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.

<u>Underlining</u> 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.

<u>Double underlining</u> 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:

I	Sec. 1. DIVISION 59-1.4 is amended as follows:
2	Division 1.4. Defined Terms
3	* * *
4	Section 1.4.2. Specific Terms and Phrases Defined
5	* * *
6	Impervious Surface: Any surface that prevents or significantly impedes the
7	infiltration of water into the underlying soil, including any structure, building, patio,
8	sidewalk, compacted gravel, pavement, asphalt, concrete, stone, brick, tile,
9	swimming pool, or artificial turf. Impervious surface also includes any area used by
10	or for motor vehicles or heavy commercial equipment regardless of surface type or
11	material, any road, driveway, or parking area.
12	Incentive Density: The difference in density between the maximum allowed under
13	the standard method of development and the mapped FAR.
14	Independent Living Facility for Seniors or Persons with Disabilities: See
15	Section 3.3.2.C.1.
16	* * *
17	Sec. 2. DIVISION 59-4.5 is amended as follows:
18	Division 4.5. Commercial/Residential Zones
19	* * *
20	Section 4.5.2. Density and Height Allocation
21	A. Density and Height Limits
22	* * *
23	2. Each CRN, CRT, and CR zone classification is followed by a number
24	and a sequence of 3 additional symbols: C, R, and H, each followed by
25	another number where:
26	* * *

With Planning Board approval, any Optional Method project in 27 e. a CR zone that includes the provision of a [major public facility 28 under Tier 4 public benefit under the Public Facility, Art and 29 Placemaking, or Neighborhood Services and Mixed Use 30 categories, as described in Section 4.7.3.A, may add the height 31 of any floor mostly used for above grade parking to the 32 33 maximum height otherwise allowed, when the [major public facility public benefit diminishes the ability of the applicant to 34 provide parking at or below grade. 35 36 **FAR Averaging** 37 В. * 38 Density may be averaged over 2 or more non-contiguous properties in 3. 39 one or more CRT or CR zones if: 40 41 the minimum public [benefit] benefits [points] required for any 42 c. requested incentive density under Section 4.5.4.A.2 must be 43 exceeded by at least 50%; and 44 45 Section 4.5.3. Standard Method Development 46 The CRN, CRT, and CR zones allow standard method development under the 47 following limitations and requirements. 48 In General 49 Α. 1. Commercial/Residential the zones. the maximum 50 total. nonresidential, and residential FAR and maximum height for any 51 property are set by the zone shown on the zoning map, unless additional 52 height and density is permitted under Section 4.5.2.C. 53

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[:].

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[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]

<u>3.</u> Any development application in process in the CRT zone on or before 60 January 1, 2026, including an approved or filed for approval of a sketch 61 plan, preliminary plan, site plan, conditional use, local map 62 amendment, record plat, or building permit, must be reviewed where 63 the maximum total standard method FAR is the greater of 1.0 FAR or 64 10,000 SF of gross floor area. The approval of any of these applications 65 or amendments under Section 4.5.3.A.3. must allow the applicant to 66 proceed through any other required application or step in the process 67 68 within the time allowed by law or plan approval, under the maximum total standard method FAR at the time of the original approval. 69

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Section 4.5.4. Optional Method Development

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

73 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;

97		<u>(c)</u>	a private BLT easement must be purchased in whole
98			units;
99		<u>(d)</u>	payments must be made to the ALPF based on the
100			amount established by Executive Regulations under
101			Chapter 2B. The payment amount must be updated
102			by the Office of Agriculture; and[[,]]
103		<u>(e)</u>	the ALPF may use collected payments to purchase
104			BLTs or TDRs.
105			* * *
106	Sec. 3. DIVISI	ON 59-4	.6 is amended as follows:
107	Division 4.6. Employ	ment Zo	ones
108	Section 4.6.1. Intent	Stateme	nts
109	A. In General		
110	The GR, NR, LSC, a	and EOF	zones permit nonresidential uses including office,
111	technology, and gene	ral com	mercial uses with limited residential use at varying
112	densities and heights	. The C	GR, NR, LSC, and EOF zones promote economic
113	diversity and job crea	ition in o	development patterns where people can work, learn,
114	and recreate. The appl	ication o	f the GR, NR, LSC, and EOF zones is appropriate for
115	targeting jobs and s	services	co-located near diverse housing options. In the
116	Employment zones, re	esidentia	l uses are generally limited to 30% of the total gross
117	floor area on the subje	ect site. T	The intent of the GR, NR, LSC, and EOF zones is to:
118			* * *
119	3. provide 6	employm	ent areas with supporting residential and retail uses;
120	<u>and</u>		
121	4. allow a fl	exible m	ix of uses, densities, and building heights appropriate
122	to variou	s setting	s to ensure compatible relationships with adjoining
123	neighbor	hoods[; a	and] <u>.</u>

124		[5.	estab	olish minimum requirements for the provision of public benefits.]
125				* * *
126	Sect	ion 4.6	5.2. De	nsity and Height Allocation
127				* * *
128	B.	FAR	Aver:	aging
129		1.	Only	standard method development projects that require site plan
130			appro	oval [or optional method development projects] can average FAR
131			betw	een properties.
132		2.	FAR	may be averaged over 2 or more directly abutting or confronting
133			prop	erties in one or more Employment zones if:
134			a.	the properties are under the same site plan[, sketch plan,] or
135				Biohealth Priority Campus plan.[; however] However, if a
136				[sketch plan or] Biohealth Priority Campus plan is required,
137				density averaging must be shown on the [applicable] plan;
138			b.	the resulting properties are created by the same preliminary
139				subdivision plan or satisfy a phasing plan established by an
140				approved [sketch plan or] Biohealth Priority Campus plan;
141			c.	the maximum total, nonresidential, and residential FAR limits
142				apply to the entire development, not to individual properties; and
143			d.	the total allowed maximum density on a resulting property that
144				is abutting or confronting a property in an Agricultural, Rural
145				Residential, or Residential Detached zone that is vacant or
146				improved with an agricultural or residential use does not exceed
147				that allowed by the property's zone[; and].
148			[e.	public benefits are required to be provided under the phasing
149				element of an approved sketch plan or Biohealth Priority Campus
150				plan.]

151	3.	Density may be averaged over 2 or more non-contiguous properties in		
152		one or more LSC or EOF zones if:		
153		a. each provision under Section 4.6.2.B.2 is satisfied;		
154		b. the properties are within 1/4 mile of each other or in a designated		
155		master-planned density transfer area or part of an expedited		
156		approval plan; and		
157		c. [the minimum public benefit points required under		
158		Section 4.6.4.A.2 are exceeded by at least 50%; and		
159		d.] the applicable master plan does not specifically prohibit the		
160		averaging of density between non-contiguous properties.		
161		* * *		
162	E. Devel	lopment of Certain Biohealth Uses		
163	Additional 1	height may be approved for any application in the LSC or EOF zone		
164	where the	primary use is Research and Development under Section 3.5.8 or		
165	Medical/Sci	entific Manufacturing and Production under Section 3.6.4.D if:		
166	<u>1.</u>	the development site is located within a red policy area or opportunity		
167		zone, including contiguous properties separated from the red policy		
168		area or opportunity zone only by a public right-of-way, or within ½ mile		
169		of a planned or existing Bus Rapid Transit route;		
170	<u>2.</u>	the development site fronts on a street classified as an Area Connector		
171		or higher classification; and		
172	<u>3.</u>	the development site does not abut or confront a property in an		
173		Agricultural, Rural Residential, Residential Detached, or Residential		
174		Townhouse zone that is vacant or improved with an agricultural or		
175		residential use.		

176 Section 4.6.3. Standard Method Development

177 The GR, NR, LSC, and EOF zones allow standard method development under the

following limitations and requirements.

A. In General

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- [1. In the GR and NR zone, the] <u>The</u> 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. <u>In the GR and NR Zones, [Site] site plan approval may be required</u> under Section 7.3.4.A.8.
- 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.

197 [Section 4.6.4. Optional Method Development]

198 [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			
		Front	ages	_
	[1]	[2]	[3]	[4 or more]
	[% of Site	Required to be I	Dedicated for O	pen Space]
$[\leq 0.50 \text{ acres}]$	[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.

241	d.	In the	e LSC zone:
242		i.	For tracts larger than 5 acres:
243			(a) A minimum of 40% of the gross floor area proposed
244			must be for Life Sciences and related uses. The
245			proposed gross floor area used for the purpose of
246			calculating the minimum percentage of Life
247			Sciences uses excludes educational facilities.
248			(b) A maximum of 10% of the gross floor area proposed
249			may be used for Retail/Service Establishment;
250			however, a maximum of 15% of the gross floor area
251			proposed may be used for a Retail/Service
252			Establishment if the Planning Board finds unique
253			circumstances and the development would be
254			enhanced by additional retail activity.
255		ii.	Gross floor area of all Household Living uses is limited to
256			30% of the maximum allowed FAR mapped on the subject
257			site.
258		iii.	Any area used exclusively for mechanical equipment is
259			excluded from the maximum density calculation, and any
260			area excluded from this calculation that exceeds the FAR
261			of the zone must be used only for purpose. The total area
262			of any partial floors or stories excluded from the maximum
263			density calculation is limited to the gross floor area of any
264			full floor of the building.]
265	[3. Place	cement	
266	Setbacks	for prii	ncipal buildings, accessory structures, and parking are
267	established	d by the	site plan approval process.]

268	[4.	Form	
269	Form	standards a	re established by the site plan approval process and must
270	addre	ss, at a mini	mum, transparency, blank walls, and active entrances.]
271	[5.	Developme	ent of Certain Biohealth Uses
272		a. Addi	tional height is permitted for any application in the LSC or
273		EOF	zone where the primary use is Research and Development
274		unde	r Section 3.5.8 or Medical/Scientific Manufacturing and
275		Prod	uction under Section 3.6.4.D, if:
276		i.	the development site is located within a red policy area or
277			opportunity zone, including contiguous properties
278			separated from the red policy area or opportunity zone
279			only by a public right-of-way; or within ½ mile of a
280			planned or existing Bus Rapid Transit route including the
281			Corridor Cities Transitway;
282		ii.	the development site fronts on a street classified as an Area
283			Connector or higher classification;
284		iii.	the development site does not abut or confront a property
285			in an Agricultural, Rural Residential, Residential
286			Detached, or Residential Townhouse zone that is vacant or
287			improved with an agricultural or residential use; and
288		iv.	the application achieves public benefit points for
289			Adaptive Buildings under Sec. 4.7.3.D.1.]
290			* * *
291	Sec. 4	. DIVISIO	N 59-4.7 is amended as follows:
292	[Division 4.	7. Optional	Method Public Benefits]
293	[Section 4.7	'.1. General	Provisions]
294	[A. Publi	c Benefit C:	ategories

1. Public benefits must be provided that enhance or contribute to the 295 objectives of the zone among the following categories: 296 Major Public Facilities; 297 a. Transit Proximity; 298 b. Connectivity and Mobility; 299 c. Diversity of Uses and Activities; d. 300 301 e. Quality Building and Site Design; f. Protection and Enhancement of the Natural Environment; and 302 Building Reuse. 303 g. 2. The individual public benefits that may be accepted in each of these 304 categories in each zone are in Section 4.7.2.] 305 306 B. **General Public Benefit Considerations** Except for providing MPDUs exceeding 12.5% of a project's dwelling units, 307 granting points as a public benefit for any amenity or project feature otherwise 308 309 required by law is prohibited. In approving any incentive FAR based on the provision of public benefits, the Planning Board must consider: 310 1. the recommendations and objectives of the applicable master plan; 311 2. the Commercial/Residential and Employment Zone Incentive Density 312 Implementation Guidelines; 313 3. any design guidelines adopted for the applicable master plan area; 314 4. the size and configuration of the site; 315 5. the relationship of the site to adjacent properties; 316 317 6. the presence or lack of similar public benefits nearby; and enhancements beyond the elements listed in an individual public 7. 318 benefit that increase public access to, or enjoyment of, the benefit. 319 IC. **Public Benefit Implementation Guidelines** 320

- 321 The Planning Board must adopt, publish, and maintain guidelines that detail the
- 322 standards and requirements for public benefits. The guidelines must:
- 323 1. be consistent with the objectives of Division 4.7;
- 324 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
- 326 provisions; and
- 3. allow incentive FAR only for those public benefits listed in
- 328 Section 4.7.3.]
- 329 **[Section 4.7.2. Public Benefit Overview**
- The Planning Board must determine the public benefit points under optional method
- development from the following categories:]
- 332 [A. Major Public Facility]
- 333 [B. Transit Proximity]
- 334 [C. Connectivity and Mobility
- 335 1. Advance Dedication
- 336 2. Minimum Parking
- 3. Neighborhood Services
- 338 4. Public Parking
- 339 5. Through-Block Connection
- 340 6. Transit Access Improvement
- 341 7. Streetscape Improvement
- 342 8. Trip Mitigation
- 343 9. Way Finding]
- 344 [D. Diversity of Uses and Activities
- 345 1. Adaptive Buildings
- 346 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.	Qual	ity 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.	Prote	ection 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 .	Build	ling Reuse]
372	[Sect	ion 4.7	7.3. Public Benefit Descriptions and Criteria]
373	[A.	Majo	or 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

400			c.	makı	ng a partial or full payment for a major public facility that
401				is acc	cepted for use or operation by an appropriate public agency,
402				com	nunity association, or nonprofit organization.
403		5.	Up	to the	following number of points may be awarded if the
404			requi	iremen	ts of Section 4.7.3.A are met:
405			a.	20 pc	oints in an LSC zone;
406			b.	40 pc	oints in an EOF or CRT zone; and
407			c.	70 pc	oints in a CR zone.]
408	[B.	Trai	nsit Pr	oximit	\mathbf{y}
409		1.	Tran	sit pro	ximity points are granted for proximity to existing or master
410			planı	ned tra	nsit stops based on transit service level and CRT, CR, LSC,
411			and I	EOF zo	nes. Public benefit points can only be granted for one transit
412			stop.		
413			a.	Trans	sit proximity is categorized in 3 levels:
414				i.	Level 1 is proximity to an existing or master planned
415					Metrorail Station.
416				ii.	Level 2 is proximity to an existing or master planned
417					station or stop along a rail or bus line with a dedicated,
418					fixed path; this excludes a site that is within one mile of an
419					existing or master planned MARC station.
420				iii.	Level 3 is proximity to an existing or master planned
421					MARC station.
422				All d	istances for transit proximity are measured from the nearest
423				trans	it station entrance or bus stop entrance.
424			b.	A pro	oject is abutting or confronting a transit station or stop if it
425				share	es a property line or easement line, or is separated only by a
426				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.]

	_	outting nfront	,	[Within 1/4 Mile]			[Between 1/4 and 1/2 Mile]			[Between 1/2 and 1 Mile]		
[Transit												
Service	r11	[2]	[2]	f11	[2]	[2]	111	[2]	[2]	f11	[2]	[2]
Level	[1]	[2]	[3]	[1]	[2]	[3]	[1]	[2]	[3]	[1]	[2]	[3]
Proximity]												
[LSC]	[10]	[5]	[2.5]	[8]	[4]	[0]	[6]	[2]	[0]	[4]	[0]	[0]
[EOF or	[25]	[15]	[5]	[20]	[12.5]	[2.5]	[15]	[10]	[0]	[10]	[7.5]	[0]
CRTJ	[23]	[13]	[5]	[20]	[12.3]	[2.3]	[13]	[10]	[V]	[10]	[7.3]	[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

445		providing a reservation for dedication for master-planned rights-of-way
446		in advance of a preliminary or site plan application.
447	2.	Minimum Parking: Up to 10 points for providing fewer than the
448		maximum allowed number of parking spaces, where a maximum is
449		applicable.
450	3.	Neighborhood Services: When fewer than 10 different basic services
451		exist within 1/4 mile, up to 15 points for providing retail bays
452		appropriate for at least 10 different basic services on-site or within 1/4
453		mile, of which at least 4 have a maximum retail bay floor area of 5,000
454		square feet.
455	4.	Public Parking: Up to 25 points for providing up to the maximum
456		number of parking spaces allowed in the zone as public parking.
457	5.	Through-Block Connections: Up to 20 points for safe and attractive
458		pedestrian connections between streets.
459	6.	Transit Access Improvement: Up to 20 points for constructing new
460		or improving existing transit access.
461	7.	Streetscape Improvement: Up to 20 points for construction of off-site
462		improvements, excluding any streetscape improvements otherwise
463		required.
464	8.	Trip Mitigation: Up to 20 points for entering into a binding Traffic
465		Mitigation Agreement to reduce the number of weekday morning and
466		evening peak hour trips attributable to the site in excess of any other
467		regulatory requirement; the agreement must result in a reduction of at
468		least 50% for trips attributable to the site.
469	9.	Way-Finding: Up to 10 points for design and implementation of a

spaces, cultural facilities and transit opportunities.]

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way-finding system orienting pedestrians and cyclists to major open

[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.

498	6.	Moderately Priced Dwelling Units: There is no limitation on the
499		number of points for providing more than 12.5% of the residential units
500		as MPDUs as required under Chapter 25A.
501		Points are calculated as follows:
502		a. 12 points are granted for every 1% of MPDUs greater than
503		12.5%. Any fraction of 1% increase in MPDUs entitles the
504		applicant to an equal fraction of 12 points.
505		b. An additional 2 points are granted for every 1% of 2-bedroom
506		MPDUs not otherwise required.
507		c. An additional 5 points are granted for every 1% of 3-bedroom
508		MPDUs.
509		d. In any case, for points to be awarded, at least one more MPDU
510		than would be required at 12.5% must be provided to take
511		advantage of the MPDU public benefit points in any zone.
512		e. For a project providing a minimum of 15% MPDUs, one less
513		benefit category than is required under Section 4.5.4.A.2 and
514		Section 4.6.4.A.2 must be satisfied. A project that provides a
515		minimum of 20% MPDUs does not have to satisfy any other
516		benefit category under Section 4.5.4.A.2 and Section 4.6.4.A.2.]
517	[7.	Small Business Opportunities: Up to 20 points for providing on-site
518		space for small, neighborhood-oriented businesses.]
519	[E. Qual	ty Building and Site Design
520	High quality	design is especially important in urban, integrated-use settings to ensure
521	that building	gs and uses are visually compatible with each other and adjacent
522	communitie	and to provide a harmonious pattern of development. Due to increased
523	density in the	ese settings, buildings tend to be highly visible and high quality design
524	helps attrac	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

577				foota	ge of incentive density must be made for at
578				least	the fraction of the BLT easement.
579		ii.	Up to	25 pc	oints for the purchase of BLTs or equivalent
580			paym	ents to	the ALPF may be made for any incentive
581			densi	ty abo	eve 7.5%. Each BLT easement purchase or
582			paym	ent is	equivalent to 9 points, or such proportionate
583			points	s repr	esented by a fractional BLT purchase or
584			paym	ent.	
585	b.	In the	LSC	zone:	
586		i.	An a	pplica	nt must purchase BLT easements, or make
587			paym	ents to	the ALPF, in an amount equal to 50% of the
588			incen	tive de	ensity under the following parameters:
589			(a)	For a	any floor area above 0.50 FAR, one BLT,
590				equiv	alent to 9 points, must be purchased or an
591				equiv	alent payment made for:
592				(1)	each 31,500 square feet of floor area of
593					residential, nonresidential, and Life Sciences
594					between 0% and 40% of the project's floor
595					area; and
596				(2)	each 60,000 square feet of Life Sciences
597					between 40% and 50% of the project's floor
598					area.
599			(b)	Any 1	private BLT easement must be purchased in a
600				whole	e unit; or
601			(c)	BLT	payments must be made to the ALPF, based on
602				the a	mount established by Executive Regulations
603				under	Chapter 2B; if a fraction of a BLT easement

604		is needed, a payment based on the gross square
605		footage of incentive density must be made for at
606		least the fraction of the BLT easement.
607		ii. Floor area restricted to the following uses is subtracted
608		from the total density before calculating the required
609		BLTs:
610		(a) workforce housing units;
611		(b) MPDUs;
612		(c) Hospitals, including the Hospital's accessory uses,
613		other than medical office buildings;
614		(d) educational facilities for non-life sciences; and
615		(e) Life Sciences in excess of 50% of the project's total
616		floor area.
617		c. In the CRT and EOF zones, BLT payments are optional; each
618		BLT easement purchase or payment is equal to 9 points, or such
619		proportionate points represented by a fractional BLT purchase or
620		payment.
621	2.	Cool Roof: Up to 10 points for constructing any roof area that is not
622		covered by a vegetated roof with a minimum solar reflectance index
623		(SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a
624		minimum SRI of 25 for slopes above 2:12.
625	3.	Energy Conservation and Generation: Up to 15 points for
626		constructing buildings that exceed the energy-efficiency standards for
627		the building type by 17.5% for new buildings or 10% for existing
628		buildings. At least 15 points for providing renewable energy generation
629		facilities on-site or within 1/2 mile of the site for a minimum of 2.5%
630		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

658		b.	An architectural deconstruction company must be used to remove
659			reusable and recyclable materials before any demolition.
660		c.	Although up to 100 points may be obtained, public benefit category
661			minimums must be met.]
662	Divi	sion 4	7. Optional Method Public Benefits
663	Sect	ion 4.7	7.1. General Provisions
664	<u>A.</u>	<u>Pub</u>	lic Benefit Categories
665		<u>1.</u>	To receive incentive density, public benefits must be provided that
666			contribute to the objectives of the zone. There are 4 public benefit
667			categories, organized under 2 groups:
668			<u>a.</u> <u>Countywide Priorities</u>
669			i. Housing for All
670			ii. Environmental Resilience
671			b. Local Needs from Applicable Master Plans
672			i. <u>Infrastructure for Compact Growth</u>
673			ii. Complete Community Amenities
674		<u>2.</u>	The individual public benefits that may be provided within each
675			category are detailed in Section 4.7.2.
676	<u>B.</u>	Gen	eral Public Benefit Considerations
677		<u>1.</u>	For any development application that is required to provide public
678			benefits, the application must provide at least one public benefit from
679			the Countywide Priorities group and at least one public benefit from the
680			Local Needs from Applicable Master Plans group, except when it
681			provides a Tier 4 public benefit or is requesting 0.25 FAR of incentive
682			density or lower.

683	<u>2.</u>	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	<u>3.</u>	Unless otherwise stated in Section 4.7.3, incentive density is awarded
687		based on the following tiered public benefit system:
688		<u>a.</u> <u>Tier 1 public benefits are eligible for a maximum of 0.25 FAR of</u>
689		incentive density;
690		b. <u>Tier 2 public benefits are eligible for a maximum of 1.0 FAR of</u>
691		incentive density;
692		c. <u>Tier 3 public benefits are eligible for a maximum 1.5 FAR of</u>
693		incentive density; and
694		d. Tier 4 public benefits are eligible to satisfy all requested
695		incentive density.
696	<u>4.</u>	Required public benefits are calculated by rounding up to the next 0.25
697		FAR increment.
698	<u>5.</u>	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	<u>6.</u>	In approving incentive density based on the provision of public
703		benefits, the Planning Board must consider:
704		<u>a.</u> <u>the recommendations and objectives of the applicable master</u>
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

710		<u>f.</u>	enhar	ncements beyond the elements listed in an individual public
711			benef	it that increase public access to, or enjoyment of, the
712			benef	<u>ĭt.</u>
713	<u>7.</u>	A mas	ster pl	an may modify the public benefits options under Section
714		4.7.2.	A. inc	luding adding, prioritizing, modifying, or prohibiting the
715		use of	certai	n public benefits, and modifying the compliance criteria or
716		the tie	rs of p	participation under Section 4.7.3. These modifications must
717		be dis	scusse	d in the implementation section of the master plan and
718		reflect	ted thr	ough an overlay zone.
719	<u>8.</u>	If an a	pplica	able master plan recommends a specific public benefit for a
720		specif	ic pro	perty or geography, any application within that property or
721		geogra	aphy 1	must provide the recommended public benefit unless the
722		Plann	ing Bo	pard finds that providing the recommended public benefit is
723		infeas	ible 01	that the public benefit is no longer in the public interest.
724				
725	[[<u>8]]9</u>	<u>).</u>	<u>Paym</u>	ent in lieu rates must be adjusted biennially based on the
726		Engin	eering	News Record's Baltimore Construction Cost Index.
727		Paymo	ent in	lieu of providing a public benefit may be considered and
728			<u> </u>	iled of providing a public benefit may be considered and
120		accept		der the following criteria:
729		accept	ted un	
			ted un	der the following criteria: ublic benefit is in one of the following public benefit
729			ted un the p	der the following criteria: ublic benefit is in one of the following public benefit
729 730			ted un the p catego	der the following criteria: ublic benefit is in one of the following public benefit ories:
729730731			ted un the p catego i.	der the following criteria: ublic benefit is in one of the following public benefit ories: Offsite Improvements
729730731732			ted un the p catego i. ii.	der the following criteria: ublic benefit is in one of the following public benefit ories: Offsite Improvements Public Facilities

736		<u>b.</u>	the applicable master plan recommends larger-scale facilities or
737			amenities and establishes a mechanism to receive in lieu
738			payments;
739		<u>c.</u>	a Capital Improvements Program project exists to utilize the
740			payment within the applicable master plan area; and
741		<u>d.</u>	the public benefit under consideration is located off-site.
742	[<u>[9]]1</u>	<u>0.</u>	The Planning Board may approve an alternative method of
743		comp	diance for providing a public benefit under Section 4.7.3 if it is
744		deter	mined that there is a unique site, a use characteristic, a unique
745		benef	<u>set</u> to the public, or a development constraint that precludes the
746		deliv	ery of a pre-defined public benefit under Section 4.7.3 or as
747		<u>modi</u>	fied by any applicable master plan. The alternative method of
748		comp	liance must:
749		<u>a.</u>	satisfy the intent of the public benefit category;
750		<u>b.</u>	align with the overall vision of the applicable master plan;
751		<u>c.</u>	enhance the applicable functional result or performance standard
752			for the public benefit category; and
753		<u>d.</u>	be in the public interest.
754	C. Publi	ic Ben	efit Implementation Guidelines
755	The Planning	ng Boa	ard must adopt, publish, and maintain guidelines that detail the
756	standards ar	ıd requ	<u>uirements for public benefits.</u> The guidelines must:
757	<u>1.</u>	be co	nsistent with the objectives of Division 4.7;
758	<u>2.</u>	be in	addition to any standards, requirements, or rules of incentive
759		<u>densi</u>	ty calculation included in Division 4.7, but must not conflict with
760		those	provisions; and
761	<u>3.</u>	allow	incentive density only for those public benefits listed in
762		Section	on 4.7.3.

763	D.	Public	Benefit	Procedures	and	Exem	ptions

- 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.
- 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) <u>does not increase the tract area of the application.</u>

Section 4.7.2. Public Benefit Overview

- 782 <u>The Planning Board must determine that public benefits are provided for requested</u>
- 783 <u>incentive density under the optional method development from the following public</u>
- 784 <u>benefit categories:</u>

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785 <u>A. Countywide Priorities</u>

- 786 <u>1. Housing for All</u>
- a. MPDUs
- 788 <u>b. Family Sized Units</u>
- 789 <u>c. Deeper Levels of Affordability</u>

790		<u>2.</u>	Env	ironmental Resilience
791			<u>a.</u>	Energy Efficiency
792			<u>b.</u>	Renewable Energy
793			<u>c.</u>	Green Buildings
794			<u>d.</u>	Sustainable Site Design
795	<u>B.</u>	Loca	al Nee	ds from Applicable Master Plans
796		<u>1.</u>	<u>Infra</u>	astructure for Compact Growth
797			<u>a.</u>	Offsite Improvements
798			<u>b.</u>	Public Facilities
799			<u>c.</u>	Street Grid and Multi-Modal Extensions
800		<u>2.</u>	Con	nplete Community Amenities
801			<u>a.</u>	Art and Placemaking
802			<u>b.</u>	Neighborhood Services and Mixed Use
803			<u>c.</u>	Great Public Realm
804			<u>d.</u>	<u>Design</u> <u>Excellence</u>
805	<u>Secti</u>	<u>on</u> 4.7	7.3. Pu	iblic Benefit Description and Criteria
806	<u>A.</u>	<u>Cou</u>	ntywi	de <u>Priorities</u>
807	Coun	ıtywid	le Prio	rities are public benefits that align with the County's key policy
808	prior	ities.		
809		<u>1.</u>	<u>Hou</u>	sing for All
810		Hou	sing f	or All is a public benefit category designed to incentivize the
811		<u>deliv</u>	ery o	f affordable housing, for rent or for sale, at varying levels of
812		<u>affor</u>	<u>rdabili</u>	ty and structure size, including dwellings suitable for families and
813		<u>inter</u>	genera	ational households.
814			<u>a.</u>	<u>MPDUs</u>
815			<u>A</u> <u>d</u>	evelopment application that provides more than the minimum
816			<u>MPI</u>	DUs required by the County or an applicable master plan is eligible

817	to receive in	<u>icentive density based on the following FAR increment tiers</u>
818	modified fr	om those described in Section 4.7.1.B.3:
819	<u>i.</u>	Tier 1 receives 1.25 FAR for providing greater than or
820		equal to 2.5% and less than 5% more MPDUs than
821		required;
822	<u>ii.</u>	Tier 2 receives 1.5 FAR for providing greater than or equal
823		to 5% and less than 7.5% more MPDUs than required;
824	<u>iii.</u>	Tier 3 receives 1.75 FAR for providing greater than or
825		equal to 7.5% and less than 10% more MPDUs than
826		required; and
827	<u>iv.</u>	Tier 4 receives up to the mapped FAR for providing
828		greater than or equal to 10% more MPDUs than required.
829	b. Fam	ily Sized Units
830	A develop	ment application that provides family sized dwellings,
831	defined as o	lwellings that are 3 or more bedrooms in size, is eligible for
832	incentive de	ensity.
833	<u>i.</u>	Tier 1 must include one of the following:
834		(a) <u>a minimum 5% of all units in an apartment or mixed</u>
835		use building type must be constructed with 3 or
836		more bedrooms, and these family sized units must
837		be divided evenly between market rate and MPDU
838		units; or
839		(b) a minimum 5% of all MPDU units in townhouse
840		building types must be constructed with 4 or more
841		bedrooms.
842	<u>ii.</u>	Tier 2 must include one of the following:

843				<u>(a)</u>	a minimum 10% of all units in an apartment or
844					mixed use building type must be constructed with 3
845					or more bedrooms, and these family sized units
846					must be divided evenly between market rate and
847					MPDU units; or
848				<u>(b)</u>	<u>a minimum 10% of all MPDU units in townhouse</u>
849					building types must be constructed with 4 or more
850					bedrooms.
851			<u>iii.</u>	There	e are no Tier 3 or Tier 4 options for the Family Sized
852				<u>Units</u>	<u>s public benefit.</u>
853		<u>c.</u>	Deep	er Lev	vels of Affordability
854		<u>A</u> <u>de</u>	evelopr	nent a	application that provides dwelling units eligible to
855		hous	<u>eholds</u>	earnin	g below the MPDU Area Median Income (AMI) set
856		unde	r Chap	ter 25 <i>E</i>	A is eligible for incentive density.
857			<u>i.</u>	There	e is no Tier 1 option for the Deeper Levels of
858				<u>Affor</u>	rdability public benefit.
859			<u>ii.</u>	Tier 2	2 must enter into an agreement with DHCA to provide
860				at le	east 15% of all units as MPDUs at levels of
861				affor	dability averaging 60% of AMI.
862			<u>iii.</u>	Tier 3	3 must enter into an agreement with DHCA to provide
863				at le	east 20% of all units as MPDUs at levels of
864				affor	dability averaging 60% of AMI.
865			<u>iv.</u>	Tier 4	4 must enter into an agreement with DHCA to provide
866				at le	east 25% of all units as MPDUs at levels of
867				affor	dability averaging 60% of AMI.
868	<u>2.</u>	<u>Envi</u>	ronme	ntal R	Resilience

869	This public benef	it category incentivizes energy efficient buildings, the use of				
870	renewable energy, and incorporating sustainable site design principles into					
871	buildings and dev	buildings and development sites.				
872	<u>a.</u> Ener	rgy Efficiency				
873	A develop	ment application that exceeds County required energy				
874	efficiency s	standards is eligible for incentive density.				
875	<u>i.</u>	Tier 1 must exceed County energy efficiency standards by				
876		<u>10%.</u>				
877	<u>ii.</u>	Tier 2 must exceed County energy efficiency standards by				
878		<u>17.5%.</u>				
879	<u>iii.</u>	Tier 3 must exceed County energy efficiency standards by				
880		<u>25%.</u>				
881	<u>iv.</u>	Tier 4 must achieve a net zero energy performance.				
882	b. Reno	ewable Energy				
883	A develop	ment application that commits to using or generating				
884	renewable e	energy onsite is eligible for incentive density.				
885	<u>i.</u>	Tier 1 must either generate renewable energy onsite or				
886		commit to using renewable energy from an offsite				
887		provider within the regional catchment area greater than				
888		or equal to 1/3 of the energy necessary for the				
889		development.				
890	<u>ii.</u>	Tier 2 must either generate renewable energy onsite or				
891		commit to renewable energy from an offsite provider				
892		within the regional catchment area greater than or equal to				
893		2/3 of the energy necessary for the development.				
894	<u>iii.</u>	Tier 3 must either generate renewable energy onsite or				
895		commit to using renewable energy from an offsite				

896	provider within the regional catchment area greater than
897	or equal to 3/4 of the energy necessary for the
898	development.
899	iv. Tier 4 must generate renewable energy onsite equal to
900	100% of the energy necessary for the development.
901	c. Green Buildings
902	A development application that achieves the Alternative Compliance
903	Path for Green Buildings through LEED, or an alternative certification
904	program approved by the County, is eligible for incentive density.
905	i. Tier 1 must meet the Alternative Compliance Path for
906	[[Green Code]] the International Green Construction Code
907	(IgCC) and achieve LEED Silver plus 21 points.
908	ii. Tier 2 must meet the Alternative Compliance Path for
909	[[Green Code]] the International Green Construction Code
910	(IgCC) and achieve LEED Gold.
911	iii. Tier 3 must meet the Alternative Compliance Path for
912	[[Green Code]] the International Green Construction Code
913	(IgCC), achieve LEED Gold, and either provide full
914	electrification of the building or utilize mass timber
915	framed construction.
916	iv. Tier 4 must meet the Alternative Compliance Path for
917	[[Green Code]] the International Green Construction Code
918	(IgCC) and achieve LEED Platinum.
919	d. Sustainable Site Design
920	A development application that incorporates sustainable features into
921	buildings and site design, including biophilic design, enhanced green
922	roofs, bird friendly building design, pervious pavement materials,

923	retaining ex	kisting	trees, and adaptively reusing existing structures is
924	eligible for	<u>incenti</u>	ive density.
925	<u>i.</u>	Tier 1	must include one of the following elements:
926		<u>(a)</u>	meet or exceed requirements for one point for
927			"Designing with Nature, Biophilic Design for the
928			Indoor Environment" under [[LEED BD+C version
929			4.1]] the most recently updated standards under
930			LEED BD+C at the time of site plan acceptance, as
931			amended;
932		<u>(b)</u>	enhanced green roof with a minimum coverage of
933			20% of the roof area and a minimum 6 inches in
934			depth;
935		<u>(c)</u>	meet or exceed requirements for one point for "Bird
936			Collision Deterrence" under [[LEED BD+C version
937			4.1]] the most recently updated standards under
938			LEED BD+C at the time of site plan acceptance, as
939			amended;
940		<u>(d)</u>	pervious pavement for 10% of all paved surfaces
941			onsite;
942		<u>(e)</u>	retain a minimum 10% Diameter at Breast Height
943			(DBH) of existing trees onsite that have a DBH
944			between 3 and 24 inches with an adequate soil
945			volume; or
946		<u>(f)</u>	adaptively reuse at least 10,000 square feet of
947			existing floor area from an existing building onsite
948			or within the master plan area.
949	ii.	Tier 2	2 must include at least 2 of the following elements:

950	<u>(a)</u>	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	<u>(b)</u>	enhanced green roof with a minimum coverage of
958		40% of the roof area and a minimum 6 inches in
959		depth;
960	<u>(c)</u>	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	<u>(d)</u>	pervious pavement for 25% of all hard paved
966		surfaces onsite;
967	<u>(e)</u>	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	<u>(f)</u>	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 <u>iii</u>	. <u>Tier 3 n</u>	nust include at least 3 of the following elements:
975	<u>(a)</u>	meet or exceed requirements for one point plus 5
976		additional biophilic strategies for "Designing with

977		Nature, Biophilic Design for the Indoor
978		Environment" under [[LEED BD+C version 4.1]]
979		the most recently updated standards under LEED
980		BD+C at the time of site plan acceptance, as
981		amended;
982	<u>(b)</u>	enhanced green roof with a minimum coverage of
983		50% of the roof area and a minimum 6 inches in
984		depth;
985	<u>(c)</u>	meet or exceed requirements for one point for "Bird
986		Collision Deterrence" under [[LEED BD+C version
987		4.1]] the most recently updated standards under
988		LEED BD+C at the time of site plan acceptance, as
989		amended;
990	<u>(d)</u>	pervious pavement for 40% of all hard paved
991		surfaces onsite;
992	<u>(e)</u>	retain a minimum of more than 30% and less than
993		50% DBH of existing trees onsite that have a DBH
994		between 3 and 24 inches with an adequate soil
995		volume; or
996	<u>(f)</u>	adaptively reuse at least 75,000 square feet of
997		existing floor area from an existing building onsite
998		or within the master plan area.
999	<u>iv.</u> <u>Tier 4</u> 1	must include at least 4 of the following elements:
1000	<u>(a)</u>	meet or exceed requirements for one point plus 5
1001		additional biophilic strategies for "Designing with
1002		Nature, Biophilic Design for the Indoor
1003		Environment" under [[LEED BD+C version 4.1]]

1004	<u>the</u>	most recently updated standards under LEED
1005	<u>BD</u>	+C at the time of site plan acceptance, as
1006	ame	ended;
1007	<u>(b)</u> <u>enh</u>	nanced green roof with a minimum coverage of
1008	<u>60%</u>	of the roof area and a minimum 6 inches in
1009	<u>dep</u>	oth;
1010	<u>(c)</u> <u>mee</u>	et or exceed requirements for one point for "Bird
1011	<u>Col</u>	llision Deterrence" under [[LEED BD+C version
1012	<u>4.1</u>]]] the most recently updated standards under
1013	<u>LEI</u>	ED BD+C at the time of site plan acceptance, as
1014	ame	ended;
1015	(d) per	vious pavement for 50% of all hard paved
1016	sur	faces onsite;
1017	<u>(e)</u> <u>reta</u>	nin 50% or more DBH of existing trees onsite that
1018	<u>hav</u>	re a DBH between 3 and 24 inches with an
1019	ade	equate soil volume; or
1020	<u>(f)</u> <u>ada</u>	ptively reuse greater than 100,000 square feet of
1021	exis	sting floor area from an existing building onsite
1022	<u>or</u> <u>v</u>	within the master plan area.
1023	B. Local Needs from Applicab	<u>lle Master Plans</u>
1024	Local needs are public benefits that	t are intended to implement critical local needs
1025	identified through master, sector, or	functional plans.
1026	1. <u>Infrastructure for Co</u>	ompact Growth
1027	Public benefits in this categorial	ory are intended to deliver public facilities that
1028	enhance connectivity by crea	ating an infrastructure framework supportive of
1029	compact growth. Projects may	y include, but are not limited to, new streets, new

1030 or upgraded sidewalks, bicycle facilities, transit access, streetscapes, seating, tree canopy, and lighting. 1031 1032 **Offsite Improvements** <u>a.</u> 1033 A development application that provides needed linear infrastructure 1034 improvements in an existing public right-of-way that are not part of an application's required frontage improvements is eligible for incentive 1035 1036 density. Tier 1 must provide at least one of the following: 1037 i. 1038 (a) offsite streetscape improvements greater than 2,000 1039 square feet, or with an estimated cost greater than or equal to \$100,000 but less than \$300,000, that are 1040 1041 consistent with County guidelines or master plan recommendations, or; 1042 1043 (b) contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development 1044 1045 application to a CIP project within the same master 1046 plan area. Tier 2 must provide at least one of the following: 1047 ii. 1048 (a) offsite streetscape improvements greater than 4,000 square feet, or with an estimated cost greater than or 1049 equal to \$300,000 but less than \$500,000, that are 1050 consistent with County guidelines or master plan 1051 recommendations; 1052 (b) construct offsite bikeways greater than 1,000 linear 1053 feet, or with an estimated cost greater than or equal 1054 to \$300,000 but less than \$500,000, consistent with 1055 the applicable master plan; or 1056

1057	<u>(c)</u>	contribute a minimum of \$1.00 per square foot of
1058		gross floor area proposed within a development
1059		application to a CIP project within the same master
1060		plan area.
1061 <u>iii</u>	. Tier	3 must provide at least one of the following:
1062	<u>(a)</u>	offsite streetscape improvements greater than 5,000
1063		square feet, or with an estimated cost greater than or
1064		equal to \$500,000 but less than \$1,000,000, that are
1065		consistent with County guidelines or master plan
1066		recommendations;
1067	<u>(b)</u>	construct offsite bikeways greater than 1,800 linear
1068		feet, or with an estimated cost greater than or equal
1069		to \$500,000 but less than \$1,000,000, that are
1070		consistent with the appliable master plan;
1071	<u>(c)</u>	contribute a minimum \$2.00 per square foot of
1072		gross floor area proposed within a development
1073		application to a CIP project within the same master
1074		plan area; or
1075	<u>(d)</u>	construct or upgrade an offsite stormwater
1076		management facility with an estimated cost greater
1077		than or equal to \$500,000 but less than \$1,000,000.
1078 <u>iv</u>	<u>Tier</u>	4 must provide an offsite major transportation
1079	impre	ovement, a major improvement or reinforcement to
1080	runoi	ff conveyance or storage, or a stormwater treatment
1081	<u>facili</u>	ty [[that is recommended in a master plan,]] with an
1082	estim	nated cost greater than \$1,000,000. This Tier 4

1083 improvement must be recommended in the relevant master 1084 plan. **Public Facilities** 1085 b. A development application that provides space for, or constructs, 1086 1087 Public Facilities such as bus stops, bus stations, bicycle parking and storage, utility boxes, public parking, and major facilities such as police 1088 1089 or fire stations is eligible for incentive density. Public Facilities such as libraries, community centers, or park spaces are covered under Section 1090 59.4.7.3.B.2. Public Facilities are often identified and prioritized by 1091 applicable master plans. 1092 Tier 1 must provide at least one of the following: 1093 <u>i.</u> 1094 (a) dedicate land or construct a public facility such as a bus stop, BRT station, or bicycle parking, with an 1095 1096 estimated cost greater than or equal to \$100,000 but 1097 less than \$300,000; underground or locate within a building existing 1098 (b) electric transformers and other utility boxes located 1099 along a site frontage with an estimated cost greater 1100 1101 than or equal to \$100,000 but less than \$300,000; or contribute a minimum of \$0.33 per square foot of 1102 (c) gross floor area proposed within a development 1103 application to an identified county CIP project 1104 1105 within the same master plan area. Tier 2 must provide at least one of the following: 1106 ii. (a) dedicate land or construct a public facility such as a 1107 bus stop, BRT station, or bicycle parking, with an 1108

1109			estimated cost greater than or equal to \$300,000 but
1110			<u>less than \$500,000;</u>
1111		<u>(b)</u>	underground, or locate within a building, existing
1112			electric transformers and other utility boxes located
1113			along a site frontage with an estimated cost greater
1114			than or equal to \$300,000 but less than \$500,000; or
1115		<u>(c)</u>	contribute a minimum of \$1.00 per square foot of
1116			gross floor area proposed within a development
1117			application to an identified county CIP project
1118			within the same master plan area.
1119	<u>iii.</u>	Tier 3	3 must provide at least one of the following:
1120		<u>(a)</u>	dedicate land or construct a public facility such as a
1121			BRT station, or enhance an existing light rail or
1122			metro rail station with an estimated cost greater than
1123			or equal to \$500,000 but less than \$1,000,000;
1124		<u>(b)</u>	underground existing overhead utilities along a site
1125			frontage, or another location offsite within the
1126			master plan area, with an estimated cost greater than
1127			or equal to \$500,000 but less than \$1,000,000; or
1128		<u>(c)</u>	contribute a minimum of \$2.00 per square foot of
1129			gross floor area proposed within a development
1130			application to an identified county CIP project
1131			within the same master plan area.
1132	<u>iv.</u>	Tier 4	4 must provide at least one of the following:
1133		<u>(a)</u>	dedicate land and fully construct a major public
1134			facility such as a police or fire station, or a public

1135			parking garage, with an estimated cost greater than
1136			\$1,000,000; or
1137		<u>(b)</u>	underground all existing overhead utilities along a
1138			site frontage, or another location offsite within the
1139			master plan area, with an estimated cost greater than
1140			<u>\$1,000,000.</u>
1141	c. Street	<u>t Grid</u>	<u>l and Multi-Modal Extensions</u>
1142	A developm	<u>ient</u> aj	pplication that enhances the transportation network
1143	by complete	ing n	nissing sections of master planned transportation
1144	infrastructur	e or	enhancing the quality of the area transportation
1145	<u>network</u> by p	provid	ling new bike and pedestrian connections or reducing
1146	the number	of cu	arb cuts into rights-of-way is eligible for incentive
1147	density.		
1148	<u>i.</u>	<u>Tier</u>	1 must provide at least one of the following:
1149		<u>(a)</u>	construct a publicly accessible trail greater than
1150			2,500 linear feet but less than 3,500 linear feet in
1151			length or with an estimated cost greater than or
1152			equal to \$100,000 but less than \$300,000;
1153		<u>(b)</u>	contribute a minimum of \$0.33 per square foot of
1154			gross floor area proposed within a development
1155			application to a CIP project within the master plan
1156			area; or
1157		<u>(c)</u>	for redevelopment applications, reduce the number
1158			of existing curb cuts by 50%.
1159	<u>ii.</u>	Tier 2	2 must provide at least one of the following:
1160		<u>(a)</u>	construct a publicly accessible trail greater than or
1161			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		<u>(b)</u>	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		<u>(c)</u>	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	<u>iii.</u>	Tier 3	3 must provide at least one of the following:
1175		<u>(a)</u>	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			<u>less than \$1,000,000; or</u>
1179		<u>(b)</u>	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	<u>iv.</u>	<u>Tier</u>	<u>4 must construct a transportation connection</u>
1188		ident	ified by a master plan over an environmentally

1189 sensitive area or across a major arterial highway that will 1190 contribute to the bike, pedestrian, or transit network in the area with an estimated cost greater than \$1,000,000. 1191 **Complete Community Amenities** 2. 1192 Public benefits within this section are intended to further the creation of 1193 complete communities where residents can easily access services and 1194 1195 amenities to fulfill their daily needs. **Art and Placemaking** 1196 a. 1197 A development application that installs public art, provides accessible 1198 programming in open spaces, or promotes the arts through providing affordable housing, workspaces, and gallery space for the arts and 1199 1200 theater is eligible for incentive density. Contributions for art or 1201 placemaking may be received by the Public Arts Trust Steering Committee (PATSC), an urban district, a business improvement 1202 district, an arts and entertainment district, or a Regional Services 1203 1204 Center. Tier 1 must provide at least one of the following: 1205 i. provide artistic elements or treatments to the façade 1206 (a) of buildings or parking garages, or freestanding 1207 within the streetscape that enhances the public 1208 realm; 1209 provide, at least monthly, recurring and publicly 1210 (b) 1211 accessible programming in an open space for a minimum of 12 months of operation; or 1212 contribute a minimum of \$0.33 per square foot of 1213 (c) gross floor area proposed within a development 1214

1215				application for the purpose of providing and
1216				maintaining public art.
1217		<u>ii.</u>	Tier 2	2 must provide at least one of the following:
1218			<u>(a)</u>	install public art approved by the Art Review Panel,
1219				or partner with an Urban District, public agency,
1220				arts nonprofit, or Regional Services Center to install
1221				public art facing or accessible to the public;
1222			<u>(b)</u>	provide, at least monthly, recurring and publicly
1223				accessible programming in an open space for a
1224				minimum of 36 months; or
1225			<u>(c)</u>	contribute a minimum of \$1.00 per square foot of
1226				gross floor for the purpose of providing and
1227				maintaining public art.
1228		<u>iii.</u>	Tier 3	3 must provide at least one of the following:
1229			<u>(a)</u>	at least 5% of all units in a development application
1230				are restricted to artist housing, or as live/work units
1231				for artists earning 70% or less AMI, in addition to
1232				any required MPDUs; or
1233			<u>(b)</u>	contribute a minimum of \$2.00 per square foot of
1234				gross floor area proposed within a development
1235				application for the purpose of providing and
1236				maintaining public art.
1237		<u>iv.</u>	Tier 4	4 must provide a major public artist space such as a
1238			comn	nunity theater, an art gallery, or a performance venue
1239			at lea	ast 20,000 square feet in size either onsite or within
1240			the sa	ame master plan area.
1241	b.	Neig	hharh	ood Services and Mixed Use

1242	A developi	<u>nent application that includes retail space or other non-</u>			
1243	residential space such as publicly usable community rooms or large				
1244	facilities su	ch as libraries or recreation centers is eligible for incentive			
1245	density.				
1246	<u>i.</u>	Tier 1 must provide at least one bay that is a minimum of			
1247		2,000 square feet for neighborhood serving uses, as			
1248		defined by the Implementation Guidelines, and directly			
1249		accessible from a street or public open space.			
1250	<u>ii.</u>	Tier 2 must provide at least 3 bays that total a minimum of			
1251		10,000 square feet for neighborhood serving uses, as			
1252		defined by the Implementation Guidelines, that are			
1253		directly accessible from a street or public open space.			
1254	<u>iii.</u>	Tier 3 must provide a publicly usable space for a			
1255		conference, event, or meeting, or space for neighborhood			
1256		serving uses as defined by the Implementation Guidelines			
1257		that is a minimum of 15,000 square feet, either onsite or			
1258		within the master plan area.			
1259	<u>iv.</u>	Tier 4 must provide a major public facility such as a			
1260		recreation center, library, or educational facility, at least			
1261		20,000 square feet in size, either onsite or within the			
1262		master plan area.			
1263	c. Grea	<u>nt Public Realm</u>			
1264	A developn	nent application that provides publicly-owned, or privately-			
1265	owned and	publicly accessible, open spaces designed and maintained			
1266	to a higher	design and usability quality than required by code is eligible			
1267	for incentiv	e density. Amenities may be provided onsite or within the			
1268	applicable 1	naster plan area.			

1269	<u>i.</u>	Tier 1	must provide at least one of the following:
1270		<u>(a)</u>	intergenerational amenities and inclusive design
1271			features over at least 0.25 acres of the required
1272			onsite public open space with an estimated cost
1273			greater than or equal to \$100,000 but less than
1274			<u>\$300,000;</u>
1275		<u>(b)</u>	improve an existing park or privately-owned public
1276			open space with intergenerational amenities and
1277			inclusive design features over at least 0.25 acres
1278			with an estimated cost greater than or equal to
1279			\$100,000 but less than \$300,000; or
1280		<u>(c)</u>	contribute a minimum of \$0.33 per square foot of
1281			gross floor area proposed within a development
1282			application for creating or improving public spaces
1283			as recommended by an applicable master plan.
1284	<u>ii.</u>	Tier 2	2 must provide at least one of the following:
1285		<u>(a)</u>	exceed the minimum required public open space for
1286			a development application by 50%, and include a
1287			privately-owned publicly accessible open space, or
1288			a dedicated, constructed, and conveyed park facility
1289			that is a minimum 0.25 acre Neighborhood Green
1290			as described in the Energized Public Spaces Design
1291			Guidelines; or
1292		<u>(b)</u>	contribute a minimum of \$1.00 per square foot of
1293			gross floor area proposed within a development
1294			application for creating or improving public spaces
1295			as recommended by an applicable master plan.

1296		<u>iii.</u>	Tier 3	3 must provide at least one of the following:
1297			<u>(a)</u>	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			<u>(b)</u>	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		<u>iv.</u>	Tier 4	4 must provide a privately-owned publicly accessible
1307			<u>open</u>	space, or a publicly dedicated, constructed, and
1308			conve	eyed park facility that is a minimum 3-acre Urban
1309			Recre	eational Park, as described in the Energized Public
1310			Space	es <u>Design</u> <u>Guidelines.</u>
1311	<u>d.</u>	Desig	<u>en Exc</u>	<u>rellence</u>
1312	A de	velopn	nent ap	oplication that is designed to improve human health
1313	and v	well-be	ing or	achieving WELL Core certification is eligible for
1314	incen	tive de	ensity.	
1315		<u>i.</u>	Tier 1	l must provide at least one of the following:
1316			<u>(a)</u>	substantially conform to any master plan design
1317				guidelines and implement at least 3 strategies from
1318				the Design Excellence list; or
1319			<u>(b)</u>	achieve WELL Core Bronze certification.
1320		<u>ii.</u>	Tier 2	2 must provide at least one of the following:

1321		<u>(a)</u>	substantially conform to any master plan design
1322			guidelines and implement at least 5 strategies from
1323			the Design Excellence list; or
1324		<u>(b)</u>	achieve WELL Core Silver certification.
1325	<u>iii.</u>	<u>Tier</u>	3 must provide at least one of the following:
1326		<u>(a)</u>	substantially conform to any master plan design
1327			guidelines and implement at least 7 strategies from
1328			the Design Excellence list; or
1329		<u>(b)</u>	achieve WELL Core Gold certification.
1330	<u>iv.</u>	<u>Tier</u>	4 must provide at least one of the following:
1331		<u>(a)</u>	substantially conform to design guidelines and
1332			implement at least 9 strategies from the Design
1333			Excellence list;
1334		<u>(b)</u>	achieve WELL Core Platinum certification; or
1335		<u>(c)</u>	achieve Living Building Challenge certification.
1336	Sec. 5. DIVISIO	N 59-5	.3 is amended as follows:
1337			* * *
1338	Division 5.3. Commerc	ial/Re	sidential Floating Zones
1339			* * *
1340	Section 5.3.5 Developm	nent St	andards
1341			* * *
1342	E. Public Benefits		
1343	1. Public Ben	efits F	Required
1344	a. [Dev	elopm	ent above the greater of 1.0 FAR or 10,000 square feet
1345	of gr	oss flo	or area in the CRTF zone requires public benefits.

1346		b]	Development above the greater of 0.5 FAR or 10,000 square feet
1347			of gross floor area in the <u>CRTF</u> and CRF [[zone requires]] <u>zones</u>
1348			require public benefits.
1349		[c] <u>b</u> .	When public benefits are required by development in the
1350			Commercial/Residential Floating zones, a sketch plan must be
1351			submitted under Section 7.3.3.
1352	2.	Publi	ic Benefit Points and Categories Required
1353		a.	Public benefits under Division 4.7 must be provided according
1354			to [zone and tract size or maximum total] mapped FAR[,] and
1355			requested incentive density.[, whichever requires more public
1356			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.] <u>4.5.4.A.2.b.</u>

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

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.

1383 [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, <u>Sections 8.1 through 8.3</u>, 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. <u>Section 8.4</u>, <u>Optional Method Public Benefits</u>, is the <u>Public Benefit system in effect prior to January 1 2026 for optional method development projects in the Commercial/Residential and Employment zones.</u>

1411 * * *

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

1413	Division 8.	4. Optional Method Public Benefits
1414	Section 8.4	.1. General Provisions
1415	A. Publ	ic Benefit Categories
1416	<u>1.</u>	Public benefits must be provided that enhance or contribute to the
1417		objectives of the zone among the following categories:
1418		a. Major Public Facilities;
1419		b. <u>Transit Proximity;</u>
1420		c. Connectivity and Mobility;
1421		d. <u>Diversity of Uses and Activities;</u>
1422		e. Quality Building and Site Design;
1423		<u>f.</u> <u>Protection and Enhancement of the Natural Environment; and</u>
1424		g. Building Reuse.
1425	<u>2.</u>	The individual public benefits that may be accepted in each of these
1426		categories in each zone are in Section 8.4.3.
1427	B. Gene	eral Public Benefit Considerations
1428	Except for	providing MPDUs exceeding 12.5% of a project's dwelling units,
1429	granting po	pints as a public benefit for any amenity or project feature otherwise
1430	required by	y law is prohibited. In approving any incentive FAR based on the
1431	provision o	f public benefits, the Planning Board must consider:
1432	<u>1.</u>	the recommendations and objectives of the applicable master plan;
1433	<u>2.</u>	the Commercial/Residential and Employment Zone Incentive Density
1434		Implementation Guidelines;
1435	<u>3.</u>	any design guidelines adopted for the applicable master plan area;
1436	<u>4.</u>	the size and configuration of the site;
1437	<u>5.</u>	the relationship of the site to adjacent properties;
1438	6.	the presence or lack of similar public benefits nearby; and

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1439		<u>7.</u>	enhancements beyond the elements listed in an individual public
1440			benefit that increase public access to, or enjoyment of, the benefit.
1441	<u>C.</u>	<u>Pub</u>	lic Benefit Implementation Guidelines
1442	The	<u>Planni</u>	ng Board must adopt, publish, and maintain guidelines that detail the
1443	stanc	dards a	nd requirements for public benefits. The guidelines must:
1444		<u>1.</u>	be consistent with the objectives of Division 8.4;
1445		<u>2.</u>	be in addition to any standards, requirements, or rules of incentive
1446			density calculation included in Division 8.4, but must not conflict with
1447			those provisions; and
1448		<u>3.</u>	allow incentive FAR only for those public benefits listed in
1449			<u>Section</u> <u>8.4.3.</u>
1450	Sect	<u>ion</u>	1.2. Public Benefit Overview
1451	The	Planni	ng Board must determine the public benefit points under optional method
1452	deve	lopme	nt from the following categories:
1453	<u>A.</u>	<u>Maj</u>	or Public Facility
1454	<u>B.</u>	<u>Trai</u>	nsit Proximity
1455	<u>C.</u>	Con	nectivity and Mobility
1456		<u>1.</u>	Advance Dedication
1457		<u>2.</u>	Minimum Parking
1458		<u>3.</u>	Neighborhood Services
1459		<u>4.</u>	Public Parking
1460		<u>5.</u>	Through-Block Connection
1461		<u>6.</u>	Transit Access Improvement
1462		<u>7.</u>	Streetscape Improvement
1463		<u>8.</u>	Trip Mitigation
1464		<u>9.</u>	Way Finding
1465	<u>D.</u>	Dive	ersity of Uses and Activities

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1466		<u>1.</u>	Adaptive Buildings
1467		<u>2.</u>	Care Centers
1468		<u>3.</u>	<u>Dwelling Unit Mix</u>
1469		<u>4.</u>	Enhanced Accessibility for the Disabled
1470		<u>5.</u>	<u>Live/Work</u>
1471		<u>6.</u>	Moderately Priced Dwelling Units
1472		<u>7.</u>	Small Business Opportunity
1473	<u>E.</u>	Qua	lity Building and Site Design
1474		<u>1.</u>	Architectural Elevations
1475		<u>2.</u>	Exceptional Design
1476		<u>3.</u>	Historic Resource Protection
1477		<u>4.</u>	Public Art
1478		<u>5.</u>	Public Open Space
1479		<u>6.</u>	Structured Parking
1480		<u>7.</u>	Tower Step-Back
1481	<u>F.</u>	Prot	ection and Enhancement of the Natural Environment
1482		<u>1.</u>	Building Lot Terminations
1483		<u>2.</u>	Cool Roof
1484		<u>3.</u>	Energy Conservation and Generation
1485		<u>4.</u>	Habitat Preservation and Restoration
1486		<u>5.</u>	Recycling Facility Plan
1487		<u>6.</u>	Transferable Development Rights
1488		<u>7.</u>	Tree Canopy
1489		<u>8.</u>	Vegetated Area
1490		<u>9.</u>	Vegetated Roof
1491		<u>10.</u>	Vegetated Wall
1492	G.	Buile	ding 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:
 - <u>a.</u> <u>is infeasible;</u>
 - b. would not be accepted by the government department or agency responsible for operating the facility; or
 - <u>c.</u> <u>is no longer in the public interest.</u>
- 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. <u>Due to their significance in placemaking, the Planning Board may approve incentive FAR for:</u>

1520			<u>a.</u>	the c	conveyance of a site or floor area for a major public facility;
1521			<u>b.</u>	the c	onstruction of a major public facility; or
1522			<u>c.</u>	maki	ing a partial or full payment for a major public facility that
1523				is ac	cepted for use or operation by an appropriate public agency,
1524				com	munity association, or nonprofit organization.
1525		<u>5.</u>	<u>Up</u> 1	to the	following number of points may be awarded if the
1526			<u>requi</u>	remen	ats of Section 8.4.4.A are met:
1527			<u>a.</u>	<u>20</u> p	oints in an LSC zone;
1528			<u>b.</u>	<u>40</u> pe	oints in an EOF or CRT zone; and
1529			<u>c.</u>	<u>70 pe</u>	oints in a CR zone.
1530	<u>B.</u>	Tran	<u>ısit</u> Pr	<u>oximi</u>	<u>ty</u>
1531		<u>1.</u>	Tran	sit pro	ximity points are granted for proximity to existing or master
1532			planr	ned tra	nsit stops based on transit service level and CRT, CR, LSC,
1533			and E	EOF zo	ones. Public benefit points can only be granted for one transit
1534			stop.		
1535			<u>a.</u>	<u>Tran</u>	sit proximity is categorized in 3 levels:
1536				<u>i.</u>	Level 1 is proximity to an existing or master planned
1537					Metrorail Station.
1538				<u>ii.</u>	Level 2 is proximity to an existing or master planned
1539					station or stop along a rail or bus line with a dedicated,
1540					fixed path; this excludes a site that is within one mile of an
1541					existing or master planned MARC station.
1542				<u>iii.</u>	Level 3 is proximity to an existing or master planned
1543					MARC station.
1544				All d	distances for transit proximity are measured from the nearest
1545				trans	sit station entrance or bus stop entrance.

1546	<u>b.</u>	A pro	oject is abutting or confronting a transit station or stop if it
1547		share	es a property line or easement line, or is separated only by a
1548		right.	-of-way from an existing or master-planned transit station or
1549		stop,	and 100% of the tract in a single sketch plan application is
1550		withi	n 1/4 mile of the transit portal.
1551	<u>c.</u>	For s	plit proximity-range projects:
1552		<u>i.</u>	if at least 75% of the tract in a single sketch plan
1553			application is within the closer of 2 proximity ranges, the
1554			entire project may take the points for the closer range; or
1555		<u>ii.</u>	if less than 75% of the tract in a single sketch plan is within
1556			the closer of 2 proximity ranges, the points must be
1557			calculated as the weighted average of the percentage of
1558			area in each range.

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

1563	interaction;	provides opportunities for healthier living; and stimulates local
1564	businesses n	nay achieve public benefit points.
1565	<u>1.</u>	Advance Dedication: Up to 8 points in the LSC zone, 15 points in the
1566		EOF zone, and 30 points in the CRT and CR zone for dedicating or
1567		providing a reservation for dedication for master-planned rights-of-way
1568		in advance of a preliminary or site plan application.
1569	<u>2.</u>	Minimum Parking: Up to 10 points for providing fewer than the
1570		maximum allowed number of parking spaces, where a maximum is
1571		applicable.
1572	<u>3.</u>	Neighborhood Services: When fewer than 10 different basic services
1573		exist within 1/4 mile, up to 15 points for providing retail bays
1574		appropriate for at least 10 different basic services on-site or within 1/4
1575		mile, of which at least 4 have a maximum retail bay floor area of 5,000
1576		square feet.
1577	<u>4.</u>	Public Parking: Up to 25 points for providing up to the maximum
1578		number of parking spaces allowed in the zone as public parking.
1579	<u>5.</u>	Through-Block Connections: Up to 20 points for safe and attractive
1580		pedestrian connections between streets.
1581	<u>6.</u>	Transit Access Improvement: Up to 20 points for constructing new
1582		or improving existing transit access.
1583	<u>7.</u>	Streetscape Improvement: Up to 20 points for construction of off-site
1584		improvements, excluding any streetscape improvements otherwise
1585		required.
1586	<u>8.</u>	Trip Mitigation: Up to 20 points for entering into a binding Traffic
1587		Mitigation Agreement to reduce the number of weekday morning and
1588		evening peak hour trips attributable to the site in excess of any other

1589		regulatory requirement; the agreement must result in a reduction of at
1590		<u>least 50% for trips attributable to the site.</u>
1591	<u>9.</u>	Way-Finding: Up to 10 points for design and implementation of a
1592		way-finding system orienting pedestrians and cyclists to major open
1593		spaces, cultural facilities and transit opportunities.
1594	D. Dive	rsity of Uses and Activities
1595	<u>Developme</u>	nt that increases the variety and mixture of land uses, types of housing,
1596	economic v	variety and community activities; contributes to development of more
1597	efficient and	d sustainable communities; reduces the necessity for automobile use; and
1598	facilitates h	ealthier lifestyles and greater social interaction.
1599	<u>1.</u>	Adaptive Buildings: Up to 15 points for constructing commercial or
1600		mixed use buildings with minimum floor-to-floor heights of at least 15
1601		feet on any floor that meets grade and 12 feet on all other floors. Internal
1602		structural systems must be able to accommodate various types of use
1603		with only minor modifications.
1604	<u>2.</u>	Care Centers: Up to 20 points for constructing a child, teen, or adult
1605		day care facility accommodating at least 15 users that satisfies State
1606		standards.
1607	<u>3.</u>	<u>Dwelling Unit Mix: Up to 10 points for integrating a mix of residential</u>
1608		market-rate unit types with at least 7.5% efficiency units, 8% one- and
1609		2-bedroom units, and 5% three- or more bedroom units; the
1610		proportional number of MPDUs for each unit type must satisfy Chapter
1611		<u>25A.</u>
1612	<u>4.</u>	Enhanced Accessibility for Seniors or the Disabled: Up to 20 points
1613		for constructing dwelling units with interiors that satisfy American
1614		National Standards Institute A117.1 Residential Type A standards or
1615		an equivalent County standard.

1616		<u>5.</u>	<u>Live/</u>	Work: Up to 15 points for developments of up to 2.0 FAR total
1617			allow	ed density that provide at least 3 units or, for developments
1618			allow	ed greater than 2.0 FAR, 10% of the total unit count as live/work
1619			units.	
1620		<u>6.</u>	Mode	erately Priced Dwelling Units: There is no limitation on the
1621			<u>numb</u>	er of points for providing more than 12.5% of the residential units
1622			as M	PDUs as required under Chapter 25A. Points are calculated as
1623			<u>follov</u>	vs:
1624			<u>a.</u>	12 points are granted for every 1% of MPDUs greater than
1625				12.5%. Any fraction of 1% increase in MPDUs entitles the
1626				applicant to an equal fraction of 12 points.
1627			<u>b.</u>	An additional 2 points are granted for every 1% of 2-bedroom
1628				MPDUs not otherwise required.
1629			<u>c.</u>	An additional 5 points are granted for every 1% of 3-bedroom
1630				MPDUs.
1631			<u>d.</u>	For points to be awarded, at least one more MPDU than would
1632				be required at 12.5% must be provided to take advantage of the
1633				MPDU public benefit points in any zone.
1634			<u>e.</u>	For a project providing a minimum of 15% MPDUs, one less
1635				benefit category than is required under Section 4.5.4.A.2 and
1636				Section 4.6.4.A.2 <u>must be satisfied.</u> A project that provides a
1637				minimum of 20% MPDUs does not have to satisfy any other
1638				benefit category under Section 4.5.4.A.2 and Section 4.6.4.A.2.
1639		<u>7.</u>	Sma	Business Opportunities: Up to 20 points for providing on-site
1640			space	for small, neighborhood-oriented businesses.
1641	<u>E.</u>	Quali	ity Bui	ilding 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. <u>Historic Resource Protection:</u> 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

1669		<u>appı</u>	oved b	oy the 1	Planning Board, or for paying a fee accepted by the
1670		<u>Pub</u>	lic Arts	S Trust	Steering Committee.
1671	<u>6.</u>	<u>Stru</u>	icture	d Park	ing: Up to 20 points for placing parking in an above
1672		or b	elow g	rade pa	rking structure.
1673	<u>7.</u>	Tov	ver Sto	ep-Bac	k: Up to 10 points for stepping back a building's
1674		upp	er flooi	rs by a	minimum of 6 feet behind the first floor facade. The
1675		step	-back 1	<u>must</u> be	gin at a height no greater than 72 feet.
1676	F. Prot	ection	and I	Enhanc	ement of the Natural Environment
1677	Protection	and e	nhance	ement c	of natural systems and reduced energy consumption
1678	help mitiga	ite or	reverse	enviro	nmental impacts such as heat island effects from the
1679	built envir	onmer	nt, inac	<u>lequate</u>	carbon-sequestration, habitat and agricultural land
1680	loss, and ai	r and	water p	ollutio	n caused by reliance on the automobile.
1681	<u>1.</u>	<u>Buil</u>	lding <u>I</u>	<u>ot</u> <u>Ter</u>	mination (BLT): Up to 30 points for the purchase of
1682		BL7	easen	nents or	payment to the Agricultural Land Preservation Fund
1683		(AL	<u>PF).</u>		
1684		<u>a.</u>	<u>In</u> th	e <u>CR</u> z	one:
1685			<u>i.</u>	An a	applicant must purchase BLT easements, or make
1686				payn	nents to the ALPF, in an amount equal to 7.5% of the
1687				incer	tive density floor area under the following
1688				parar	meters:
1689				<u>(a)</u>	one BLT, equivalent to 9 points, must be purchased
1690					or equivalent payment made for every 31,500
1691					square feet of gross floor area comprising the 7.5%
1692					incentive density floor area;
1693				<u>(b)</u>	a private BLT easement must be purchased in whole
1694					units; or

1695			<u>(c)</u>	<u>BLT</u>	payments must be made to the ALPF, based on
1696				the a	mount established by Executive Regulations
1697				under	Chapter 2B; if a fraction of a BLT easement
1698				is ne	eded, a payment based on the gross square
1699				foota	ge of incentive density must be made for at
1700				least	the fraction of the BLT easement.
1701		<u>ii.</u>	Up to	o 25 p	oints for the purchase of BLTs or equivalent
1702			paym	nents to	o the ALPF may be made for any incentive
1703			densi	ity abo	ve 7.5%. Each BLT easement purchase or
1704			paym	nent is	equivalent to 9 points, or such proportionate
1705			point	s repr	esented by a fractional BLT purchase or
1706			paym	nent.	
1707	<u>b.</u>	In the	<u>LSC</u>	zone:	
1708		<u>i.</u>	An a	pplica	nt must purchase BLT easements, or make
1709			paym	nents to	the ALPF, in an amount equal to 50% of the
1710			incen	<u>itive</u> de	ensity under the following parameters:
1711			<u>(a)</u>	for a	ny floor area above 0.50 FAR, one BLT,
1712				equiv	ralent to 9 points, must be purchased or an
1713				<u>equiv</u>	ralent payment made for:
1714				<u>(1)</u>	each 31,500 square feet of floor area of
1715					residential, nonresidential, and Life Sciences
1716					between 0% and 40% of the project's floor
1717					area; and
1718				<u>(2)</u>	each 60,000 square feet of Life Sciences
1719					between 40% and 50% of the project's floor
1720					area.

1721				<u>(b)</u>	any private BLT easement must be purchased in a
1722					whole unit; or
1723				<u>(c)</u>	BLT payments must be made to the ALPF, based on
1724					the amount established by Executive Regulations
1725					under Chapter 2B; if a fraction of a BLT easement
1726					is needed, a payment based on the gross square
1727					footage of incentive density must be made for at
1728					<u>least the fraction of the BLT easement.</u>
1729			<u>ii.</u>	Floor	area restricted to the following uses is subtracted
1730				<u>from</u>	the total density before calculating the required
1731				BLTs	<u>.</u> <u>-</u>
1732				<u>(a)</u>	workforce housing units;
1733				<u>(b)</u>	MPDUs;
1734				<u>(c)</u>	Hospitals, including the Hospital's accessory uses,
1735					other than medical office buildings;
1736				<u>(d)</u>	educational facilities for non-life sciences; and
1737				<u>(e)</u>	<u>Life Sciences in excess of 50% of the project's total</u>
1738					floor area.
1739		<u>c.</u>	In the	CRT	and EOF zones, BLT payments are optional; each
1740			BLT o	easeme	ent purchase or payment is equal to 9 points, or such
1741			propo	rtionat	e points represented by a fractional BLT purchase or
1742			paym	ent.	
1743	<u>2.</u>	<u>Cool</u>	Roof:	<u>Up</u> to	10 points for constructing any roof area that is not
1744		cover	ed by	a vege	stated roof with a minimum solar reflectance index
1745		(SRI)	<u>of 75</u>	for ro	ofs with a slope at or below a ratio of 2:12, and a
1746		minin	num Sl	<u>RI of 2</u>	5 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

- 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.

1773	<u>10.</u>	Vegetated Wall: Up to 10 points for the installation and maintenance
1774		of a vegetated wall that covers at least 30% of any blank wall or parking
1775		garage facade that is at least 300 square feet in area and is visible from
1776		a public street or open space.
1777	G. Build	ding Reuse
1778	<u>Up to 100 p</u>	points for reuse of an existing building that satisfies the following:
1779	<u>1.</u>	75% of the structural system of the building must be retained; and
1780	<u>2.</u>	An architectural deconstruction company must be used to remove
1781		reusable and recyclable materials before any demolition.
1782	<u>3.</u>	Although up to 100 points may be obtained, public benefit category
1783		minimums must be met.
1784		* * *
1785	Sec.	9. Effective date. This ordinance becomes effective [[20 days after the
1786	date of Dist	trict Council adoption]] on January 1, 2026.

Ordinance No.: 20-21

This is a correct copy of Council action.

Sara R. Tenenbaum

Clerk of the Council