

Ordinance No.: 20-21
Zoning Text Amendment No.: 25-05
Concerning: Development Standards –
Optional Method Public
Benefits
Revised: 7/29/2025 Draft No.: 3
Introduced: April 29, 2025
Public Hearing: June 10, 2025
Adopted: July 29, 2025
Effective: January 1, 2026

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Planning, Housing, and Parks Committee

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) create new Optional Method Public Benefits standards;
- (2) grandfather the existing Optional Method Public Benefits standards; and
- (3) generally amend the public benefits system.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases”
Division 4.5.	“Commercial/Residential Zones”
Section 4.5.2.	“Density and Height Allocation”
Section 4.5.3.	“Standard Method Development”
Section 4.5.4.	“Optional Method Development”
Division 4.6.	“Employment Zones”
Section 4.6.1.	“Intent Statements”
Section 4.6.2.	“Density and Height Allocation”
Section 4.6.3.	“Standard Method Development”
Section 4.6.4.	“Optional Method Development”
Division 4.7.	“Optional Method Public Benefits”
Section 4.7.1.	“General Provisions”
Section 4.7.2.	“Public Benefit Overview”
Section 4.7.3.	“Public Benefit Description and Criteria”
Division 5.3.	“Commercial/Residential Floating Zones”
Section 5.3.5.	“Development Standards”

Division 5.4.	“Employment Floating Zones”
Section 5.4.5.	“Development Standards”
Division 8.1.	“In General”
Section 8.1.1.	“Applicability”

And by adding the following sections to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 8.4.	“Optional Method Public Benefits”
Section 8.4.1.	“General Provisions”
Section 8.4.2.	“Public Benefit Overview”
Section 8.4.3.	“Public Benefit Description and Criteria”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

- e. With Planning Board approval, any Optional Method project in a CR zone that includes the provision of a [major public facility under] Tier 4 public benefit under the Public Facility, Art and Placemaking, or Neighborhood Services and Mixed Use categories, as described in Section 4.7.3.A₂ may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the [major public facility] public benefit diminishes the ability of the applicant to provide parking at or below grade.

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B. FAR Averaging

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3. Density may be averaged over 2 or more non-contiguous properties in one or more CRT or CR zones if:

* * *

- c. the minimum public [benefit] benefits [points] required for any requested incentive density under Section 4.5.4.A.2 must be exceeded by at least 50%; and

* * *

Section 4.5.3. Standard Method Development

The CRN, CRT, and CR zones allow standard method development under the following limitations and requirements.

A. In General

1. In the Commercial/Residential zones, the maximum total, nonresidential, and residential FAR and maximum height for any property are set by the zone shown on the zoning map, unless additional height and density is permitted under Section 4.5.2.C.

2. In the CRT and CR zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the greater of 0.5 FAR or 10,000 square feet of gross floor area [the limit indicated in the following table], unless shown as lower on the zoning map[:].

[Zone]	[Total Density (max)]
[CRT]	[The greater of 1.0 FAR or 10,000 SF of gross floor area]
[CR]	[The greater of 0.5 FAR or 10,000 SF of gross floor area]

3. Any development application in process in the CRT zone on or before January 1, 2026, including an approved or filed for approval of a sketch plan, preliminary plan, site plan, conditional use, local map amendment, record plat, or building permit, must be reviewed where the maximum total standard method FAR is the greater of 1.0 FAR or 10,000 SF of gross floor area. The approval of any of these applications or amendments under Section 4.5.3.A.3. must allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the maximum total standard method FAR at the time of the original approval.

* * *

Section 4.5.4. Optional Method Development

The CRT and CR zones allow development under the optional method.

A. General Requirements

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2. Public Benefit Points and Categories

- a. Public benefits under Division 4.7 must be provided to satisfy any incentive density requested above the standard method of

development maximum density threshold, up to the mapped FAR. Public benefits are not required for any additional density received under Section 4.5.2.C for providing additional MPDUs.
[according to zone and tract size or maximum total mapped FAR, whichever requires 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 OR ≥ 1.5 max FAR]	[50]	[3]
[CR]	[< 10,000 SF OR < 1.5 max FAR]	[50]	[3]
	[≥ 10,000 SF OR ≥ 1.5 max FAR]	[100]	[4]

b. In the CR Zone, the purchase of BLTs is required [under Section 4.7.3.F.1.a].

i. An applicant must purchase a BLT easement, or make a payment to the Agricultural Land Preservation Fund (ALPF), in an amount equal to 7.5% of the incentive density floor area under the following parameters:

(a) for every 31,500 square feet of gross floor area comprising the 7.5 [[percent]]% incentive density floor area, one BLT must be purchased or an equivalent payment made to the ALPF;

(b) if a fraction of a BLT easement is needed, a payment must be made to the ALPF for the fractional amount;

(c) a private BLT easement must be purchased in whole units;

(d) payments must be made to the ALPF based on the amount established by Executive Regulations under Chapter 2B. The payment amount must be updated by the Office of Agriculture; and[.]]

(e) the ALPF may use collected payments to purchase BLTs or TDRs.

* * *

Sec. 3. DIVISION 59-4.6 is amended as follows:

Division 4.6. Employment Zones

Section 4.6.1. Intent Statements

A. In General

The GR, NR, LSC, and EOF zones permit nonresidential uses including office, technology, and general commercial uses with limited residential use at varying densities and heights. The GR, NR, LSC, and EOF zones promote economic diversity and job creation in development patterns where people can work, learn, and recreate. The application of the GR, NR, LSC, and EOF zones is appropriate for targeting jobs and services co-located near diverse housing options. In the Employment zones, residential uses are generally limited to 30% of the total gross floor area on the subject site. The intent of the GR, NR, LSC, and EOF zones is to:

* * *

3. provide employment areas with supporting residential and retail uses;
and

4. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods[; and].

[5. establish minimum requirements for the provision of public benefits.]

* * *

Section 4.6.2. Density and Height Allocation

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B. FAR Averaging

1. Only standard method development projects that require site plan approval [or optional method development projects] can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Employment zones if:
 - a. the properties are under the same site plan[, sketch plan,] or Biohealth Priority Campus plan.[: however] However, if a [sketch plan or] Biohealth Priority Campus plan is required, density averaging must be shown on the [applicable] plan;
 - b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved [sketch plan or] Biohealth Priority Campus plan;
 - c. the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties; and
 - d. the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use does not exceed that allowed by the property's zone[: and].
 - [e. public benefits are required to be provided under the phasing element of an approved sketch plan or Biohealth Priority Campus plan.]

3. Density may be averaged over 2 or more non-contiguous properties in one or more LSC or EOF zones if:
- a. each provision under Section 4.6.2.B.2 is satisfied;
 - b. the properties are within 1/4 mile of each other or in a designated master-planned density transfer area or part of an expedited approval plan; and
 - c. [the minimum public benefit points required under Section 4.6.4.A.2 are exceeded by at least 50%; and
 - d.] the applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

* * *

E. Development of Certain Biohealth Uses

Additional height may be approved for any application in the LSC or EOF zone where the primary use is Research and Development under Section 3.5.8 or Medical/Scientific Manufacturing and Production under Section 3.6.4.D if:

- 1. the development site is located within a red policy area or opportunity zone, including contiguous properties separated from the red policy area or opportunity zone only by a public right-of-way, or within ½ mile of a planned or existing Bus Rapid Transit route;
- 2. the development site fronts on a street classified as an Area Connector or higher classification; and
- 3. the development site does not abut or confront a property in an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use.

Section 4.6.3. Standard Method Development

The GR, NR, LSC, and EOF zones allow standard method development under the following limitations and requirements.

A. In General

- [1. In the GR and NR zone, the] The maximum total FAR and maximum height for any property is set by the zone shown on the zoning map.
- [2. In the LSC and EOF zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the limit indicated in the following table, unless shown as lower on the zoning map:]

[Zone]	[Total Density (max)]
[LSC]	[The greater of 0.5 FAR or 10,000 SF of gross floor area]
[EOF]	[The greater of 1.0 FAR or 10,000 SF of gross floor area]

B. Procedure for Approval

1. In the GR and NR Zones, [Site] site plan approval may be required under Section 7.3.4.A.8.
2. In the LSC and EOF Zones, site plan approval may be required under Section 7.3.4.A.8. In the LSC zone, site plan approval is also [[and is]] required for any development application with an FAR over 0.5.
3. An applicant may file a site plan application to modify the Parking Setbacks for Surface Parking Lots, Build-to Area, Building Orientation, or Transparency requirements under Section 4.6.3.D and Section 4.6.3.E.

[Section 4.6.4. Optional Method Development]

[The LSC and EOF zones allow development under the optional method.]

[A. General Requirements]

[1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3, unless a Signature Business Headquarters plan is approved under Section 7.3.5, a Biohealth Priority Campus plan is approved under Section 7.3.6, or a Mixed-Income Housing Community plan is approved under Section 7.3.7. A site plan must be approved under Section 7.3.4 for any development on a property with an approved sketch plan.]

[2. Public Benefit Points and Categories

- a. Public benefits under Division 4.7 must be provided according to zone and tract size or maximum total mapped FAR, whichever requires 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 max FAR]	[15]	[1]
	[≥ 10,000 SF OR ≥ 1.5 max FAR]	[30]	[2]
[EOF]	[< 10,000 SF OR < 1.5 max FAR]	[30]	[2]
	[≥ 10,000 SF OR ≥ 1.5 max FAR]	[60]	[3]

- [b. In the LSC zone, the purchase of BLTs is required under Section 4.7.3.F.1.b.]

[3. Building Type

All building types allowed under Section 4.1.6. are allowed in the LSC and EOF zones under optional method development.]

[4. Compatibility Standards

Development must satisfy the compatibility standards under Section 4.1.8.]

[B. Development Standards]

[1. Open Space]

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

[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 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%]

- b. In a development with townhouse, apartment, 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.
- c. Open space for the townhouse building type is common open space (see Section 6.3.5), and for other buildings is public open space (see Section 6.3.6) in the LSC zone and amenity open space (see Section 6.3.7) in the EOF zone.
- d. Open space must satisfy Division 6.3.]

[2. Lot, Density, and Height]

- a. Lot standards for detached house, duplex, and townhouse building types are established by the site plan approval process.
- b. The maximum total FAR and the maximum height are established by the mapped zone unless increased under Section 4.6.2.C or Section 4.6.2.D.
- c. In the GR, NR, and EOF zones, gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.

d. In the LSC zone:

i. For tracts larger than 5 acres:

(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 educational facilities.

(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.

ii. Gross floor area of all Household Living uses is limited to 30% of the maximum allowed FAR mapped on the subject site.

iii. 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 be used only for purpose. The total area of any partial floors or stories excluded from the maximum density calculation is limited to the gross floor area of any full floor of the building.]

[3. Placement

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

[4. Form

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

[5. Development of Certain Biohealth Uses

- a. Additional height is permitted for any application in the LSC or EOF zone where the primary use is Research and Development under Section 3.5.8 or Medical/Scientific Manufacturing and Production under Section 3.6.4.D, if:
 - i. the development site is located within a red policy area or opportunity zone, including contiguous properties separated from the red policy area or opportunity zone only by a public right-of-way; or within ½ mile of a planned or existing Bus Rapid Transit route including the Corridor Cities Transitway;
 - ii. the development site fronts on a street classified as an Area Connector or higher classification;
 - iii. the development site does not abut or confront a property in an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use; and
 - iv. the application achieves public benefit points for Adaptive Buildings under Sec. 4.7.3.D.1.]

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Sec. 4. DIVISION 59-4.7 is amended as follows:**[Division 4.7. Optional Method Public Benefits]****[Section 4.7.1. 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;
 - f. Protection and Enhancement of the Natural Environment; and
 - g. Building Reuse.
2. The individual public benefits that may be accepted in each of these categories in each zone are in Section 4.7.2.]

[B. General Public Benefit Considerations

Except for providing MPDUs exceeding 12.5% of a project's dwelling units, 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 Commercial/Residential and Employment 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 Division 4.7;
2. be in addition to any standards, requirements, or rules of incentive density calculation included in Division 4.7, but must not conflict with those provisions; and
3. allow incentive FAR only for those public benefits listed in Section 4.7.3.]

[Section 4.7.2. 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
2. Minimum Parking
3. Neighborhood Services
4. Public Parking
5. Through-Block Connection
6. Transit Access Improvement
7. Streetscape Improvement
8. Trip Mitigation
9. Way Finding]

[D. Diversity of Uses and Activities

1. Adaptive Buildings
2. Care Centers
3. Dwelling Unit Mix

- 348 4. Enhanced Accessibility for the Disabled
- 349 5. Live/Work
- 350 6. Moderately Priced Dwelling Units
- 351 7. Small Business Opportunity]

352 **[E. Quality Building and Site Design**

- 353 1. Architectural Elevations
- 354 2. Exceptional Design
- 355 3. Historic Resource Protection
- 356 4. Public Art
- 357 5. Public Open Space
- 358 6. Structured Parking
- 359 7. Tower Step-Back]

360 **[F. Protection and Enhancement of the Natural Environment**

- 361 1. Building Lot Terminations
- 362 2. Cool Roof
- 363 3. Energy Conservation and Generation
- 364 4. Habitat Preservation and Restoration
- 365 5. Recycling Facility Plan
- 366 6. Transferable Development Rights
- 367 7. Tree Canopy
- 368 8. Vegetated Area
- 369 9. Vegetated Roof
- 370 10. Vegetated Wall]

371 **[G. Building Reuse]**

372 **[Section 4.7.3. Public Benefit Descriptions and Criteria]**

373 **[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. If a major public facility is recommended for a property in a master plan, an applicant for a sketch plan on that property must provide the major public facility unless the Planning Board finds that the facility:
 - a. is infeasible;
 - b. would not be accepted by the government department or agency responsible for operating the facility; or
 - c. is no longer in the public interest.
3. If 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.
4. Due to their significance in placemaking, the Planning Board may approve incentive FAR for
 - a. the conveyance of a site or floor area,
 - b. the construction of, or

- c. 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.

5. Up to the following number of points may be awarded if the requirements of Section 4.7.3.A 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. Public benefit points can only be granted for one transit stop.

- 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 1/4 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.]

	[Abutting or Confronting]			[Within 1/4 Mile]			[Between 1/4 and 1/2 Mile]			[Between 1/2 and 1 Mile]		
[Transit Service Level Proximity]	[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]

[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 zone, and 30 points in the CRT and 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 fewer than the maximum allowed number of parking spaces, where a maximum is applicable.
3. **Neighborhood Services:** When fewer than 10 different basic services exist within 1/4 mile, up to 15 points for providing retail bays appropriate for at least 10 different basic services on-site or within 1/4 mile, of which at least 4 have a maximum retail bay floor area of 5,000 square feet.
4. **Public Parking:** Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
5. **Through-Block Connections:** Up to 20 points for safe and attractive pedestrian connections between streets.
6. **Transit Access Improvement:** Up to 20 points for constructing new or improving existing transit access.
7. **Streetscape Improvement:** Up to 20 points for construction of off-site improvements, excluding any streetscape improvements otherwise required.
8. **Trip Mitigation:** Up to 20 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a reduction of at least 50% for trips attributable to the site.
9. **Way-Finding:** Up to 10 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities.]

[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 15 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
2. **Care Centers:** Up to 20 points for constructing a child, teen, or adult day care facility accommodating at least 15 users that satisfies State standards.
3. **Dwelling Unit Mix:** Up to 10 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 Chapter 25A.
4. **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.
5. **Live/Work:** Up to 15 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.

6. 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 as required under Chapter 25A.

Points are calculated as follows:

- a. 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.
- b. An additional 2 points are granted for every 1% of 2-bedroom MPDUs not otherwise required.
- c. An additional 5 points are granted for every 1% of 3-bedroom MPDUs.
- d. In any case, for 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.
- e. For a project providing a minimum of 15% MPDUs, one less benefit category than is required under Section 4.5.4.A.2 and Section 4.6.4.A.2 must be satisfied. A project that provides a minimum of 20% MPDUs does not have to satisfy any other benefit category under Section 4.5.4.A.2 and Section 4.6.4.A.2.]

[7. 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, facade 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, 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. **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 listed in Section 4.7.3.E.
3. **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.
4. **Public Open Space:** Up to 20 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone.
5. **Public Art:** Up to 15 points for installing public art reviewed for comment by the Art Review Panel under The Public Art Guidelines approved by the Planning Board, or for paying a fee accepted by the Public Arts Trust Steering Committee.
6. **Structured Parking:** Up to 20 points for placing parking in an above or below grade parking structure.

- 551 **7. Tower Step-Back:** Up to 10 points for stepping back a building's upper
552 floors by a minimum of 6 feet behind the first floor facade. The step-
553 back must begin at a height no greater than 72 feet.]

554 **[F. Protection and Enhancement of the Natural Environment**

555 Protection and enhancement of natural systems and reduced energy consumption
556 help mitigate or reverse environmental impacts such as heat island effects from the
557 built environment, inadequate carbon-sequestration, habitat and agricultural land
558 loss, and air and water pollution caused by reliance on the automobile.

- 559 **1. Building Lot Termination (BLT):** Up to 30 points for the purchase of
560 BLT easements or payment to the Agricultural Land Preservation Fund
561 (ALPF).

562 a. In the CR zone:

- 563 i. An applicant must purchase BLT easements, or make
564 payments to the ALPF, in an amount equal to 7.5% of the
565 incentive density floor area under the following
566 parameters:

- 567 (a) One BLT, equivalent to 9 points, must be purchased
568 or equivalent payment made for every 31,500
569 square feet of gross floor area comprising the 7.5%
570 incentive density floor area;
- 571 (b) A private BLT easement must be purchased in
572 whole units; or
- 573 (c) BLT payments must be made to the ALPF, based on
574 the amount established by Executive Regulations
575 under Chapter 2B; if a fraction of a BLT easement
576 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. 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, nonresidential, 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. 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. Cool Roof: Up to 10 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

3. Energy Conservation and Generation: Up to 15 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings. At least 15 points for providing renewable energy generation facilities on-site or within 1/2 mile of the site for a minimum of 2.5% of the projected energy requirement for the development.

4. **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.
5. **Recycling Facility Plan:** Up to 10 points for providing a recycling facility plan to be approved as part of a site plan for buildings that satisfies Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.
6. **Transferable Development Right:** For a property that is in a TDR Overlay zone, up to 20 points for the purchase of TDRs under Section 4.9.15.B. Every TDR purchased is worth 1 point.
7. **Tree Canopy:** Up to 15 points for protecting tree canopy coverage with at least 15 years of growth per Trees Technical Manual approved by the Planning Board, as amended, on at least 25% of the on-site open space.
8. **Vegetated Area:** Up to 10 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. This does not include vegetated roofs or stormwater management facilities.
9. **Vegetated Roof:** Up to 15 points for installation of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building's roof, excluding space for mechanical equipment.
10. **Vegetated Wall:** Up to 10 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space.]

[G. 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 up to 100 points may be obtained, public benefit category minimums must be met.]

Division 4.7. Optional Method Public Benefits

Section 4.7.1. General Provisions

A. Public Benefit Categories

1. To receive incentive density, public benefits must be provided that contribute to the objectives of the zone. There are 4 public benefit categories, organized under 2 groups:
 - a. Countywide Priorities
 - i. Housing for All
 - ii. Environmental Resilience
 - b. Local Needs from Applicable Master Plans
 - i. Infrastructure for Compact Growth
 - ii. Complete Community Amenities
2. The individual public benefits that may be provided within each category are detailed in Section 4.7.2.

B. General Public Benefit Considerations

1. For any development application that is required to provide public benefits, the application must provide at least one public benefit from the Countywide Priorities group and at least one public benefit from the Local Needs from Applicable Master Plans group, except when it provides a Tier 4 public benefit or is requesting 0.25 FAR of incentive density or lower.

- 683 2. A development application may be awarded incentive density more
684 than once from the same public benefit if the applicant provides distinct
685 elements at different tiers.
- 686 3. Unless otherwise stated in Section 4.7.3, incentive density is awarded
687 based on the following tiered public benefit system:
- 688 a. Tier 1 public benefits are eligible for a maximum of 0.25 FAR of
689 incentive density;
- 690 b. Tier 2 public benefits are eligible for a maximum of 1.0 FAR of
691 incentive density;
- 692 c. Tier 3 public benefits are eligible for a maximum 1.5 FAR of
693 incentive density; and
- 694 d. Tier 4 public benefits are eligible to satisfy all requested
695 incentive density.
- 696 4. Required public benefits are calculated by rounding up to the next 0.25
697 FAR increment.
- 698 5. A development application with a tract size under 1 acre and a mapped
699 total FAR greater than 4.0 that is seeking approval for the maximum
700 mapped FAR is only required to provide public benefits for incentive
701 density over 2.0 FAR.
- 702 6. In approving incentive density based on the provision of public
703 benefits, the Planning Board must consider:
- 704 a. the recommendations and objectives of the applicable master
705 plan and any associated design guidelines;
- 706 b. the Incentive Density Implementation Guidelines;
- 707 c. the size and configuration of the site;
- 708 d. the relationship of the site to adjacent properties;
- 709 e. the presence or lack of similar public benefits nearby; and

f. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

7. A master plan may modify the public benefits options under Section 4.7.2.A. including adding, prioritizing, modifying, or prohibiting the use of certain public benefits, and modifying the compliance criteria or the tiers of participation under Section 4.7.3. These modifications must be discussed in the implementation section of the master plan and reflected through an overlay zone.

8. If an applicable master plan recommends a specific public benefit for a specific property or geography, any application within that property or geography must provide the recommended public benefit unless the Planning Board finds that providing the recommended public benefit is infeasible or that the public benefit is no longer in the public interest.

[[8]]9. Payment in lieu rates must be adjusted biennially based on the Engineering News Record's Baltimore Construction Cost Index. Payment in lieu of providing a public benefit may be considered and accepted under the following criteria:

a. the public benefit is in one of the following public benefit categories:

i. Offsite Improvements

ii. Public Facilities

iii. Street Grid and Multi-Modal Extensions

iv. Art and Placemaking

v. Great Public Realm

- b. the applicable master plan recommends larger-scale facilities or amenities and establishes a mechanism to receive in lieu payments;
- c. a Capital Improvements Program project exists to utilize the payment within the applicable master plan area; and
- d. the public benefit under consideration is located off-site.

[[9]]10. The Planning Board may approve an alternative method of compliance for providing a public benefit under Section 4.7.3 if it is determined that there is a unique site, a use characteristic, a unique benefit to the public, or a development constraint that precludes the delivery of a pre-defined public benefit under Section 4.7.3 or as modified by any applicable master plan. The alternative method of compliance must:

- a. satisfy the intent of the public benefit category;
- b. align with the overall vision of the applicable master plan;
- c. enhance the applicable functional result or performance standard for the public benefit category; and
- d. be in the public interest.

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 Division 4.7;
- 2. be in addition to any standards, requirements, or rules of incentive density calculation included in Division 4.7, but must not conflict with those provisions; and
- 3. allow incentive density only for those public benefits listed in Section 4.7.3.

D. Public Benefit Procedures and Exemptions

1. An application for a sketch plan or site plan filed and accepted as complete prior to January 1, 2026 must be reviewed under the rules and procedures for approving public benefits under Section 8.4, unless an applicant elects to be reviewed under Division 4.7.
2. An application for a sketch plan or site plan filed and accepted as complete within 12 months of January 1, 2026 may choose at the time of application whether to be reviewed under the rules and procedures for approving public benefits under Section 8.4, or Division 4.7.
3. A development application with a sketch plan approval under Section 8.4 may file a site plan under the same rules and procedures as long as the sketch plan remains valid.
4. An amendment to a sketch plan or site plan application approved using the rules and procedures for approving public benefits under Section 8.4 may continue to use those rules and procedures, if the amendment:
 - (a) does not increase the approved density or building heights by more than 10%; and
 - (b) does not increase the tract area of the application.

Section 4.7.2. Public Benefit Overview

The Planning Board must determine that public benefits are provided for requested incentive density under the optional method development from the following public benefit categories:

A. Countywide Priorities

1. Housing for All
 - a. MPDUs
 - b. Family Sized Units
 - c. Deeper Levels of Affordability

2. Environmental Resilience
 - a. Energy Efficiency
 - b. Renewable Energy
 - c. Green Buildings
 - d. Sustainable Site Design

B. Local Needs from Applicable Master Plans

1. Infrastructure for Compact Growth
 - a. Offsite Improvements
 - b. Public Facilities
 - c. Street Grid and Multi-Modal Extensions
2. Complete Community Amenities
 - a. Art and Placemaking
 - b. Neighborhood Services and Mixed Use
 - c. Great Public Realm
 - d. Design Excellence

Section 4.7.3. Public Benefit Description and Criteria

A. Countywide Priorities

Countywide Priorities are public benefits that align with the County's key policy priorities.

1. Housing for All

Housing for All is a public benefit category designed to incentivize the delivery of affordable housing, for rent or for sale, at varying levels of affordability and structure size, including dwellings suitable for families and intergenerational households.

a. MPDUs

A development application that provides more than the minimum MPDUs required by the County or an applicable master plan is eligible

to receive incentive density based on the following FAR increment tiers modified from those described in Section 4.7.1.B.3:

- i. Tier 1 receives 1.25 FAR for providing greater than or equal to 2.5% and less than 5% more MPDUs than required;
- ii. Tier 2 receives 1.5 FAR for providing greater than or equal to 5% and less than 7.5% more MPDUs than required;
- iii. Tier 3 receives 1.75 FAR for providing greater than or equal to 7.5% and less than 10% more MPDUs than required; and
- iv. Tier 4 receives up to the mapped FAR for providing greater than or equal to 10% more MPDUs than required.

b. Family Sized Units

A development application that provides family sized dwellings, defined as dwellings that are 3 or more bedrooms in size, is eligible for incentive density.

- i. Tier 1 must include one of the following:
 - (a) a minimum 5% of all units in an apartment or mixed use building type must be constructed with 3 or more bedrooms, and these family sized units must be divided evenly between market rate and MPDU units; or
 - (b) a minimum 5% of all MPDU units in townhouse building types must be constructed with 4 or more bedrooms.
- ii. Tier 2 must include one of the following:

(a) a minimum 10% of all units in an apartment or mixed use building type must be constructed with 3 or more bedrooms, and these family sized units must be divided evenly between market rate and MPDU units; or

(b) a minimum 10% of all MPDU units in townhouse building types must be constructed with 4 or more bedrooms.

iii. There are no Tier 3 or Tier 4 options for the Family Sized Units public benefit.

c. Deeper Levels of Affordability

A development application that provides dwelling units eligible to households earning below the MPDU Area Median Income (AMI) set under Chapter 25A is eligible for incentive density.

i. There is no Tier 1 option for the Deeper Levels of Affordability public benefit.

ii. Tier 2 must enter into an agreement with DHCA to provide at least 15% of all units as MPDUs at levels of affordability averaging 60% of AMI.

iii. Tier 3 must enter into an agreement with DHCA to provide at least 20% of all units as MPDUs at levels of affordability averaging 60% of AMI.

iv. Tier 4 must enter into an agreement with DHCA to provide at least 25% of all units as MPDUs at levels of affordability averaging 60% of AMI.

2. Environmental Resilience

This public benefit category incentivizes energy efficient buildings, the use of renewable energy, and incorporating sustainable site design principles into buildings and development sites.

a. Energy Efficiency

A development application that exceeds County required energy efficiency standards is eligible for incentive density.

- i. Tier 1 must exceed County energy efficiency standards by 10%.
- ii. Tier 2 must exceed County energy efficiency standards by 17.5%.
- iii. Tier 3 must exceed County energy efficiency standards by 25%.
- iv. Tier 4 must achieve a net zero energy performance.

b. Renewable Energy

A development application that commits to using or generating renewable energy onsite is eligible for incentive density.

- i. Tier 1 must either generate renewable energy onsite or commit to using renewable energy from an offsite provider within the regional catchment area greater than or equal to 1/3 of the energy necessary for the development.
- ii. Tier 2 must either generate renewable energy onsite or commit to renewable energy from an offsite provider within the regional catchment area greater than or equal to 2/3 of the energy necessary for the development.
- iii. Tier 3 must either generate renewable energy onsite or commit to using renewable energy from an offsite

provider within the regional catchment area greater than or equal to 3/4 of the energy necessary for the development.

- iv. Tier 4 must generate renewable energy onsite equal to 100% of the energy necessary for the development.

c. Green Buildings

A development application that achieves the Alternative Compliance Path for Green Buildings through LEED, or an alternative certification program approved by the County, is eligible for incentive density.

- i. Tier 1 must meet the Alternative Compliance Path for [[Green Code]] the International Green Construction Code (IgCC) and achieve LEED Silver plus 21 points.
- ii. Tier 2 must meet the Alternative Compliance Path for [[Green Code]] the International Green Construction Code (IgCC) and achieve LEED Gold.
- iii. Tier 3 must meet the Alternative Compliance Path for [[Green Code]] the International Green Construction Code (IgCC), achieve LEED Gold, and either provide full electrification of the building or utilize mass timber framed construction.
- iv. Tier 4 must meet the Alternative Compliance Path for [[Green Code]] the International Green Construction Code (IgCC) and achieve LEED Platinum.

d. Sustainable Site Design

A development application that incorporates sustainable features into buildings and site design, including biophilic design, enhanced green roofs, bird friendly building design, pervious pavement materials,

retaining existing trees, and adaptively reusing existing structures is eligible for incentive density.

i. Tier 1 must include one of the following elements:

(a) meet or exceed requirements for one point for “Designing with Nature, Biophilic Design for the Indoor Environment” under [[LEED BD+C version 4.1]] the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended;

(b) enhanced green roof with a minimum coverage of 20% of the roof area and a minimum 6 inches in depth;

(c) meet or exceed requirements for one point for “Bird Collision Deterrence” under [[LEED BD+C version 4.1]] the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended;

(d) pervious pavement for 10% of all paved surfaces onsite;

(e) retain a minimum 10% Diameter at Breast Height (DBH) of existing trees onsite that have a DBH between 3 and 24 inches with an adequate soil volume; or

(f) adaptively reuse at least 10,000 square feet of existing floor area from an existing building onsite or within the master plan area.

ii. Tier 2 must include at least 2 of the following elements:

- 950 (a) meet or exceed requirements for one point plus 5
 951 additional biophilic strategies for “Designing with
 952 Nature, Biophilic Design for the Indoor
 953 Environment” under [[LEED BD+C version 4.1]]
 954 the most recently updated standards under LEED
 955 BD+C at the time of site plan acceptance, as
 956 amended;
- 957 (b) enhanced green roof with a minimum coverage of
 958 40% of the roof area and a minimum 6 inches in
 959 depth;
- 960 (c) meet or exceed requirements for one point for “Bird
 961 Collision Deterrence” under [[LEED BD+C version
 962 4.1]] the most recently updated standards under
 963 LEED BD+C at the time of site plan acceptance, as
 964 amended;
- 965 (d) pervious pavement for 25% of all hard paved
 966 surfaces onsite;
- 967 (e) retain a minimum of more than 10% and less than
 968 30% DBH of existing trees onsite that have a DBH
 969 between 3 and 24 inches with an adequate soil
 970 volume; or
- 971 (f) adaptively reuse at least 50,000 square feet of
 972 existing floor area from an existing building onsite
 973 or within the master plan area.
- 974 iii. Tier 3 must include at least 3 of the following elements:
- 975 (a) meet or exceed requirements for one point plus 5
 976 additional biophilic strategies for “Designing with

- Nature, Biophilic Design for the Indoor Environment” under [[LEED BD+C version 4.1]] the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended;
- (b) enhanced green roof with a minimum coverage of 50% of the roof area and a minimum 6 inches in depth;
- (c) meet or exceed requirements for one point for “Bird Collision Deterrence” under [[LEED BD+C version 4.1]] the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended;
- (d) pervious pavement for 40% of all hard paved surfaces onsite;
- (e) retain a minimum of more than 30% and less than 50% DBH of existing trees onsite that have a DBH between 3 and 24 inches with an adequate soil volume; or
- (f) adaptively reuse at least 75,000 square feet of existing floor area from an existing building onsite or within the master plan area.
- iv. Tier 4 must include at least 4 of the following elements:
- (a) meet or exceed requirements for one point plus 5 additional biophilic strategies for “Designing with Nature, Biophilic Design for the Indoor Environment” under [[LEED BD+C version 4.1]]

the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended;

(b) enhanced green roof with a minimum coverage of 60% of the roof area and a minimum 6 inches in depth;

(c) meet or exceed requirements for one point for “Bird Collision Deterrence” under [[LEED BD+C version 4.1]] the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended;

(d) pervious pavement for 50% of all hard paved surfaces onsite;

(e) retain 50% or more DBH of existing trees onsite that have a DBH between 3 and 24 inches with an adequate soil volume; or

(f) adaptively reuse greater than 100,000 square feet of existing floor area from an existing building onsite or within the master plan area.

B. Local Needs from Applicable Master Plans

Local needs are public benefits that are intended to implement critical local needs identified through master, sector, or functional plans.

1. Infrastructure for Compact Growth

Public benefits in this category are intended to deliver public facilities that enhance connectivity by creating an infrastructure framework supportive of compact growth. Projects may include, but are not limited to, new streets, new

or upgraded sidewalks, bicycle facilities, transit access, streetscapes, seating, tree canopy, and lighting.

a. Offsite Improvements

A development application that provides needed linear infrastructure improvements in an existing public right-of-way that are not part of an application's required frontage improvements is eligible for incentive density.

i. Tier 1 must provide at least one of the following:

(a) offsite streetscape improvements greater than 2,000 square feet, or with an estimated cost greater than or equal to \$100,000 but less than \$300,000, that are consistent with County guidelines or master plan recommendations, or;

(b) contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area.

ii. Tier 2 must provide at least one of the following:

(a) offsite streetscape improvements greater than 4,000 square feet, or with an estimated cost greater than or equal to \$300,000 but less than \$500,000, that are consistent with County guidelines or master plan recommendations;

(b) construct offsite bikeways greater than 1,000 linear feet, or with an estimated cost greater than or equal to \$300,000 but less than \$500,000, consistent with the applicable master plan; or

(c) contribute a minimum of \$1.00 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area.

iii. Tier 3 must provide at least one of the following:

(a) offsite streetscape improvements greater than 5,000 square feet, or with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000, that are consistent with County guidelines or master plan recommendations;

(b) construct offsite bikeways greater than 1,800 linear feet, or with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000, that are consistent with the applicable master plan;

(c) contribute a minimum \$2.00 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area; or

(d) construct or upgrade an offsite stormwater management facility with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000.

iv. Tier 4 must provide an offsite major transportation improvement, a major improvement or reinforcement to runoff conveyance or storage, or a stormwater treatment facility [[that is recommended in a master plan,]] with an estimated cost greater than \$1,000,000. This Tier 4

improvement must be recommended in the relevant master plan.

b. Public Facilities

A development application that provides space for, or constructs, Public Facilities such as bus stops, bus stations, bicycle parking and storage, utility boxes, public parking, and major facilities such as police or fire stations is eligible for incentive density. Public Facilities such as libraries, community centers, or park spaces are covered under Section 59.4.7.3.B.2. Public Facilities are often identified and prioritized by applicable master plans.

i. Tier 1 must provide at least one of the following:

(a) dedicate land or construct a public facility such as a bus stop, BRT station, or bicycle parking, with an estimated cost greater than or equal to \$100,000 but less than \$300,000;

(b) underground or locate within a building existing electric transformers and other utility boxes located along a site frontage with an estimated cost greater than or equal to \$100,000 but less than \$300,000; or

(c) contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development application to an identified county CIP project within the same master plan area.

ii. Tier 2 must provide at least one of the following:

(a) dedicate land or construct a public facility such as a bus stop, BRT station, or bicycle parking, with an

estimated cost greater than or equal to \$300,000 but less than \$500,000;

- (b) underground, or locate within a building, existing electric transformers and other utility boxes located along a site frontage with an estimated cost greater than or equal to \$300,000 but less than \$500,000; or
- (c) contribute a minimum of \$1.00 per square foot of gross floor area proposed within a development application to an identified county CIP project within the same master plan area.

iii. Tier 3 must provide at least one of the following:

- (a) dedicate land or construct a public facility such as a BRT station, or enhance an existing light rail or metro rail station with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000;
- (b) underground existing overhead utilities along a site frontage, or another location offsite within the master plan area, with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000; or
- (c) contribute a minimum of \$2.00 per square foot of gross floor area proposed within a development application to an identified county CIP project within the same master plan area.

iv. Tier 4 must provide at least one of the following:

- (a) dedicate land and fully construct a major public facility such as a police or fire station, or a public

parking garage, with an estimated cost greater than \$1,000,000; or

- (b) underground all existing overhead utilities along a site frontage, or another location offsite within the master plan area, with an estimated cost greater than \$1,000,000.

c. Street Grid and Multi-Modal Extensions

A development application that enhances the transportation network by completing missing sections of master planned transportation infrastructure or enhancing the quality of the area transportation network by providing new bike and pedestrian connections or reducing the number of curb cuts into rights-of-way is eligible for incentive density.

i. Tier 1 must provide at least one of the following:

- (a) construct a publicly accessible trail greater than 2,500 linear feet but less than 3,500 linear feet in length or with an estimated cost greater than or equal to \$100,000 but less than \$300,000;
- (b) contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development application to a CIP project within the master plan area; or
- (c) for redevelopment applications, reduce the number of existing curb cuts by 50%.

ii. Tier 2 must provide at least one of the following:

- (a) construct a publicly accessible trail greater than or equal to 3,500 linear feet but less than 6,000 linear

- 1162 feet in length or with an estimated cost greater than
 1163 or equal to \$300,000 but less than \$500,000;
- 1164 (b) contribute a minimum of \$1.00 per square foot of
 1165 gross floor area proposed within a development
 1166 application to a CIP project within the master plan
 1167 area; or
- 1168 (c) build at least one new through street that bisects an
 1169 existing block as recommended by an applicable
 1170 master plan or meets the intersection spacing
 1171 standards in Chapter 50 of the County Code. The
 1172 street must meet the preferred standards of the
 1173 Complete Streets Design Guide.
- 1174 iii. Tier 3 must provide at least one of the following:
- 1175 (a) construct a publicly accessible trail greater than or
 1176 equal to 6,000 linear feet in length or with an
 1177 estimated cost greater than or equal to \$500,000 but
 1178 less than \$1,000,000; or
- 1179 (b) design a development site providing at least 2 new
 1180 street connections, or future street connections such
 1181 as a stub road, with an adjacent property as
 1182 recommended by an applicable master plan or
 1183 meeting the intersection spacing standards in
 1184 Chapter 50 of the County Code. The streets must
 1185 meet the preferred design standards of the Complete
 1186 Streets Design Guide.
- 1187 iv. Tier 4 must construct a transportation connection
 1188 identified by a master plan over an environmentally

sensitive area or across a major arterial highway that will contribute to the bike, pedestrian, or transit network in the area with an estimated cost greater than \$1,000,000.

2. Complete Community Amenities

Public benefits within this section are intended to further the creation of complete communities where residents can easily access services and amenities to fulfill their daily needs.

a. Art and Placemaking

A development application that installs public art, provides accessible programming in open spaces, or promotes the arts through providing affordable housing, workspaces, and gallery space for the arts and theater is eligible for incentive density. Contributions for art or placemaking may be received by the Public Arts Trust Steering Committee (PATSC), an urban district, a business improvement district, an arts and entertainment district, or a Regional Services Center.

i. Tier 1 must provide at least one of the following:

- (a) provide artistic elements or treatments to the façade of buildings or parking garages, or freestanding within the streetscape that enhances the public realm;**
- (b) provide, at least monthly, recurring and publicly accessible programming in an open space for a minimum of 12 months of operation; or**
- (c) contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development**

application for the purpose of providing and maintaining public art.

ii. Tier 2 must provide at least one of the following:

(a) install public art approved by the Art Review Panel, or partner with an Urban District, public agency, arts nonprofit, or Regional Services Center to install public art facing or accessible to the public;

(b) provide, at least monthly, recurring and publicly accessible programming in an open space for a minimum of 36 months; or

(c) contribute a minimum of \$1.00 per square foot of gross floor for the purpose of providing and maintaining public art.

iii. Tier 3 must provide at least one of the following:

(a) at least 5% of all units in a development application are restricted to artist housing, or as live/work units for artists earning 70% or less AML, in addition to any required MPDUs; or

(b) contribute a minimum of \$2.00 per square foot of gross floor area proposed within a development application for the purpose of providing and maintaining public art.

iv. Tier 4 must provide a major public artist space such as a community theater, an art gallery, or a performance venue at least 20,000 square feet in size either onsite or within the same master plan area.

b. Neighborhood Services and Mixed Use

A development application that includes retail space or other non-residential space such as publicly usable community rooms or large facilities such as libraries or recreation centers is eligible for incentive density.

i. Tier 1 must provide at least one bay that is a minimum of 2,000 square feet for neighborhood serving uses, as defined by the Implementation Guidelines, and directly accessible from a street or public open space.

ii. Tier 2 must provide at least 3 bays that total a minimum of 10,000 square feet for neighborhood serving uses, as defined by the Implementation Guidelines, that are directly accessible from a street or public open space.

iii. Tier 3 must provide a publicly usable space for a conference, event, or meeting, or space for neighborhood serving uses as defined by the Implementation Guidelines, that is a minimum of 15,000 square feet, either onsite or within the master plan area.

iv. Tier 4 must provide a major public facility such as a recreation center, library, or educational facility, at least 20,000 square feet in size, either onsite or within the master plan area.

c. Great Public Realm

A development application that provides publicly-owned, or privately-owned and publicly accessible, open spaces designed and maintained to a higher design and usability quality than required by code is eligible for incentive density. Amenities may be provided onsite or within the applicable master plan area.

- i. Tier 1 must provide at least one of the following:
- (a) intergenerational amenities and inclusive design features over at least 0.25 acres of the required onsite public open space with an estimated cost greater than or equal to \$100,000 but less than \$300,000;
 - (b) improve an existing park or privately-owned public open space with intergenerational amenities and inclusive design features over at least 0.25 acres with an estimated cost greater than or equal to \$100,000 but less than \$300,000; or
 - (c) contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development application for creating or improving public spaces as recommended by an applicable master plan.
- ii. Tier 2 must provide at least one of the following:
- (a) exceed the minimum required public open space for a development application by 50%, and include a privately-owned publicly accessible open space, or a dedicated, constructed, and conveyed park facility that is a minimum 0.25 acre Neighborhood Green as described in the Energized Public Spaces Design Guidelines; or
 - (b) contribute a minimum of \$1.00 per square foot of gross floor area proposed within a development application for creating or improving public spaces as recommended by an applicable master plan.

- 1296 iii. Tier 3 must provide at least one of the following:
- 1297 (a) provide a privately-owned publicly accessible open
- 1298 space, or a dedicated, constructed, and conveyed
- 1299 park facility that is a minimum 1.5-acre Civic
- 1300 Green/Plaza as described in the Energized Public
- 1301 Spaces Design Guidelines; or
- 1302 (b) contribute a minimum of \$2.00 per square foot of
- 1303 gross floor area proposed within a development
- 1304 application for creating or improving public spaces
- 1305 as recommended by an applicable master plan.
- 1306 iv. Tier 4 must provide a privately-owned publicly accessible
- 1307 open space, or a publicly dedicated, constructed, and
- 1308 conveyed park facility that is a minimum 3-acre Urban
- 1309 Recreational Park, as described in the Energized Public
- 1310 Spaces Design Guidelines.

1311 **d. Design Excellence**

1312 A development application that is designed to improve human health

1313 and well-being or achieving WELL Core certification is eligible for

1314 incentive density.

- 1315 i. Tier 1 must provide at least one of the following:
- 1316 (a) substantially conform to any master plan design
- 1317 guidelines and implement at least 3 strategies from
- 1318 the Design Excellence list; or
- 1319 (b) achieve WELL Core Bronze certification.
- 1320 ii. Tier 2 must provide at least one of the following:

- (a) substantially conform to any master plan design guidelines and implement at least 5 strategies from the Design Excellence list; or
- (b) achieve WELL Core Silver certification.
- iii. Tier 3 must provide at least one of the following:
 - (a) substantially conform to any master plan design guidelines and implement at least 7 strategies from the Design Excellence list; or
 - (b) achieve WELL Core Gold certification.
- iv. Tier 4 must provide at least one of the following:
 - (a) substantially conform to design guidelines and implement at least 9 strategies from the Design Excellence list;
 - (b) achieve WELL Core Platinum certification; or
 - (c) achieve Living Building Challenge certification.

Sec. 5. DIVISION 59-5.3 is amended as follows:

* * *

Division 5.3. Commercial/Residential Floating Zones

* * *

Section 5.3.5 Development Standards

* * *

E. Public Benefits

1. Public Benefits Required

- a. [Development above the greater of 1.0 FAR or 10,000 square feet of gross floor area in the CRTF zone requires public benefits.

b] Development above the greater of 0.5 FAR or 10,000 square feet of gross floor area in the CRTF and CRF [[zone requires]] zones require public benefits.

[c]b. When public benefits are required by development in the Commercial/Residential Floating zones, a sketch plan must be submitted under Section 7.3.3.

2. Public Benefit Points and Categories Required

a. Public benefits under Division 4.7 must be provided according to [zone and tract size or maximum total] mapped FAR[,] and requested incentive density.[, whichever requires more public benefit points:]

[Zone]	[Tract Size OR Max Total FAR]	[Public Benefit Points (min)]	[Number of Benefit Categories (min)]
[CRTF]	[< 10,000 SF OR < 1.5 max FAR]	[25]	[2]
	[≥ 10,000 SF OR ≥ 1.5 max FAR]	[50]	[3]
[CRF]	[< 10,000 SF OR < 1.5 max FAR]	[50]	[3]
	[≥ 10,000 SF OR ≥ 1.5 max FAR]	[100]	[4]

b. In the CRF zone, the purchase of BLTs is required under Section [4.7.3.F.1.a.] 4.5.4.A.2.b.

Sec. 6. DIVISION 59-5.4 is amended as follows:

* * *

Division 5.4. Employment Floating Zones

* * *

Section 5.4.5 Development Standards

* * *

D. General Requirements

1. Parking, recreation facilities, screening, and landscaping must be provided under Article 59-6 as required for the Euclidean zone that establishes uses under Section 5.4.3.
2. [Open Space
 - a. If public benefits are not required under Section 5.4.4.E, open] Open space must be provided under Section 4.6.3 [(for standard method)] as required for the Euclidean zone that establishes uses under Section 5.4.3.
 - [b. If public benefits are required under Section 5.4.4.E, open space must be provided under Section 4.6.4.B.1 (for optional method) as required for the Euclidean zone that establishes uses under Section 5.4.3.]
3. The floating zone plan may provide for additional parking, open space, recreation facilities, screening, or landscaping, or further restrict lighting to allow the District Council to make the necessary findings of approval under Section 7.2.1.

[E. Public Benefits]**[1. Public Benefits Required**

- a. Development above the greater of 1.0 FAR or 10,000 square feet of gross floor area in the EOFF zone requires public benefits.
- b. Development above the greater of 0.5 FAR or 10,000 square feet of gross floor area in the LSCF zone requires public benefits.
- c. When public benefits are required by development in the Employment Floating zones, a sketch plan must be submitted under Section 7.3.3.]

[2. Public Benefit Points and Categories Required

- a. Public benefits under Division 4.7 must be provided according to zone and tract size or maximum total mapped FAR, whichever requires more public benefit points:]

[Zone]	[Tract Size OR Max Total FAR]	[Public Benefit Points (min)]	[Number of Benefit Categories (min)]
[LSCF]	[< 10,000 SF OR < 1.5 max FAR]	[15]	[1]
	[≥ 10,000 SF OR ≥ 1.5 max FAR]	[30]	[2]
[EOFF]	[< 10,000 SF OR < 1.5 max FAR]	[30]	[2]
	[≥ 10,000 SF OR ≥ 1.5 max FAR]	[60]	[3]

- [b. In the LSCF zone, the purchase of BLTs is required under Section 4.7.3.F.1.b.]

* * *

Sec. 7. DIVISION 59-8.1 is amended as follows:

Division 8.1. In General

Section 8.1.1. Applicability

The zones in Article 59-8, Sections 8.1 through 8.3, were applied by Local Map Amendment before this Zoning Ordinance was adopted. These zones may appear on the digital zoning map, but they cannot be requested by any property owner under a Local Map Amendment or confirmed or applied to any property under a Sectional Map Amendment adopted after October 30, 2014. Section 8.4, Optional Method Public Benefits, is the Public Benefit system in effect prior to January 1 2026 for optional method development projects in the Commercial/Residential and Employment zones.

* * *

Sec. 8. DIVISION 59-8.4 is added as follows:

Division 8.4. Optional Method Public Benefits

Section 8.4.1. 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;

f. Protection and Enhancement of the Natural Environment; and

g. Building Reuse.

2. The individual public benefits that may be accepted in each of these categories in each zone are in Section 8.4.3.

B. General Public Benefit Considerations

Except for providing MPDUs exceeding 12.5% of a project's dwelling units, 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 Commercial/Residential and Employment 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 Division 8.4;
2. be in addition to any standards, requirements, or rules of incentive density calculation included in Division 8.4, but must not conflict with those provisions; and
3. allow incentive FAR only for those public benefits listed in Section 8.4.3.

Section 8.4.2. 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
2. Minimum Parking
3. Neighborhood Services
4. Public Parking
5. Through-Block Connection
6. Transit Access Improvement
7. Streetscape Improvement
8. Trip Mitigation
9. Way Finding

D. Diversity of Uses and Activities

- 1466 1. Adaptive Buildings
- 1467 2. Care Centers
- 1468 3. Dwelling Unit Mix
- 1469 4. Enhanced Accessibility for the Disabled
- 1470 5. Live/Work
- 1471 6. Moderately Priced Dwelling Units
- 1472 7. Small Business Opportunity

1473 **E. Quality Building and Site Design**

- 1474 1. Architectural Elevations
- 1475 2. Exceptional Design
- 1476 3. Historic Resource Protection
- 1477 4. Public Art
- 1478 5. Public Open Space
- 1479 6. Structured Parking
- 1480 7. Tower Step-Back

1481 **F. Protection and Enhancement of the Natural Environment**

- 1482 1. Building Lot Terminations
- 1483 2. Cool Roof
- 1484 3. Energy Conservation and Generation
- 1485 4. Habitat Preservation and Restoration
- 1486 5. Recycling Facility Plan
- 1487 6. Transferable Development Rights
- 1488 7. Tree Canopy
- 1489 8. Vegetated Area
- 1490 9. Vegetated Roof
- 1491 10. Vegetated Wall

1492 **G. Building Reuse**

Section 8.4.3. 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. If a major public facility is recommended for a property in a master plan, an applicant for a sketch plan and site plan on that property must provide the major public facility unless the Planning Board finds that the facility:
 - a. is infeasible;
 - b. would not be accepted by the government department or agency responsible for operating the facility; or
 - c. is no longer in the public interest.
3. If 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.
4. Due to their significance in placemaking, the Planning Board may approve incentive FAR for:

- a. the conveyance of a site or floor area for a major public facility;
- b. the construction of a major public facility; or
- c. 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.

5. Up to the following number of points may be awarded if the requirements of Section 8.4.4.A 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. Public benefit points can only be granted for one transit stop.

- 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 1/4 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 2 proximity ranges, the entire project may take the points for the closer range; or
 - 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.

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

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 zone, and 30 points in the CRT and 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 fewer than the maximum allowed number of parking spaces, where a maximum is applicable.
3. **Neighborhood Services:** When fewer than 10 different basic services exist within 1/4 mile, up to 15 points for providing retail bays appropriate for at least 10 different basic services on-site or within 1/4 mile, of which at least 4 have a maximum retail bay floor area of 5,000 square feet.
4. **Public Parking:** Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
5. **Through-Block Connections:** Up to 20 points for safe and attractive pedestrian connections between streets.
6. **Transit Access Improvement:** Up to 20 points for constructing new or improving existing transit access.
7. **Streetscape Improvement:** Up to 20 points for construction of off-site improvements, excluding any streetscape improvements otherwise required.
8. **Trip Mitigation:** Up to 20 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other

regulatory requirement; the agreement must result in a reduction of at least 50% for trips attributable to the site.

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

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

- 2. Care Centers:** Up to 20 points for constructing a child, teen, or adult day care facility accommodating at least 15 users that satisfies State standards.

- 3. Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential market-rate unit types with at least 7.5% efficiency units, 8% one- and 2-bedroom units, and 5% three- or more bedroom units; the proportional number of MPDUs for each unit type must satisfy Chapter 25A.

- 4. 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.

5. Live/Work: Up to 15 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.

6. 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 as required under Chapter 25A. Points are calculated as follows:

- a. 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.
- b. An additional 2 points are granted for every 1% of 2-bedroom MPDUs not otherwise required.
- c. An additional 5 points are granted for every 1% of 3-bedroom MPDUs.
- d. For 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.
- e. For a project providing a minimum of 15% MPDUs, one less benefit category than is required under Section 4.5.4.A.2 and Section 4.6.4.A.2 must be satisfied. A project that provides a minimum of 20% MPDUs does not have to satisfy any other benefit category under Section 4.5.4.A.2 and Section 4.6.4.A.2.

7. 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, facade 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, 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. 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 listed in Section 8.4.4.E.
- 3. 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.
- 4. Public Open Space:** Up to 20 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone.
- 5. Public Art:** Up to 15 points for installing public art reviewed for comment by the Art Review Panel under The Public Art Guidelines

approved by the Planning Board, or for paying a fee accepted by the Public Arts Trust Steering Committee.

6. Structured Parking: Up to 20 points for placing parking in an above or below grade parking structure.

7. Tower Step-Back: Up to 10 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor 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) 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. 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, nonresidential, 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. 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. Cool Roof: Up to 10 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

- 3. Energy Conservation and Generation:** Up to 15 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings. At least 15 points for providing renewable energy generation facilities on-site or within 1/2 mile of the site for a minimum of 2.5% of the projected energy requirement for the development.
- 4. 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.
- 5. Recycling Facility Plan:** Up to 10 points for providing a recycling facility plan to be approved as part of a site plan for buildings that satisfies Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.
- 6. Transferable Development Right:** For a property that is in a TDR Overlay zone, up to 20 points for the purchase of TDRs under Section 4.9.15.B. Every TDR purchased is worth one point.
- 7. Tree Canopy:** Up to 15 points for protecting tree canopy coverage with at least 15 years of growth per Trees Technical Manual approved by the Planning Board, as amended, on at least 25% of the on-site open space.
- 8. Vegetated Area:** Up to 10 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. This does not include vegetated roofs or stormwater management facilities.
- 9. Vegetated Roof:** Up to 15 points for installation of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building's roof, excluding space for mechanical equipment.

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

G. Building Reuse

Up to 100 points for reuse of an existing building that satisfies the following:

1. 75% of the structural system of the building must be retained; and
2. An architectural deconstruction company must be used to remove reusable and recyclable materials before any demolition.
3. Although up to 100 points may be obtained, public benefit category minimums must be met.

* * *

Sec. 9. Effective date. This ordinance becomes effective [[20 days after the date of District Council adoption]] on January 1, 2026.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read 'Sara', is positioned above a horizontal line.

Sara R. Tenenbaum
Clerk of the Council