

Article 59-6. Optional Method Regulations

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DIV. 6.1. MPDU DEVELOPMENT IN RURAL AND RESIDENTIAL ZONES

Sec. 6.1.1. Development Requirements

MPDU optional method development must comply with the limitations and requirements of this division.

Commentary: Intent statement is based on existing language from ordinance with extraneous language removed.

A. Intent

Where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A of this Code, as amended, this optional method of development is permitted in order to facilitate the construction of those units. The method permits an increase in density above the total number of dwelling units permitted by the standard method of development; permits additional building types; and provides more flexibility for certain dimensional requirements.

B. Development Approval Procedure

A site plan must be submitted under Sec. #.#.#.

[Commentary: existing text to be replaced: For approval of townhouses and one-family attached dwelling units, the procedure is as set forth in division 59-D-3. For approval of one-family detached and one-family semidetached dwelling units, there are 2 alternative procedures, as follows:

(a) Where one-family detached and one-family semidetached dwelling units are proposed in accordance with the setback, yard and minimum lot size requirements for moderately priced dwelling unit development of sections [59-C-1.623](#), [59-C-1.624](#) and [59-C-1.625](#), the procedure for approval is as set forth in division 59-D-3.

(b) Where one-family detached dwelling units are proposed in accordance with both the minimum lot size provisions for moderately priced dwelling units of section [59-C-1.625](#) and the cluster development setback and yard requirements of sections [59-C-1.534](#) and [59-C-1.535](#), the procedure for development is as set forth in section 50-39. The provisions for public posting set forth in section 50-39(c)(1)a do not apply. At the time of approval of the preliminary plan of subdivision, the Planning Board may require that, in order to resolve specific environmental or compatibility issues, certain of the detached dwelling units are subject to site plan approval, as set forth in division 59-D-3. Such dwelling lots must not be included in an application for record plat until a site plan is approved for those portions of the proposed development.]

Commentary: Rather than several different approval methods depending on x, y, or z, we suggest that all optional method development be reviewed through site plan to get better development and have a chance to ensure compatibility in various contexts.

Sec. 6.1.2. Development Standards

MPDU optional method development must comply with the following requirements.

A. MPDU Development Across Different Zones

MPDU optional method development may occur across different zones under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and common open space must be calculated for each area under Sec. 6.1.3, but must not exceed the maximum density or provide less than the minimum common open space if the variously zoned areas were developed individually; and
4. The allowed number of units and required open space may be distributed across the variously zoned areas.

B. Usable Area

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

1. All dedications for public roads with rights-of-way of 100 feet in width or more; and
2. All land within environmental buffers.

Commentary: Usable area is more strictly defined to better protect environmental buffers. Why shouldn't dedications be allowed, though?

Commentary: Specific common open space requirements are proposed based on site area rather than number of units resulting in more protection of open space. This is offset by the allowance of smaller lot sizes, and greater buffers that encourage better transitions and integration of development.

[Commentary: existing text to be replaced: (generally covered in new sections, no need for tree preservation – it's in the code; shouldn't need separate section for MPDU projects under 20 units, calcs are built in to new framework):

- (a) **Usable area.** The usable area upon which the density of development is calculated, as set forth in section 59-C-1.622, is determined by deducting from the gross area of the tract the following
 - (1) All land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more; and
 - (2) All ultimate 100-year floodplain areas which, in the opinion of the planning board, would constitute an excessively high percentage of the total area of the tract.
- (b) **Townhouse frontage.** Each townhouse must front on a public street, a private street or a common open space.
- (c) **Common open space.** The preliminary or site plan must include a description of the procedure and methods to be followed for assuring the common use and adequate maintenance of common open space included in the plan.

- (d) **Dedicated land.** Land dedicated to public use for school and park sites may be included in the calculation of the density of development, provided that development of the remaining land can be accomplished in compliance with the purposes of this section.
- (e) **Development in different zones.** The planning board may permit a combined MPDU development in 2 or more zones, each of which has provisions for MPDU development, provided that each of the following conditions is complied with:
 - (1) The tracts to be combined for development must share a common boundary with one another sufficient to provide a unified development which will achieve the purposes of MPDU development.
 - (2) No uses are permitted in any part of the combined tract except those that are permissible in the zone in which that part is classified.
 - (3) The total number of dwelling units in the combined development does not exceed the total number that would be permitted if the component areas of the combined tracts were developed separately.
 - (4) The amount of green area in the combined development is not less than the total amount that would be required if the component areas of the combined tracts were developed separately.
- (f) **Preservation of trees.** The preliminary plan and site plan must show the location and extent of all trees as well as methods for preservation of those trees selected to remain.]

Special Optional Method of Development Requirements for MPDU Projects with 20 or fewer dwelling units.

An applicant who voluntarily builds at least 12.5 percent MPDUs in a development with 20 or fewer dwelling units may use the optional method development standards of Sec. 29-C-1.62, except: (1) any perimeter lot that is adjacent, abutting, or confronting one or more existing one-family detached dwellings must conform to the lot area and yard requirements of the standard method of development; (2) the MPDU buildings must be similar in size and height to the market rate dwellings in that development, and (3) the maximum percentage of townhouses must not exceed 40% of the total residential dwellings in that development; however, the Planning Board may approve a development in which up to 100 percent of the units consist of townhouses, if the Board finds that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.]

C. Building Types

Zone	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Detached Dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Duplex	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Townhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Apartment/Condominium										Y	Y	Y

Sec. 6.1.3. General Site and Building Type Mix for MPDU Optional Method Development

	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
A. Site												
Usable area (min)												
A1 Usable area (acres)	10	34	17	9	5	3	0.46	0.46	0.90	0.27	0.36	0.46
Density (max)												
A2 Units/acre of usable area	1.22	0.48	1.22	2.44	4.39	6.1	9.76	15.25	18.30	17.69	26.47	53.07
Open Space (min percent of usable area)												
A3 Rural Open Space	65											
A4 Common Open Space		5	10	20	30	40	45	45	30	35	35	35
B. Building Type												
Percent of Unit Type (max)												
B1 Detached Unit	100	100	100	100	100	100	100	100	100	100	100	100
B2 Duplex and/or Townhouse	30	30	30	40	50	60	100	100	100	100	100	100
B3 Apartment/ Condominium	0	0	0	0	0	0	0	0	0	100	100	100
B4 In the RE-2, RE-1, RLD and RMD zones, the Planning Board may allow up to 100% duplex and/or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development regulations in this Division for the required number of detached dwelling units.												

Sec. 6.1.4. One-Family Detached Dwelling

RNC RE-2 RE-1 RLD- RMD- RMD- TLD TMD THD RHD- RHD- RHD-
20 9 6 3 2 1

A. Lot													
Dimensions (min)													
A1 Lot area (sq ft)	4,000	12,000	9,000	6,000	4,000	3,000	3,000	2,000	1,500	1,500	1,000	1,000	
A2 Lot width at setback line (ft)	Established at site plan												
A3 Lot width at front property line (ft)	25	25	25	25	25	25	15	15	15	15	15	15	15
A4 Frontage on street or open space	Required												
B. Placement													
Principal Building Setbacks (min)													
B1 Front setback from public street (ft)	15	35	35	25	25	20	10	10	10	10	10	10	10
B1 Front setback from private street or open space (ft)	15	10	10	10	10	10	6	6	6	6	6	6	6
B2 Side setback from a street (ft)	15	20	20	15	15	15	10	10	10	10	10	10	10
B3 Side or rear setback, interior (ft)	Established at site plan												
B4 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B5 Rear setback, alley (ft)	4 or 20												
Accessory Structure Setbacks (min)													
B6 Front setback, behind front building line (ft)	5	5	5	5	5	5	5	5	5	5	5	5	5
B7 Side street setback (ft)	Equal to B2 plus 5 feet												
B8 Side or rear setback, interior (ft)	Established at site plan												
B9 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B10 Rear setback, alley (ft)	4	4	4	4	4	4	4	4	4	4	4	4	4
Coverage (max percent of lot area)													
B11 Roofed buildings and structures (%)	35	35	35	35	50	60	60	60	75	75	75	75	75

RNC RE-2 RE-1 RLD-20 RMD-9 RMD-6 TLD TMD THD RHD-3 RHD-2 RHD-1

C. Height												
Building Height (max)												
C1 Principal Building (ft)	35	40	40	35	35	35	35	35	35	35	35	35
C2 Accessory Structure (ft)	25	25	25	25	25	25	25	25	25	25	25	25

Sec. 6.1.5. Duplex Dwelling

RNC RE-2 RE-1 RLD- RMD- RMD- TLD TMD THD RHD- RHD- RHD-
20 9 6 3 2 1

A. Lot													
Dimensions (min)													
A1 Lot area (sq ft)	3,500	7,500	4,500	3,000	2,000	1,500	1,500	1,000	1,000	1,000	800	800	
One-over-one duplex units require same minimum lot as a detached dwelling unit; side-by-side duplex units require lot size stated in A1.													
A2 Lot width at setback line (ft)	Established at site plan												
A3 Lot width at front property line (ft)	10	10	10	10	10	10	10	10	10	10	10	10	10
A4 Frontage on street or open space	Required												
B. Placement													
Principal Building Setbacks (min)													
B1 Front setback from public street (ft)	15	35	35	25	25	20	10	10	10	10	10	10	10
B1 Front setback from private street or open space (ft)	15	10	10	10	10	10	6	6	6	6	6	6	6
B2 Side setback from a street (ft)	15	20	20	15	15	15	10	10	10	10	10	10	10
B3 Side or rear setback, interior (ft)	Established at site plan												
B4 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B5 Rear setback, alley (ft)	4 or 20												
Accessory Structure Setbacks (min)													
B6 Front setback, behind front building line (ft)	5	5	5	5	5	5	5	5	5	5	5	5	5
B7 Side street setback (ft)	Equal to B2 plus 5 feet												
B8 Side or rear setback, interior (ft)	Established at site plan												
B9 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B10 Rear setback, alley (ft)	4	4	4	4	4	4	4	4	4	4	4	4	4
Coverage (max percent of lot area)													
B11 Roofed buildings and structures (%)	35	35	35	35	50	60	60	60	75	75	75	75	75

RNC RE-2 RE-1 RLD-20 RMD-9 RMD-6 TLD TMD THD RHD-3 RHD-2 RHD-1

A. Height												
Building Height (max)												
C1 Principal Building (ft)	35	40	40	35	35	35	35	35	35	35	35	35
C2 Accessory Structure (ft)	25	25	25	25	25	25	25	25	25	25	25	25

Sec. 6.1.6. Townhouse

RNC RE-2 RE-1 RLD- RMD- RMD- TLD TMD THD RHD- RHD- RHD-
20 9 6 3 2 1

A. Lot													
Dimensions (min)													
A1 Lot area (sq ft)	1,500	1,500	1,500	1,200	1,000	1,000	800	800	800	800	800	800	800
A2 Lot width at setback line (ft)	Established at site plan												
A3 Lot width at front property line (ft)	14	14	14	14	14	14	14	14	14	14	14	14	14
A4 Frontage on street or open space	Required												
B. Placement													
Principal Building Setbacks (min)													
B1 Front setback from public street (ft)	15	35	35	25	25	20	10	10	10	10	10	10	10
B1 Front setback from private street or open space (ft)	15	10	10	10	10	10	6	6	6	6	6	6	6
B2 Side setback from a street (ft)	15	20	20	15	15	15	10	10	10	10	10	10	10
B3 Side or rear setback, interior (ft)	Established at site plan												
B4 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B5 Rear setback, alley (ft)	4 or 20												
Accessory Structure Setbacks (min)													
B6 Front setback, behind front building line (ft)	5	5	5	5	5	5	5	5	5	5	5	5	5
B7 Side street setback (ft)	Equal to B2 plus 5 feet												
B8 Side or rear setback, interior (ft)	Established at site plan												
B9 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B10 Rear setback, alley (ft)	4	4	4	4	4	4	4	4	4	4	4	4	4
Coverage (max percent of lot area)													
B11 Roofed buildings and structures (%)	50	50	50	50	60	60	60	60	75	75	75	75	75

RNC RE-2 RE-1 RLD-20 RMD-9 RMD-6 TLD TMD THD RHD-3 RHD-2 RHD-1

A. Height												
Building Height (max)												
C1 Principal Building (ft)	35	35	35	35	35	35	35	35	35	40	40	40
C2 Accessory Structure (ft)	25	25	25	25	25	25	25	25	25	25	25	25

Sec. 6.1.7. Apartment/Condominium

RHD-3 RHD-2 RHD-1

A. Lot			
Dimensions (min)			
A1 Lot area (sq ft)	12,000	16,000	20,000
A3 Lot width at front property line (ft)	50	50	50
B. Placement			
Building Setbacks (min)			
B1 Front setback from public street (ft)	Determined at site plan		
B2 Side setback from a street (ft)	Determined at site plan		
B3 Side or rear setback, interior (ft)	Determined at site plan		
B4 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot		
Parking Setbacks (min)			
B5 Front Setback (ft)	30	30	30
B6 Side setback from a street (ft)	10	10	10
B7 Side or rear setback (ft)	10	10	10
B8 Rear setback, alley (ft)	0	0	0
Open Space (min percent of lot area)			
B9 Common Open Space (%)	35	35	35
C. Height			
Building Height (max)			

ZAP Review Draft

Principal Building (ft)	50	120	120
Accessory Structures (ft)	25	25	25

Div. 6.2. CLUSTER DEVELOPMENT IN RURAL AND RESIDENTIAL ZONES

Sec. 6.1.1. Development Requirements

Cluster optional method development must comply with the limitations and requirements of this division.

A. Intent

The purpose of the cluster method of development is to provide an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. The cluster method provides for flexibility in lot layout and for variety in the types of residential buildings while preserving the same limitations on density of dwelling units per acre as normally permitted in the respective zones; protecting the character of existing neighborhoods; and providing open space for common use. In order to accomplish this purpose certain changes in lot areas and dimensions are permitted, a greater variety of building types is introduced in certain zones, and the use of this method of development and site plan approval for portions of such development are subject to approval by the Planning Board.

B. Development Approval Procedure

A sketch plan must be submitted under Sec. #.#.#. A site plan must be submitted under Sec. #.#.# for any development on a property with an approved sketch plan.

[[Commentary: existing text to be replaced: The procedure for approval of one- family detached dwellings and one-family semi-detached dwellings shall be as set forth in section 50-39 of the Subdivision Regulations, being chapter 50 of the Montgomery County Code. At the time of preliminary subdivision plan approval, the planning board may require that, in order to resolve specific environmental, transportation or compatibility issues, certain of the detached and semi-detached dwellings shall be subject to site plan approval as set forth in division 59-D-3 and shall not be included in an application for record plat until a site plan is approved for those portions of the proposed development. The procedure for the approval of townhouses and one-family attached dwellings shall be as set forth in division 59-D-3 of this ordinance and section 50-39 of the subdivision regulations.]

C. Public Benefits under Div. 6.6 must be provided as follows:

Building Types Provided	# of Units Proposed			
	Up to 50 units		50 or more Units	
	Public Benefit Points (min)	Number of Benefit Categories (min)	Public Benefit Points (min)	Number of Benefit Categories (min)
Detached Only	25	2	50	3
Detached and Duplex and/or Townhouse	50	3	75	4
Duplex and Townhouse Only	75	4	100	4

Commentary: Should the requirement of the provision of public benefits be offset by slight increases in density per acre equivalent to 1 acre/minimum lot size requirement of the zone in square feet? For example (43,560/6,000) = 7.26

D. Community Water and Sewer

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

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

E. Building Types

Zone	RE-2	RE-1	RLD-20	RMD-9	RMD-6
Detached Dwelling	Y	Y	Y	Y	Y
Duplex				Y	Y
Townhouse				Y	Y

Sec. 6.2.2. Development Standards

Cluster optional method development must comply with the following requirements.

A. Master Plan and Design Guidelines

1. Development must be substantially consistent with the applicable master or sector plan.
2. Development must substantially comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Cluster Development Across Different Zones

Cluster optional method development may occur across different zones under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and common open space must be calculated for each area under Sec. 6.2.3, but must not exceed the maximum density or provide less than the minimum common open space if the variously zoned areas were developed individually; and

4. The allowed number of units and required open space may be distributed across the variously zoned areas.

C. Usable Area

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

1. All dedications for public roads with rights-of-way of 100 feet in width or more; and
2. All land within a 100-year floodplain over 25% of the gross tract area.

[Commentary: existing text to be replaced:

- (1) **Usable Area.** The usable area upon which the density of development is calculated, as set forth in subsection 59-C-1.533, shall be determined by deducting from the gross area of the tract the following:
 - (a) All land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more, and
 - (b) All one-hundred-year flood plain areas which, in the opinion of the planning board, would constitute an excessively high percentage of the total area of the tract.
- (2) **Common Open Space.** The preliminary or site plan must include a description of the procedures and methods to be followed for assuring the common use and adequate maintenance of common open space included in the plan.
- (3) **Dedicated Land.** Land dedicated to public use for school and park sites may be included in the calculation of the density of development; provided, that development of the remaining land can be accomplished in compliance with the purpose of this section.
- (4) **Lots Fronting on Private Cul-de-Sacs in RE-2C Zone.** In the RE-2C zone, lots may front on a private cul-de-sac if the planning board finds, as part of the cluster subdivision plan approval, that the private cul-de-sac:
 - (1) Provides safe and adequate access;
 - (2) Has sufficient width to accommodate the dwelling units proposed;
 - (3) Will better protect significant environmental features on and off site than would a public road; and
 - (4) Has proper drainage.Each private cul-de-sac must comply with the requirements of subsection 59-C-7.235 of the zoning ordinance and section 50-25(h) of the subdivision regulations pertaining to private roads. A subdivision with lots fronting on a private cul-de-sac may also be required to comply with the site plan review provisions of division 59-D-3.
- (5) **Preservation of Trees.** The preliminary plan and site plan must show the location and extent of all trees as well as methods for preservation of those trees selected to remain.]

Commentary: Specific common open space requirements are proposed based on site area rather than number of units resulting in more protection of open space. This is offset by the allowance of smaller lot sizes, and greater buffers that encourage better transitions and integration of development.

Sec. 6.2.3. General Site, Building Type Mix, and Height Standards for Cluster Optional Method Development

A. Site	RE-2	RE-1	RLD-20	RMD-9	RMD-6
Usable Area (min)					
A1 Usable area (acres)	50	50	5	5	5
A1 The Planning Board may allow development to proceed under the Cluster Optional Method on sites less than stated above if the subject property is recommended for Cluster Development in an approved and adopted master or sector plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.					
Density (max)					
A2 Units/acre of usable area [<i>Commentary: suggested change in density due to public benefit requirement</i>]	0.4 [0.5]	1.0	2.0 [2.1]	3.6 [4.8]	5.0 [7.26]
Common Open Space (min)					
A3 Percent of usable area	5	10	20	30	40
[<i>Commentary: existing text to be replaced: green area (sf per unit)</i>]	[0	2,000	2,000	2,000	1,500]
B. Building Type (max % of total units)					
B1 Detached Unit	100	100	100	100	100
B2 Duplex and/or Townhouse	0	0	0	100	100
C. Height					
Building Height (max)					
C1 Principal building (feet)	40	40	40	35	35
C2 Accessory Structure (feet)	25	25	25	25	25

Sec. 6.2.4. One-Family Detached and Duplex Dwellings

A. Lot	RE-2	RE-1	RLD-20	RMD -9	RMD-6
Dimensions (min)					
A1 Lot Area (sq feet) <i>[Commentary: existing text to be replaced in brackets]</i>	15,000 [25,000]	12,000 [15,000]	9,000 [10,000]	5,000	3,000 [4,000]
One-over-one duplex units require same minimum lot as a detached dwelling unit; side-by-side duplex units require ½ lot size stated in A1.					
A2 Lot width at existing or proposed street line	25	25	25	25	25
A3 Lot width at front property line	Determined at site plan				
A4 Frontage on Street or Common Open Space	Req				
C. Placement					
Principal Building Setbacks (min)					
B1 Front Setback from Public Street	35	35	25	25	20
B1 Front setback from Private Street or Common Open Space	10	10	10	10	10
B2 Setback, any interior lot line	Determined at site plan				
<i>[Commentary: existing text to be replaced in brackets]</i>	[15	15	10	0	0]
B3 Rear or side setback from any boundary line of subdivision	50	50	40	30	30
B4 Rear setback, alley	4 or 20	4 or 20	4 or 20	4 or 20	4 or 20
Accessory Structure Setbacks (min)					
B5 Front setback, behind front building line	5	5	5	5	5
B6 Side street setback	B1 plus 5 feet				
B7 Side or rear setback, interior	Established at site plan				
B8 Side or rear setback, abutting all other zones	Equal to required setback of abutting lot				
B9 Rear setback, alley	4	4	4	4	4

Sec. 6.2.5. Townhouse

A. Lot	RMD-9	RMD-6
Dimensions (min)		
A1 Lot Area (Sq feet) [<i>Commentary: existing text to be replaced in brackets</i>]	1,400 [2,000]	1,200 [2,000]
A2 Lot width (ft) [<i>Commentary: existing text to be replaced in brackets</i>]	16 [18]	14 [18]
A3 Average frontage of a group of attached townhouses	Determined at site plan	
[<i>Commentary: existing text to be replaced in brackets</i>]	[20	20]
B. Placement		
Principal Building Setbacks (min)		
B1 Front Setback from Public Street	25	20
B1 Front setback from Private Street or Common Open Space	10	10
B2 Setback, any interior lot line	Determined at site plan	
B3 Rear or side setback from any boundary line of subdivision [<i>Commentary: existing text to be replaced in brackets</i>]	30 [50]	30 [50]
B4 Rear setback, alley	4 or 20	4 or 20
Accessory Structure Setbacks (min)		
B5 Front setback, behind front building line	5	5
B6 Side street setback	B1 plus 5 feet	
B7 Side or rear setback, interior	Established at site plan	
B8 Side or rear setback, abutting all other zones	Equal to required setback of abutting lot	
B9 Rear setback, alley	4	4
C. Form		
Massing		
C1 Number of units permitted in any one row (max)	8	10

DIV. 6.3. COMMERCIAL/RESIDENTIAL ZONES

Sec. 6.3.1. Optional Method of Development Requirements

Optional method development in the CRT and CR zones must comply with the limitations and requirements of this Division.

A. Density, Mix, and Height

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

B. Procedure for Approval

A sketch plan must be submitted under Sec. #.#.#. A site plan must be submitted under Sec. #.#.# for any development on a property with an approved sketch plan.

C. Public Benefits under Div. 6.6 must be provided as follows:

	Sites < 10,000sf of gross tract area or with <1.5 maximum allowed FAR		Sites ≥ 10,000sf of gross tract area or with ≥ 1.5 or more maximum allowed FAR	
Zone	Public Benefit Points (min)	Number of Benefit Categories (min)	Public Benefit Points (min)	Number of Benefit Categories (min)
CRT	25	2	50	3
CR	50	3	100	4

Sec. 6.3.2. Development Standards

Optional Method development in all CRT and CR zones must comply with the following requirements.

A. Master Plan and Design Guidelines

1. Development must be substantially consistent with the applicable master or sector plan.
2. Development must substantially comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Public Use Space

Public Use Space must be provided based on the lot size and number of frontages as described below. The required public use space must meet the criteria established under Sec. 7.#.#.

Lot Size (net tract area)	Number of existing, proposed, and Master-Planned right-of-way frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Public Use Space			
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

C. Building Type

All building types and the respective dimensional standards allowed under Div. 4.4 are allowed in the CRT and CR zones under optional method development.

D. Neighborhood Compatibility

Where a property abuts an AC, RR, RC, RNC, RE, RLD, or RMD zoned property that is not improved with a commercial, industrial, or utility use, any building must comply with the setback and angular plane restrictions under Sec. 4.4.3.D.

DIV. 6.4. EMPLOYMENT ZONES

Sec. 6.4.1. Optional Method of Development Requirements

Optional method development in the ELS and EOF zones must comply with the limitations and requirements of this Division.

A. Density and Height

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

B. Procedure for Approval

A sketch plan must be submitted under Sec. #.#.#. A site plan must be submitted under Sec. #.#.# for any development on a property with an approved sketch plan.

C. Public Benefits under Div. 6.6 must be provided as follows:

	Sites < 10,000sf of gross tract area or with <1.5 maximum allowed FAR		Sites ≥ 10,000sf of gross tract area or with ≥ 1.5 or more maximum allowed FAR	
Zone	Public Benefit Points (min)	Number of Benefit Categories (min)	Public Benefit Points (min)	Number of Benefit Categories (min)
ELS	15	1	30	2
EOF	30	2	60	3

Sec. 6.4.2. Development Standards

Optional Method development in all ELS and EOF zones must comply with the following requirements.

A. Master Plan and Design Guidelines

1. Development must be substantially consistent with the applicable master or sector plan.
2. Development must substantially comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Public Use Space

Public Use Space must be provided based on the lot size and number of frontages as described below. The required public use space must meet the criteria established under Sec. #.#.#.

Lot Size (net tract area)	Number of existing, proposed, and Master-Planned right-of-way frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Public Use Space			
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

C. Building Type

All building types and the respective dimensional standards allowed under Div. 4.5 are allowed in the ELS and EOF zones under optional method development.

D. Neighborhood Compatibility

Where a property abuts an AC, RR, RC, RNC, RE, RLD, or RMD zoned property that is not improved with a commercial, industrial, or utility use, any building must comply with the setback and angular plane restrictions under Sec. 4.5.3.D.

DIV. 6.5. INDUSTRIAL ZONES

Sec. 6.5.1. Optional Method of Development Requirements

Optional method development in the IL zone must comply with the limitations and requirements of this Division.

A. Density and Height

1. The maximum allowed total FAR is 1.5.
2. The maximum allowed height is 110 feet.

B. Procedure for Approval

A sketch plan must be submitted under Sec. #.#.#. A site plan must be submitted under Sec. #.#.# for any development on a property with an approved sketch plan.

C. Public Benefits under Div. 6.6 must be provided as follows:

Zone	Sites < 0.5 acres of gross tract area		Sites ≥ 0.5 acres of gross tract area	
	Public Benefit Points (min)	Number of Benefit Categories (min)	Public Benefit Points (min)	Number of Benefit Categories (min)
IL	15	1	30	2

Sec. 6.5.2. Development Standards

Optional Method development in all IL zones must comply with the following requirements.

A. Master Plan and Design Guidelines

1. Development must be substantially consistent with the applicable master or sector plan.
2. Development must substantially comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Green Area

Green Area must be provided based on the lot size and whether residential uses are provided as described below. The required Green Area must meet the criteria established under Sec. #.#.#.

Lot Size (net tract area)	Residential Uses Provided	
	N	Y
≤ 0.50 acres	0%	5%
0.51 to 3.00 acres	5%	10%
≥ 3.01 acres	10%	20%

C. Building Type

All building types and the respective dimensional standards allowed under Div. 4.56 are allowed in the IL zone under optional method development.

D. Neighborhood Compatibility

Where a property abuts an AC, RR, RC, RNC, RE, RLD, or RMD zoned property that is not improved with a commercial, industrial, or utility use, any building must comply with the setback and angular plane restrictions under Sec. 4.6.3.D.

DIV.6.6. OPTIONAL METHOD PUBLIC BENEFITS

This section establishes incentives for optional method development to provide public benefits in return for increases in FAR above the standard method maximums up to the maximum density permitted by the zone.

Sec. 6.6.1 General Provisions

A. Public Benefit Categories

1. Public benefits must be provided that enhance or contribute to the objectives of the zone in some or all of the following categories:
 - a. Major public facilities;
 - b. Transit Proximity
 - c. Connectivity and mobility;
 - d. Diversity of uses and activities;
 - e. Quality building and site design; and
 - f. Protection and enhancement of the natural environment.
2. Sec. 6.6.2 indicates the individual public benefits that may be accepted in each of these categories in each zone.

B. General Public Benefit Considerations

No points may be granted for the provision of any benefit otherwise required by law. In approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

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

C. Public Benefit Implementation Guidelines

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

1. Be consistent with the objectives of this Division;

2. Be in addition to any standards, requirements or rules of incentive density calculation included in this Division, but may not conflict with those provisions; and
3. Only allow incentive FAR for those public benefits listed in Sec. 6.5.3.

Sec. 6.6.2. Public Benefit Applicability

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

Benefit	Zone or Optional Method Type					
	Cluster	CRT	CR	ELS	EOF	IL
Major Public Facility	Y	Y	Y	Y	Y	Y
Transit Proximity	Y	Y	Y	Y	Y	Y
Connectivity & Mobility						
Advance Dedication		Y	Y	Y	Y	Y
Existing Water & Sewer Services	Y					
Minimum Parking		Y	Y	Y	Y	Y
Neighborhood Services		Y	Y			
Networked Street Pattern	Y					
Public Parking		Y	Y	Y	Y	Y
School Proximity	Y					
Through-Block Connection		Y	Y	Y	Y	Y
Transit Access or Streetscape Improvement	Y	Y	Y	Y	Y	Y
Trip Mitigation		Y	Y	Y	Y	Y
Way-Finding		Y	Y	Y	Y	Y
Diversity of Uses & Activities						
Adaptive Buildings		Y	Y	Y	Y	Y
Affordable Housing	Y	Y	Y	Y	Y	Y
Care Centers	Y	Y	Y	Y	Y	Y
Dwelling Unit Mix	Y	Y	Y	Y	Y	Y
Enhanced Accessibility for the Disabled	Y	Y	Y	Y	Y	Y
Enhanced Visibility for Seniors/Disabled	Y	Y	Y	Y	Y	Y
Live/Work		Y	Y	Y	Y	Y
Small Business Opportunities		Y	Y	Y	Y	Y

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Benefit	Zone or Optional Method Type						
	Cluster	CRT	CR	ELS	EOF	IL	
Quality Building and Site Design							
Architectural Elevations		Y	Y	Y	Y	Y	
Enhanced Recreation Facilities	Y			Y			
Exceptional Design		Y	Y	Y	Y	Y	
Historic Resource Protection	Y	Y	Y	Y	Y	Y	
Neighborhood Pattern Compatibility	Y						
Public Art		Y	Y	Y	Y	Y	
Public Open Space	Y	Y	Y	Y	Y	Y	
Rural Viewshed Protection	Y						
Structured Parking		Y	Y	Y	Y	Y	
Tower Step-Back		Y	Y	Y	Y	Y	
Protection and Enhancement of the Natural Environment							
Agricultural Land Preservation	Y						
Building Lot Terminations	Y	Y	Y	Y	Y	Y	
Building Reuse		Y	Y	Y	Y	Y	
Cool Roof	Y	Y	Y	Y	Y	Y	
Energy Conservation		Y	Y	Y	Y	Y	
Energy Generation	Y	Y	Y	Y	Y	Y	
Habitat Preservation and Restoration	Y	Y	Y	Y	Y	Y	
Passive Solar Orientation	Y						
Recycling Facility Plan		Y	Y	Y	Y	Y	
Tree Canopy	Y	Y	Y	Y	Y	Y	
Vegetated Area		Y	Y	Y	Y	Y	
Vegetated Roof		Y	Y	Y	Y	Y	
Vegetated Wall		Y	Y	Y	Y	Y	

Sec.6.6.3. Public Benefit Descriptions and Criteria

A. Major Public Facilities

1. Major public facilities include, but are not limited to, such facilities as schools, libraries, recreation centers, parks, county service centers, public transportation or utility upgrades, or other resources delineated in an applicable master or sector plan. Major public facilities provide public services at convenient locations where increased density creates a greater need for civic uses and greater demands on public infrastructure.
2. Where a major public facility is not recommended in the applicable master or sector plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major public facilities recommended in the applicable master or sector plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
3. Due to their significance in placemaking, the Planning Board may approve incentive FAR for the conveyance of a site or floor area for the construction of or making a payment for a major public facility that is accepted for use or operation by an appropriate public agency, community association or nonprofit organization.
 1. The following number of points may be awarded provided the requirements of paragraph 3. above are met:
 - a. 70% or total required points in MPDU or Cluster optional method development;
 - b. 20 points in an ELS or IL zone;
 - c. 40 points in an EOF or CRT zone; and
 - d. 70 points in a CR zone.

B. Transit Proximity

1. Development near transit facilities encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions, and is eligible for incentive density.
2. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT and CR zones as follows:

Proximity	Adjacent or confronting		Within ¼ mile		Between ¼ and ½ mile		Between ½ and 1 mile	
	1	2	1	2	1	2	1	2
Transit Service Level	1	2	1	2	1	2	1	2
MPDU or Cluster Development	50% of required points	25% of required points	30% of required points	15% of required points	18% of required points	9% of required points	12% of required points	6% of required points
ELS or IL	10	5	8	4	6	2	4	0
EO or CRT	25	15	20	12.5	15	10	10	7.5
CR	50	30	40	25	30	20	20	15

- a. A project is adjacent to or confronting a transit station or stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop, and 100 percent of the gross tract area in a single sketch plan application is within ¼ mile of the transit portal.
- b. For split proximity-range projects:
 - If at least 75 percent of the gross tract area in a single sketch plan application is within the closer of two proximity ranges, the entire project may take the points for the closer range;
 - If less than 75 percent of the gross tract area in a single sketch plan is within the closer of 2 proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.

C. Connectivity and Mobility

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

1. **Advance Dedication:** Up to 8 points in the ELS and IL zones, 15 points in the EO and CRT zones, and 30 points in the CR zones for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.
2. **Existing Water & Sewer Services:** Up to 10 points for development on a site with existing public water and sewer available within the property or along an abutting right-of-way.
3. **Minimum Parking:** Up to 10 points for providing less than the maximum allowed number of parking spaces, where a maximum is applicable.
4. **Neighborhood Services:** When fewer than 10 different basic services are within ¼ mile, up to 10 points for providing retail bays resulting in at least 10 different basic services on-site or within ¼ mile, of which at least four have a retail bay floor area of no greater than 5,000 square feet.
5. **Networked Street Pattern:** Up to 15 points for locating or designing the project such that a through-street and/or non-motorized right-of-way intersects or terminates at the project boundary at least every 400 feet or at existing abutting street intervals and intersections, whichever is the shorter distance. Include a pedestrian or bicycle through-connection in at least 90% of any new culs-de-sac. This does not apply to portions of the boundary where connections cannot be made because of physical obstacles, such as prior platting of property, construction of existing buildings or other barriers, slopes over 15%, wetlands and water bodies, railroad and utility rights-of-way, existing limited-access motor vehicle rights-of-way, and parks and dedicated open space.
6. **Public Parking:** Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
7. **School Proximity:** Up to 15 points for locating or designing the project such that at least 50% of the dwelling units are within a 1/2-mile walking distance of an existing or new elementary or middle school building entrance or within a 1-mile walk distance of an existing or new high school building entrance.
8. **Through-Block Connections:** Up to 10 points for safe and attractive pedestrian connections between streets.
9. **Transit Access or Streetscape Improvement:** Up to 20 points for creating new or improving existing transit access or for construction of off-site improvements, excluding any streetscape improvements otherwise required.
10. **Trip Mitigation:** Up to 15 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a reduction of at least 50% for trips attributable to the site.

11. **Way-Finding:** Up to 5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities.

D. Diversity of Uses and Activities

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

1. **Adaptive Buildings:** Up to 10 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
2. **Affordable Housing**
 - a. If providing no more than 12.5% Moderately Priced Dwelling Units (MPDUs), all development must comply with the applicable requirements of Chapter 25A.
 - b. If providing more than 12.5% MPDUs in a residential zone, a density bonus in units per acre is granted according to Chapter 25A. In addition, 12 points are granted for every 1% of MPDUs greater than 12.5%, up to 30 points.
 - c. If providing more than 12.5% MPDUs in an ELS, EOF, CRT, CR, or IL zone, 12 points are granted for every 1% of MPDUs greater than 12.5%.
 - d. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU optional method or points in any zone.
3. **Care Centers:** Up to 20 points for constructing a child or adult day care facility accommodating at least 15 users in accordance with state standards.
4. **Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units and 5% three or more bedroom units.
5. **Enhanced Accessibility for Seniors or the Disabled:** Up to 20 points for constructing dwelling units with interiors that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
6. **Enhanced Visibility for Seniors or the Disabled:** Up to 20 points for constructing dwelling units in accordance with ANSI A117.1, Type C, VISIBLE Unit, each of which has a kitchen, dining area, living area, full bathroom, and bedroom on the accessible level.
7. **Live/Work:** Up to 10 points for developments of up to 2.0 FAR total allowed density that provide at least three units or, for developments allowed greater than 2.0 FAR, 10% of the total unit count as live/work units.
8. **Small Business Opportunities:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.

E. Quality Building and Site Design

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to increased density in these settings, buildings tend to be highly visible and high quality design helps attract residents, patrons and businesses to these areas. Location, height, massing, façade treatments and ornamentation of buildings all affect sense of place, orientation and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind and noise, as well as the functional and economic value of property.

1. **Architectural Elevations:** Up to 20 points for providing elevations of architectural facades and agreeing to be bound by particular elements of design that exceed the requirements of this Division, such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass, pedestrian comfort or enhance neighborhood compatibility.
2. **Enhanced Recreation Facilities:** Up to 10 points for providing on-site recreation facilities above the supply required by Div. 8.#.
3. **Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts enhance the character of a setting per the purposes delineated in this Division.
4. **Historic Resource Protection:** Up to 20 points for the preservation or enhancement of, or payment towards preservation or enhancement of, a historic resource or a contributing element within an historic district designated in the Master Plan for Historic Preservation.
5. **Neighborhood Pattern Compatibility:** Up to 20 points for providing lot, frontage, massing, and height standards along rights-of-way or open spaces contiguous with an existing neighborhood that are analogous to the existing neighborhood patterns. Internal, non-contiguous development may vary within the standards set by this Article.
6. **Open Space:** Up to 20 points for providing, or making a payment for, the applicable type of open space in excess of any open space requirement of the zone.
7. **Public Art:** Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee.
8. **Rural Viewshed Protection:** Up to 15 points for locating or designing the project such that buildings are at least 100 feet from any rustic or rural road and set on slopes or valleys within the site, maintaining peaks and ridges free from development.
9. **Structured Parking:** Up to 20 points for placing parking within, above or below grade parking structures.
10. **Tower Step-Back:** Up to 5 points for stepping back a building's upper floors by a minimum of six feet behind the first floor facade. The step-back must begin at a height no greater than 72 feet.

F. Protection and Enhancement of the Natural Environment

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

1. **Agricultural Land Preservation:** Up to 10 points for designing or locating the project development footprint such that it does not disturb prime agricultural soil or existing farmland.
2. **Building Lot Termination (BLT):** *[Commentary: Rewrite to conform to approved CR, CRT, and existing LSC zones.]*
3. **Building Reuse:** up to 100 points for reuse of an existing building subject to the following:
 - a. 75% of the structural system of the building must be retained; and
 - b. An architectural deconstruction company must be used to remove reusable and recyclable materials prior to any demolition.
 - c. Although 100 points may be obtained, public benefit category minimums must be met.
4. **Cool Roof:** Up to 5 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
5. **Energy Conservation:** Up to 10 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings.
6. **Energy Generation:** Up to 15 points for providing renewable energy generation facilities on-site or within 2,640 feet of the site for a minimum of 2.5% of the projected energy requirement for the development.
7. **Habitat Preservation and Restoration:** Up to 20 points for protection, restoration or enhancement of natural habitats, on-site or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other county laws.
8. **Passive Solar Orientation:** Design and orient 75% or more of the project's total building square footage (excluding existing buildings) such that one axis of each qualifying building is at least 1.5 times longer than the other, and the longer axis is within 15 degrees of geographical east-west. The length-to-width ratio applies only to walls enclosing conditioned spaces; walls enclosing unconditioned spaces, such as garages, arcades, or porches, cannot contribute to calculation. The surface area of equator-facing vertical surfaces and slopes of roofs of buildings counting toward credit achievement must not be more than 25% shaded at the time of initial occupancy, measured at noon on the winter solstice.
9. **Recycling Facility Plan:** Up to 5 points for providing a recycling facility plan to be approved as part of a site plan for buildings that complies with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.

10. **Tree Canopy:** Up to 10 points for protecting tree canopy coverage with at least 15 years of growth on at least 25% of the on-site open space.
11. **Vegetated Area:** Up to 5 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. No individual area can be less than 500 square feet. This does not include vegetated roofs or stormwater management facilities.
12. **Vegetated Roof:** Up to 10 points for installation of a vegetated roof with a soil depth of at least four inches covering at least 33% of a building's roof, excluding space for mechanical equipment.
13. **Vegetated Wall:** Up to 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space.