.A](#) to [Sec. 6.2.2.E](#) (below).

A. Master Plan and Design Guidelines

1. Development must be consistent with the applicable master or sector plan.
2. Development must address any design guidelines approved by the Planning Board that implement the applicable Master or Sector Plan.

B. Cluster Development Across Different Zones

Optional method cluster development may occur across different zones under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and common outdoor area must be calculated for each area under [Sec. 6.2.3](#), but must not exceed the maximum density or provide less than the minimum common outdoor area if the variously zoned areas were developed individually; and
4. The allowed number of units and required common outdoor area may be distributed across the variously zoned areas.

C. Usable Area

The usable area upon which the density of development is calculated is determined by deducting from the gross tract area the following:

1. all land indicated on the master plan of highways as a right-of-way of 100 feet in width or more; and
2. all land within areas within environmental buffers exceeding 50% of the site.

D. Dedicated Land

Land dedicated to public use for school and park sites may be included in the calculation of the density of development; provided that development of the remaining land can be accomplished in compliance with the requirements of this Section (Sec. 6.2.2).

E. Lots Fronting on Private Cul-de-Sacs in 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 dwelling units proposed;
3. will better protect significant environmental features on- and off-site than would a public road; and
4. has proper drainage.

Each private cul-de-sac must comply with the requirements of Section 50-25(h) of the subdivision regulations pertaining to private roads. 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.

Sec. 6.2.3. General Site, Building Type Mix, and Height Standards

Optional Method Cluster Development permits permits additional building types and provides more flexibility for certain dimensional standards as indicated in Sections 6.2.3 - 6.2.5.

A. Site	RC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6
Dimensions (min.)						
A1 Usable area	n/a	50 acres	50 acres	5 acres	5 acres	5 acres
A1 The Planning Board may allow development to proceed under the Optional Method Cluster Development on sites less than stated above if the subject property is recommended for cluster development in an approved and adopted Master or Sector Plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.						
Density (max.)						
A2 Density (units/acres of usable area)	1/5	0.4/1	1/1	2/1	3.6/1	5/1
Coverage (min.)						
A3 Rural open space (% of property)	60%	n/a	n/a	n/a	n/a	n/a
A3 Common outdoor area (% of usable area)	n/a	5%	10%	20%	30%	40%

B. Building Type

Building Type (max. % of building type)	RC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6
B1 Detached House	100%	100%	100%	100%	100%	100%
B2 Duplex and/or Townhouse	0%	0%	0%	0%	100%	100%

C. Height

Building Height (max.)	RC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6
C1 Principal Building	50'	40'	40'	40'	35'	35'
C2 Accessory Structure	50'	25'	25'	25'	25'	25'

Sec. 6.2.4. Detached House and Duplex

A. Lot	RC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6
Dimensions (min.)						
A1 Lot area for detached house	40,000 SF	15,000 SF	12,000 SF	9,000 SF	5,000 SF	3,000 SF
A1 Lot area for duplex	n/a	7,500 SF	6,000 SF	4,500 SF	2,500 SF	1,500 SF
A2 Lot width at front building line	125'	n/a	n/a	n/a	n/a	n/a
A3 Lot width at front property line	25'	25'	25'	25'	25'	25'
A4 Frontage on street or open space	Required					

B. Placement

Principal Building Setbacks (min.)						
B1 Front setback from public street	50'	35'	35'	25'	25'	20'
B1 Front setback from private street or open space	50'	10'	10'	10'	10'	10'
B2 Side street setback	50'	20'	20'	15'	15'	15'
B3 Side or rear setback, interior	Established at Site Plan					
B4 Side setback, abutting property not included in application	17'	Equal to required setback of abutting lot				
B5 Rear setback, abutting property not included in application	35'	50'	50'	40'	30'	30'
B5 Rear setback, alley	4' or 20'					
Accessory Structure Setbacks (min.)						
B5 Front setback, behind front building line	30'	20'	20'	10'	10'	10'
B6 Side street setback	Side street setback for principal building plus 5'					
B8 Side or rear setback, interior	Established at Site Plan					
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot					
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'
Coverage (max.)						
B11 Roofed buildings and structures	10%	15%	15%	25%	30%	35%

Development in the RLD-20, RMD-9, and RMD-6 may also have to satisfy the coverage restrictions of [Sec. 4.1.5.C](#), Residential Infill Compatibility

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

Sec. 6.2.5. Townhouse

A. Lot	RMD-9	RMD-6
Dimensions (min.)		
A1 Lot area for detached house	1,400 SF	1,200 SF
A2 Lot width at front property line	16'	14'
A3 Average frontage of a group of attached townhouses	Established at Site Plan	
B. Placement		
Principal Building Setbacks (min.)		
B1 Front setback from public street	25'	20'
B1 Front setback from private street or open space	10'	10'
B2 Side street setback	15'	15'
B3 Side or rear setback, interior	Established at Site Plan	
B4 Side or rear setback, abutting property not included in application	30'	30'
B5 Rear setback, alley	4' or 20'	
Accessory Structure Setbacks (min.)		
B5 Front setback, behind front building line	5'	5'
B6 Side street setback	Side street setback for principal building plus 5'	
B8 Side or rear setback, interior	Established at Site Plan	
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot	
B10 Rear setback, alley	4'	4'
C. Form		
Massing (max.)		
C1 Number of units permitted in any one row	8	10

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

Div. 6.3. Transferable Development Rights (TDR) Overlay

Sec. 6.3.1. In General

The purpose of the TDR Overlay optional method of development is to permit an increase in the maximum density of development established in [Sec. 4.8.4.](#), Transferable Development Rights Overlay, provided the development conforms to the regulations for optional method development using Transferable Development Rights this Section (Sec. 6.3.1).

A. Applicability

The procedures and regulations in Sec. 6.3.1. apply to the transfer of development rights from land classified in the AR zone to land classified in a Transferable Development Rights (TDR) Overlay zone. The Planning Board may approve subdivision of such land at densities not to exceed the maximum density permitted in the applicable TDR Overlay zone and conforming to the guidelines contained in the applicable Master Plan.

B. General Provisions

1. The development density of a property under the TDR Overlay optional method may not be increased above the maximum density permitted in the zone nor beyond the density or number of dwelling units recommended for such property by the applicable Master Plan.
2. A property developed with the transfer of development rights must conform to the requirements of [Chapter 25A](#) requiring MPDU's. The applicability of [Chapter 25A](#) and the MPDU density increase provided by [Sec. 6.1.2.A](#) must be calculated after the base density of a property has been increased by a transfer of development rights. The density increase provided by [Sec. 6.1.2.A](#) may be made without the acquisition of additional development rights.

C. Recording of Development Right

1. A development right must be created, transferred, and extinguished by means of an easement that limits the future construction of detached houses on a property in the AR zone to the total number of development rights allowed under the standards of the AR zone minus all development rights

previously 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.
3. Prior to recordation of a final record plat for a subdivision using transferred development rights, 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.
4. A final record plat for a subdivision using transferred development rights must contain a statement setting forth 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.](#)

D. Density Designation

1. Residential Detached and Residential Multi-Unit Zones:

- a. Land designated in a TDR Overlay zone is assigned a number, as recommended in the applicable Master or Sector Plan, that delineates the maximum number of units per acre that may be built through the purchase of TDRs up to the following limits:

Zones	TDR Density (max. units/acre)
RE-2	4
RE-2C	2
RE-1	2
RLD-20	11
RMD-9	28
RMD-6	28
RHD-3	40
RHD-2	50
RHD-1	100

- b. TDR Overlay zones are delineated as the overlay zone symbol (TDR) followed by the TDR density designation (1 through 100) on the zoning map, [TDR-#].

2. Commercial/Residential and Employment Zones:

- a. Land designated in a TDR Overlay zone may use TDRs under the optional method of development under **Div. 6.4.**
- b. TDR Overlay zones are delineated as the overlay zone symbol (TDR) on the zoning map.

E. Calculation of TDRs Required in the Residential Detached or Residential Multi-Unit Zones

Development using TDRs must include at least two-thirds of the number of development rights designated unless the Planning Board finds that for environmental or compatibility reasons a lower density is more appropriate.

- 1. In the Residential Detached and Residential Multi-Unit zones, the following building types require a minimum percent of total units indicated, and where applicable a maximum allowed (noted in parentheses). In addition, the minimum amount of common outdoor area required is indicated:

TDR Density Designation	Size of Development	Building Type (minimum required as a percentage of total units)				Common Outdoor Area (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%

- a. The apartment/condo building type is permitted only where specifically recommended in the area Master or Sector Plan for the receiving area. In any instance where the minimum percentage requirement would yield a total of 150 units or less, this requirement does not apply, and no such units are required. Whenever the minimum percentage would yield 151 units or more, the full number must be required except where the Planning Board finds 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'. The height limit may be waived upon a finding by the Planning Board that a 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. one detached house unit;
 - b. 2 units in a duplex or townhouse building type; or
 - c. 3 units in an apartment/condo building type.
 - 3. The Planning Board may waive the minimum required or maximum allowed number of units if it finds that for environmental or compatibility reasons a different mix of building types is appropriate.

F. Development Standards

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

TDR Density Designation	Development Standards
1	Same as for a detached house building type under standard method in the RE-1 zone, see Div. 4.4
2	Same as for a detached house building type under standard method in the RLD-20, see Div. 4.4
3-5	May utilize the RMD-6 Optional Method MPDU standards, see Div. 6.1
6 or more	Determined at Site Plan

G. Development with Moderately Priced Dwelling Units

1. Any property developed under this Section (Sec. 6.3.1) must conform to 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 this Section (Sec. 6.3.1) through acquisition of TDRs. The increase in density attributed to Optional Method MPDU Development must not exceed 22% of the TDR density.
3. Development using TDRs and providing MPDUs above 12.5% must be under Div. 6.1., MPDU Development in Rural and Residential zones.

H. Additional Findings

In addition to the findings required under Sec. 8.3.4., Site Plan, for projects developed under this Division (Div. 6.3), the Planning Board must find that the proposed development:

1. Provides the appropriate range of housing types;
2. Takes advantage of existing topography and environmental features; and
3. Achieves a mutually compatible relationship between the proposed development and adjoining land uses.

Div. 6.4. Commercial/Residential Zones

Sec. 6.4.1. Requirements

A. Density, Mix, and Height

In the CRT and CR zones, the maximum total, nonresidential, and residential FARs and height for any property is set by the zone as shown on the zoning map.

B. Procedure for Approval

A Sketch Plan must be submitted under [Sec. 8.3.3](#). A Site Plan must be submitted under [Sec. 8.3.4](#), for any development on a property with an approved Sketch Plan.

C. Public Benefit Points and Categories

Public benefits under [Div. 6.6](#) must be provided as follows:

Zone	Site Size	Public Benefit Points (min.)	Number of Benefit Categories (min.)
CRT	< 10,000 SF of gross tract area OR with < 1.5 max. FAR	25	2
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max. FAR	50	3
CR	< 10,000 SF of gross tract area OR with < 1.5 max. FAR	50	3
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max. FAR	100	4

Sec. 6.4.2. Development Standards

Optional Method development in all CRT and CR zones must comply with the requirements of [Section 6.4.2.A](#) through [Section 6.4.2.D](#).

A. Master Plan and Design Guidelines

1. Development must be consistent with the applicable Master or Sector Plan.
2. Development must comply with any design guidelines approved by the Planning Board that implement the applicable Master or Sector Plan.

B. Public Use Space

Public use space must be provided based on the lot size and number of frontages as described in the table below. The required public use space must meet the criteria established under [Div. 7.3](#).

Lot Size (net tract area)	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Public Use 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%

C. Building Type

All building types and the respective dimensional standards allowed under [Div. 4.5](#) are allowed in the CRT and CR zones under optional method development.

D. Neighborhood Compatibility

Where a property abuts or confronts an AR, RR, RC, RNC, RE, RLD, or RMD zoned property that is vacant or improved with an agricultural or residential use, any building must comply with the setback and angular plane restrictions under [Sec. 4.5.3.D](#).

Div. 6.5. Employment Zones

Sec. 6.5.1. Requirements

A. Density and Height

In the ELS and EOF zones, the maximum total FAR and height for any property is set by the zone as shown on the zoning map.

B. Procedure for Approval

A Sketch Plan must be submitted under [Sec. 8.3.3](#). A Site Plan must be submitted under [Sec. 8.3.4](#), for any development on a property with an approved Sketch Plan.

C. Public Benefit Points and Categories

Public benefits under [Div. 6.6](#), must be provided as follows:

Zone	Site Size	Public Benefit Points (min.)	Number of Benefit Categories (min.)
ELS	< 10,000 SF of gross tract area OR with < 1.5 max. FAR	15	1
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max. FAR	30	2
EOF	< 10,000 SF of gross tract area OR with < 1.5 max. FAR	30	2
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max. FAR	60	3

Sec. 6.5.2. Development Standards

Optional Method development in all ELS and EOF zones must comply with the requirements of [Section 6.5.2.A](#) through [Section 6.5.2.D](#).

A. Master Plan and Design Guidelines

1. Development must be consistent with the applicable Master or Sector Plan.
2. Development must comply with any design guidelines approved by the Planning Board that implement the applicable Master or Sector Plan.

B. Public Use Space

Public use space must be provided based on the lot size and number of front-ages as described below. The required public use space must meet the criteria established under [Div. 7.3](#).

Lot Size (net tract area)	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
% of Site Required to be Dedicated for Public Use 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%

C. Building Type

All building types and the respective dimensional standards allowed under [Div. 4.6](#), are allowed in the ELS and EOF zones under optional method development.

D. Neighborhood Compatibility

Where a property abuts or confronts an AR, RR, RC, RNC, RE, RLD, or RMD zoned property that is vacant or improved with an agricultural or residential use, any building must comply with the setback and angular plane restrictions under [Sec. 4.6.3.D](#).

Div. 6.6. Optional Method Public Benefits

Sec. 6.6.1. General Provisions

A. Public Benefit Categories

1. Public benefits must be provided that enhance or contribute to the objectives of the zone in some or all of 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. [Section 6.6.2.](#) indicates the individual public benefits that may be accepted in each of these categories in each zone.

B. General Public Benefit Considerations

Granting points for the provision of any benefit 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 or Sector 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 tract;
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 (Div. 6.6);
2. be in addition to any standards, requirements, or rules of incentive density calculation included in this Division (Div. 6.6), but may not conflict with those provisions; and
3. only allow incentive FAR for those public benefits listed in [Sec. 6.6.3.](#)

Sec. 6.6.2. Public Benefit Applicability

Various public benefits may be accepted in each zone according to the following table:

Benefit	Zone or Optional Method Type			
	CRT	CR	ELS	EOF
Major Public Facility	Y	Y	Y	Y
Transit Proximity	Y	Y	Y	Y
Connectivity & Mobility				
Advance Dedication	Y	Y	Y	Y
Minimum Parking	Y	Y	Y	Y
Neighborhood Services	Y	Y		
Public Parking	Y	Y	Y	Y
Through-Block Connection	Y	Y	Y	Y
Transit Access or Streetscape Improvement	Y	Y	Y	Y
Trip Mitigation	Y	Y	Y	Y
Way-Finding	Y	Y	Y	Y
Diversity of Uses & Activities				
Adaptive Buildings	Y	Y	Y	Y
Affordable Housing	Y	Y	Y	Y
Care Centers	Y	Y	Y	Y
Dwelling Unit Mix	Y	Y	Y	Y
Enhanced Accessibility for the Disabled	Y	Y	Y	Y
Enhanced Visibility for Seniors/Disabled	Y	Y	Y	Y
Live/Work	Y	Y	Y	Y
Small Business Opportunity	Y	Y	Y	Y
Quality Building and Site Design				
Architectural Elevations	Y	Y	Y	Y
Enhanced Recreation Facilities			Y	

Benefit	Zone or Optional Method Type			
	CRT	CR	ELS	EOF
Exceptional Design	Y	Y	Y	Y
Historic Resource Protection	Y	Y	Y	Y
Public Art	Y	Y	Y	Y
Public Open Space	Y	Y	Y	Y
Structured Parking	Y	Y	Y	Y
Tower Step-Back	Y	Y	Y	Y
Protection and Enhancement of the Natural Environment				
Building Lot Terminations	Y	Y	Y	Y
Building Reuse	Y	Y	Y	Y
Cool Roof	Y	Y	Y	Y
Energy Conservation	Y	Y	Y	Y
Energy Generation	Y	Y	Y	Y
Habitat Preservation and Restoration	Y	Y	Y	Y
Recycling Facility Plan	Y	Y	Y	Y
Transferable Development Right	Y	Y	Y	Y
Tree Canopy	Y	Y	Y	Y
Vegetated Area	Y	Y	Y	Y
Vegetated Roof	Y	Y	Y	Y
Vegetated Wall	Y	Y	Y	Y

KEY: Y = Acceptable Public Benefit

Sec. 6.6.3. Public Benefit Descriptions and Criteria

A. Major Public Facilities

1. 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. Major public facilities provide public services at convenient locations where increased density creates a greater need for civic uses and greater demands on public infrastructure.
2. Where 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 public 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.
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 payment for a major public facility that is accepted for use or operation by an appropriate public agency, community association, or nonprofit organization.
 - a. The following number of points may be awarded provided the requirements of Sec. 6.6.3.A.3 (above) are met:
 - i. 20 points in an ELS zone;
 - ii. 40 points in an EOF or CRT zone; and
 - iii. 70 points in a CR zone.

B. Transit Proximity

1. 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.
2. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT and CR zones.

- a. Transit proximity is categorized in 2 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; excluding a site that is within one mile of a MARC station and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility.
- b. 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 ¼ mile of the transit portal.
- c. For split proximity-range projects:
 - i. 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;
 - ii. If less than 75 percent of the gross tract area 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	Adjacent or confronting		Within 1/4 mile		Between 1/4 and 1/2 mile		Between 1/2 and 1 mile	
	1	2	1	2	1	2	1	2
Transit Service Proximity Level								
ELS	10	5	8	4	6	2	4	0
EOF or CRT	25	15	20	12.5	15	10	10	7.5
CR	50	30	40	25	30	20	20	15

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.

1. **Advance Dedication:** Up to 8 points in the ELS 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.
2. **Minimum Parking:** Up to 10 points for providing less than the maximum allowed number of parking spaces, where a maximum is applicable.
3. **Neighborhood Services:** When fewer than 10 different basic services are within ¼ mile, up to 10 points for providing retail bays resulting in at least 10 different basic services on-site or within ¼ mile, of which at least 4 have a retail bay floor area of no greater than 5,000 square feet.
4. **Networked Street Pattern:** Up to 15 points for locating or designing the project such that a through-street and/or non-motorized right of way intersects or terminates at the project boundary at least every 400 feet or at existing abutting street intervals and intersections, whichever is the shorter distance. Includes a pedestrian or bicycle through-connection in at least 90% of any new culs-de-sac. This does not apply to portions of the boundary where connections cannot be made because of physical obstacles, such as prior platting of property, construction of existing buildings or other barriers, slopes over 15%, wetlands and water bodies, railroad and utility rights-of-way, existing limited-access motor vehicle rights-of-way, and parks and dedicated open space.
5. **Public Parking:** Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
6. **Through-Block Connections:** Up to 10 points for safe and attractive pedestrian connections between streets.
7. **Transit Access or Streetscape Improvement:** Up to 20 points for creating new or improving existing transit access or for construction of off-site improvements, excluding any streetscape improvements otherwise required.
8. **Trip Mitigation:** Up to 15 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.
9. **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. If providing no more than 12.5% Moderately Priced Dwelling Units (MPDUs), all development must comply with the applicable requirements of [Chapter 25A](#).
 - b. If providing more than 12.5% MPDUs in an ELS, EOF, CRT, or CR zone, 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.
 - c. 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.
 - d. 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.

3. **Care Centers:** Up to 20 points for constructing a child or adult day care facility accommodating at least 15 users in accordance with state standards.
4. **Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units and 5% three- or more bedroom units.
5. **Enhanced Accessibility for Seniors or the Disabled:** Up to 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 20 points for constructing dwelling units in accordance with **ANSI A117.1, Type C, Visitable 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.
8. **Small Business Opportunities:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.

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 for providing elevations of architectural facades and agreeing to be bound by particular elements of design that exceed the requirements of this Division, 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 supply required by **Div. 7.4**.
3. **Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts enhance the character of a setting per the purposes delineated in this Division (Div. 6.6).
4. **Historic Resource Protection:** Up to 20 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.
5. **Open Space:** Up to 20 points for providing, or making a payment for, the applicable type of open space in excess of any open space requirement of the zone.
6. **Public Art:** Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee.
7. **Structured Parking:** Up to 20 points for placing parking within, above or below grade parking structures.
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 decreases in 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. **Agricultural Land Preservation:** Up to 10 points for designing or locating the project development footprint such that it does not disturb prime agricultural soil or existing farmland.
2. **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 CRT and CR zone; up to 25 additional points are allowed as an option.

- a. In the CR zone, 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:
 - i. 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;
 - ii. Any private BLT easement must be purchased in whole units; or
 - iii. 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.
 - b. 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.
 - c. 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.
- [Editor's note: BLT requirements specific to ELS zone to be added]**
3. **Building Reuse:** up to 100 points for reuse of an existing building subject to 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 prior to any demolition.
 - c. Although 100 points may be obtained, public benefit category minimums must be met.
 4. **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.
 5. **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.
 6. **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.
 7. **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.
 8. **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 **Montgomery County Executive Regulation 15-04AM** or **Montgomery County Executive Regulation 18-04**.
 9. **Transferable Development Right:** Up to 20 points for the purchase of or payment towards TDRs. Every TDR purchased is worth 1 point and allows 3,500 square feet of development above the density allowed under the standard method of development. If a site is within a TDR Overlay zone, TDRs must be purchased as recommended by the Master Plan or, if no recommendation is made, at least 5 points must be provided through the purchase of or payment towards TDRs.
 10. **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.
 11. **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. No individual area can

be less than 500 square feet. This does not include vegetated roofs or storm-water management facilities.

12. **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.
13. **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.

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