

INCENTIVE DENSITY IMPLEMENTATION

GUIDELINES FOR CR AND CRT ZONES



DRAFT 2025



ABSTRACT

This document describes elements of Montgomery County's Incentive Density Zoning policy. Specifically, it outlines the public benefits requirements for projects pursuing the Optional Method of development in the Commercial Residential (CR), and Commercial Residential Town (CRT) zones. More information can also be found in Section 59.4.7.1 of the Zoning Ordinance.

References

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For more information,
visit: <https://montgomeryplanning.org/development/zoning/incentive-zoning-update/>

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SECTION 1: INTRODUCTION

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PURPOSE

These Implementation Guidelines are a tool for administering the review of proposed public benefits associated with the Optional Method of development in the Commercial Residential (CR) and Commercial Residential Town (CRT) zones. They describe the overall structure and menu of public benefits available for inclusion as a part of development applications in exchange for Incentive Density. They also contain the criteria necessary for each public benefit for evaluation by staff and the Planning Board. Information for each public benefit includes the intent of the public benefit, visual examples, review criteria, and submission requirements.

These guidelines are intended to be used by a variety of stakeholders. The Planning Board, planning staff, and county agencies reviewing Optional Method development applications must use the guidelines to evaluate proposals. Developers must consult these guidelines during the project initiation phase and tailor benefits that meet county priorities, follow master plan recommendations, and align with the proposed development, in exchange for the ability to build to higher densities as permitted under the zoning and the Optional Method of development.

Master planners should consult these guidelines as a starting point when recommending specific public benefits as priorities for a master plan area. In addition, the general public may consult this document to gain a broad understanding of the county's Incentive Density policy and the expected public benefits from new developments. A key goal of this document is to ensure transparency for all stakeholders regarding the Optional Method of development and the delivery of public benefits.

WHERE DO THE GUIDELINES APPLY?

These guidelines apply to Optional Method development applications within the CR and CRT zones and are intended to supplement the development standards found in Section 59.4.5 of the Zoning Ordinance for the Optional Method of development in the CR and CRT Zones, and Section 59.4.7 Optional Method Public Benefits.

The CR and CRT zones are intended to facilitate mixed-use infill development. These zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities. Of the two, the CR zone is intended to support the highest densities and tallest heights near transit. The CRT zone is intended to be a less intense version of the CR zone in terms of density and permitted uses.

NOTE:

With the 2025 update to the Incentive Zoning policy, development applications within the Employment Office and Life Sciences Center zones are no longer subject to the Optional Method of development unless they fall within an overlay zone that requires it. Development applications can therefore build up to their mapped Floor Area Ratio (FAR) through the Standard Method of development, without the provision of public benefits. However, any development application above 0.5 FAR must submit a Site Plan for approval by the Planning Board. Development applications within the Great Seneca Life Sciences Overlay zone must provide public benefits per that overlay the zone's criteria.

ROLE OF MASTER PLANS

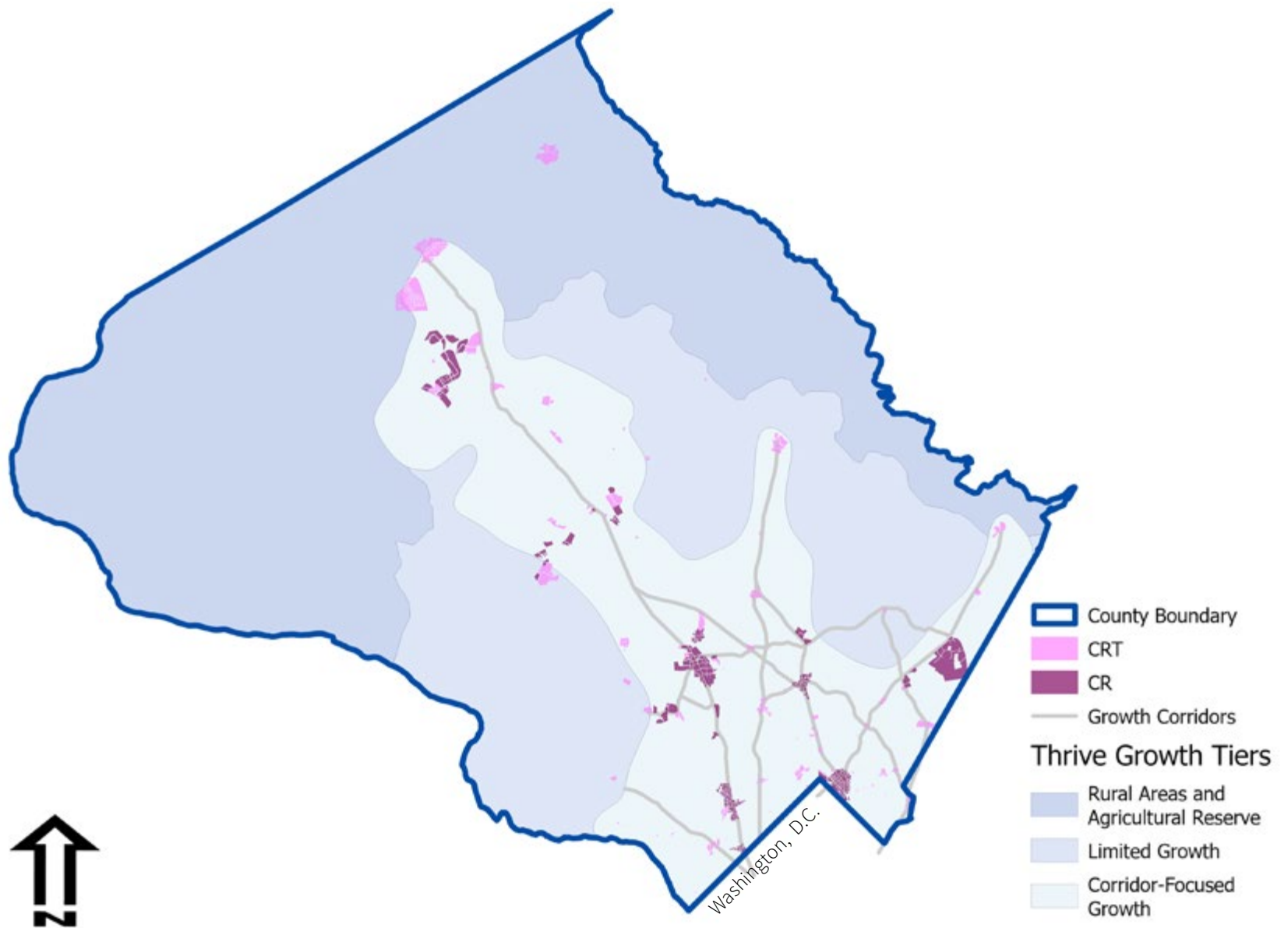
Master plans include sector plans, corridor plans, and county-wide functional plans. Master plans play a key role in identifying public benefits needed within a community and implementing the Incentive Density policy. With the 2025 update, master plans have been provided greater flexibility to customize the menu of public benefits to more effectively achieve the vision outlined for a given plan area and support the delivery of needed amenities.

A master plan can require the provision of public benefits as defined in the zoning ordinance and detailed in this document, prioritize selective public benefits from the defined menu, or adjust the menu of public benefits, tiers of participation, and compliance criteria through a mechanism such as an overlay zone. When a master plan prioritizes the menu of public benefits, it takes into account stakeholder input, market conditions, community needs, and the amount of Incentive Density permitted through the Optional Method of development.

If a master plan modifies the menu in any way, it must include updated guidance for the provision of public benefits as a part of its own implementation section, in addition to articulating the requirements in the overlay zone or similar regulatory framework being adopted by the master plan.



Master plans may customize the menu of public benefits and ensure that new developments successfully implement the vision created with stakeholder input.

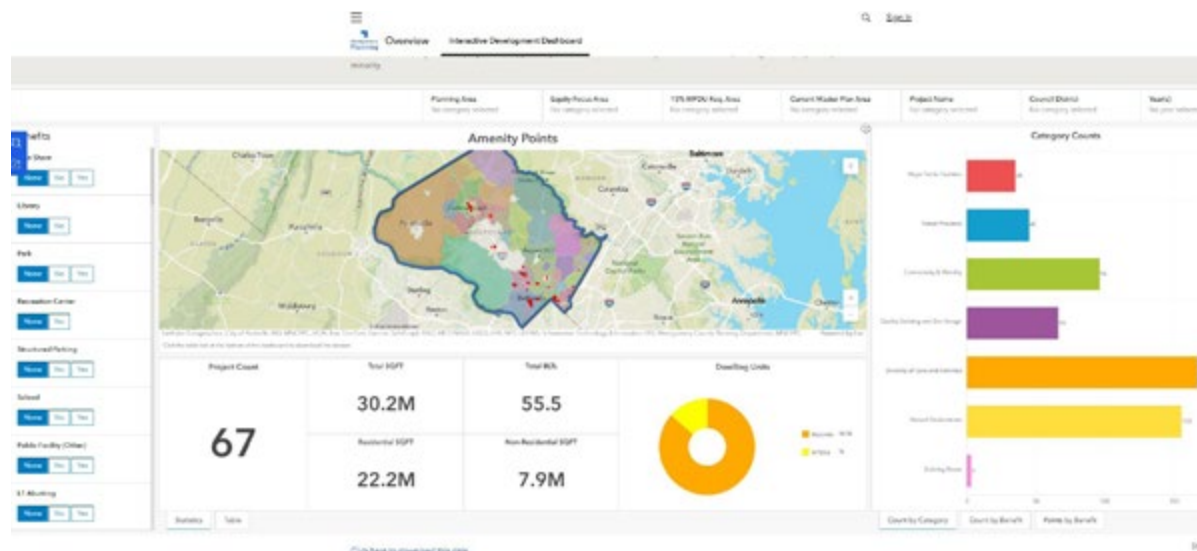


Map showing the location of CR and CRT zoned parcels in the county. Growth tiers as outlined by Thrive Montgomery 2050 are indicated in shades of blue.

TRACKING OF PUBLIC BENEFITS

Montgomery Planning has created a data hub to track the approval of development applications required to deliver public benefits following the 2025 update to the Incentive Density policy. This data hub provides up-to-date information regarding which public benefits have been approved through the Optional Method of development by the Planning Board. Public benefits can be tracked by master plan, category, or development application or sorted using filters such as high-income areas, Community Equity Index areas, etc. The goal is to document and share the approval of public benefits with the public, monitor progress, evaluate performance of the current policy, and use this tool to inform adjustments to future iterations. The data hub can be found [here](#):

<https://amenity-points-mcplanning.hub.arcgis.com/pages/dashboard2>



The Incentive Zoning data hub provides real-time tracking of public benefits approved by the Planning Board under the Optional Method of development in the CR and CRT zones. It is intended to be a resource for planning staff, partner agencies, developers, and residents.

UPDATES TO GUIDELINES

The Incentive Zoning policy and these guidelines will be assessed every five years to review how the policy has been applied and adjusted by various master plans, evaluate what public benefits have been received, and determine whether the menu of public benefits requires updating. An intermittent check-in may be needed if significant changes are made to the County's Construction and Green Codes, since those codes impact some of the proposed benefits under the Environmental Resilience category.



Montgomery Planning will periodically update the Incentive Zoning policy to ensure that it accounts for development trends, patterns in delivery of public benefits, and updates to related county regulations over time.

SECTION 2: HOW TO USE THESE GUIDELINES

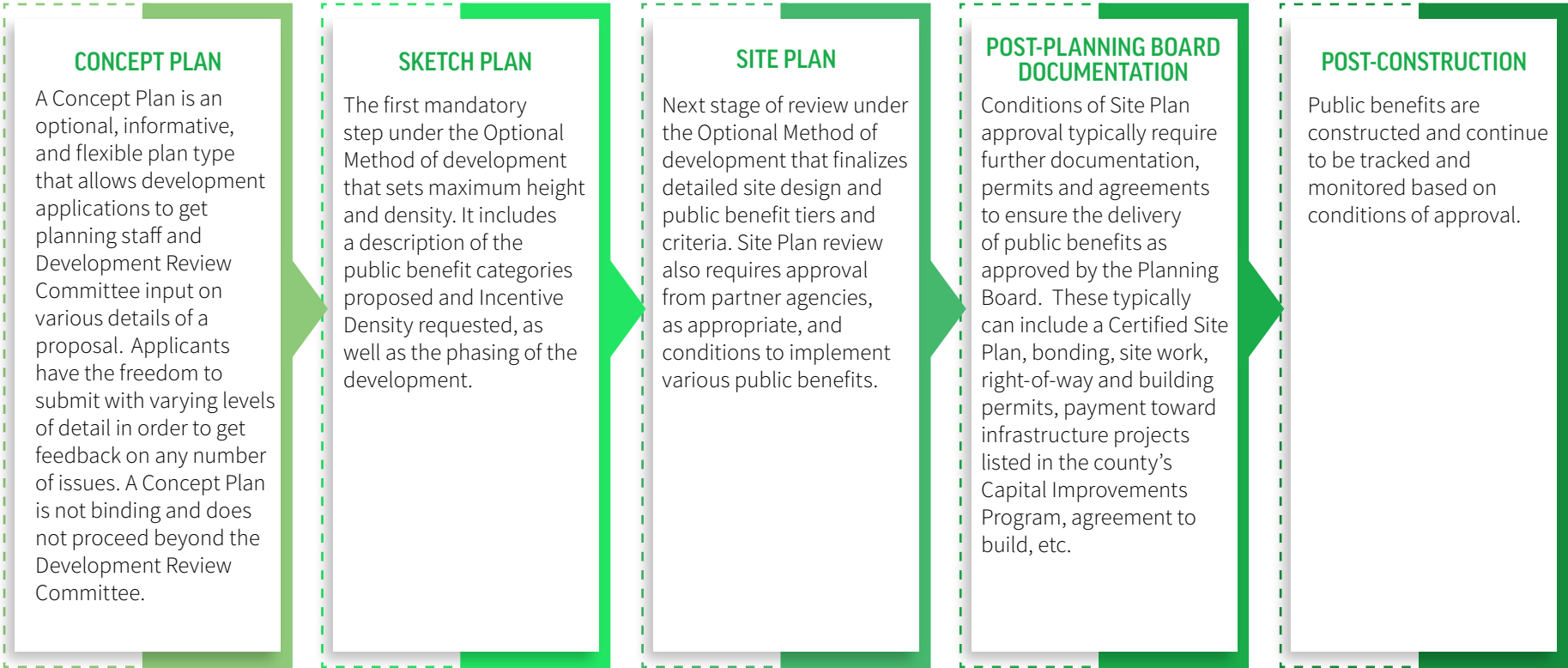
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STANDARD AND OPTIONAL METHODS OF DEVELOPMENT

In the CR and CRT zones, the Standard Method of development limits density to 0.5 FAR or 10,000 square feet (whichever is greater). The Standard method of development can potentially move forward to the Department of Permitting Services for a building permit without any review by the Planning Department or Planning Board. However, there are several nuances in the zoning ordinance based on proximity to residential zones, height, and overlay zones that may require a Standard Method of development to receive a Site Plan approval from the Planning Board. The Optional Method of development applies when a development application proposes a density above the Standard Method threshold. Optional Method development applications require approval of the Sketch Plan and Site Plan from the Planning Board and provision of public benefits based on the overall proposed density.

The Sketch Plan review sets an overall development envelope that includes maximum density and height. At this stage, an outline of proposed public benefit categories with a general narrative is required to ensure that the development application is on track to deliver the public benefits in conformance with regulatory criteria and the applicable master plan recommendations. For the Site Plan review, the development application is reviewed at a higher level of detail with final public benefit descriptions and supplemental information as necessary for recommendation by Planning Staff and approval by the Planning Board. When a Site Plan is approved, conditions are applied to the development application as necessary to ensure that the public benefits are delivered over the course of the permitting, construction, and subsequent operating lifespan of the project. The various potential stages from the project's conception to completion are described below. Preliminary Plans are essential and are required for most developments but are not shown below, since public benefits are not reviewed during Preliminary Plan review.



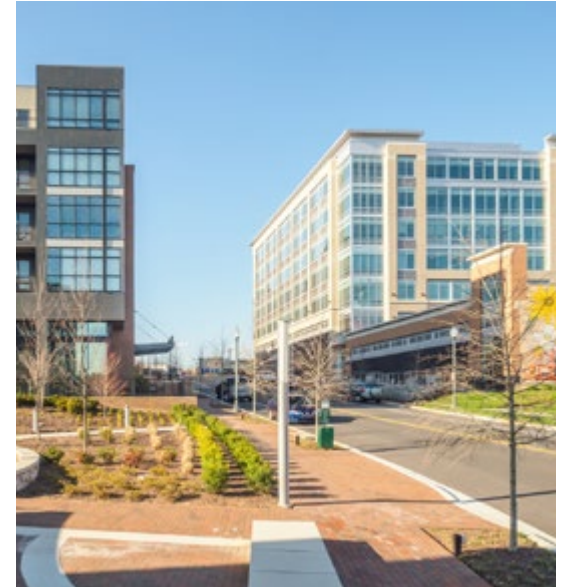
CODE REQUISITES

Projects that require Site Plan approval must meet several criteria before the Planning Board can approve a project. These criteria, referred to here as Code Requisites, are listed below. Their purpose is to ensure that the project meets all the base requirements relative to the County's environmental regulations; historic preservation law; transportation, safety, and development standards; and master plan recommendations. Depending on the project, Code Requisites may include:

- Chapter 22 (Forest Conservation Law)
- Environmental Guidelines
- Growth and Infrastructure Policy
- Local Area Transportation Review (LATR)
- Chapter 24A Historic Resources Preservation
- Chapter 25A Moderately Priced Dwelling Units (MPDU) Law
- Montgomery County Agency Approvals
 - Stormwater Management (SWM)
 - Fire Department Access
 - Department of Transportation (DOT)
 - Department of Permitting Services (DPS)
 - Department of Housing and Community Affairs (DHCA)
- Payment to the Agricultural Land Preservation Fund
- Master plan conformance including:
 - Recommended new streets and through-block connections
 - Streetscape standards
 - Public parks and privately owned public space recommendations
 - Design Guidelines and/or Design Advisory Panel
 - Environmental recommendations
- Functional Plans and Countywide Guidelines including:
 - Complete Streets Design Guide/Right-of-Way dedication
 - Bicycle Master Plan
 - Pedestrian Master Plan

While the previous iteration of this policy (*2017 Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines*) did not recommend projects to receive public benefits for meeting Code Requisites, this update does allow projects to receive Incentive Density for providing certain amenities required by code, as long as they also meet the standards of the specific public benefit under which density is being requested. These include:

- Off-site improvements required by LATR and built by the applicant
- Adaptive reuse to conform to requirements per Chapter 24A, Historic Resources Preservation
- Green roof used for stormwater management or to meet green cover requirements per applicable master plan
- Undergrounding of utilities
- Elements delivered to conform to Master plan recommendations:
 - New streets
 - Bicycle and/or pedestrian extensions
 - Public parks and Privately Owned Public Spaces
 - Urban Design Guidelines and/or Design Advisory Panel Review



All Standard and Optional Method projects within the CR and CRT zones are required to satisfy Code Requisites relative to the county's environmental regulations; historic preservation law; transportation, safety, and development standards; and master plan recommendations.

MENU OF PUBLIC BENEFITS

The current public benefits system aligns with the county's key policy priorities and also represents critical local needs that are typically highlighted through master plans. The overall menu consists of four categories with 14 distinct public benefits, each containing key elements needed to implement the vision outlined in Thrive Montgomery 2050 and the County's Climate Action Plan.

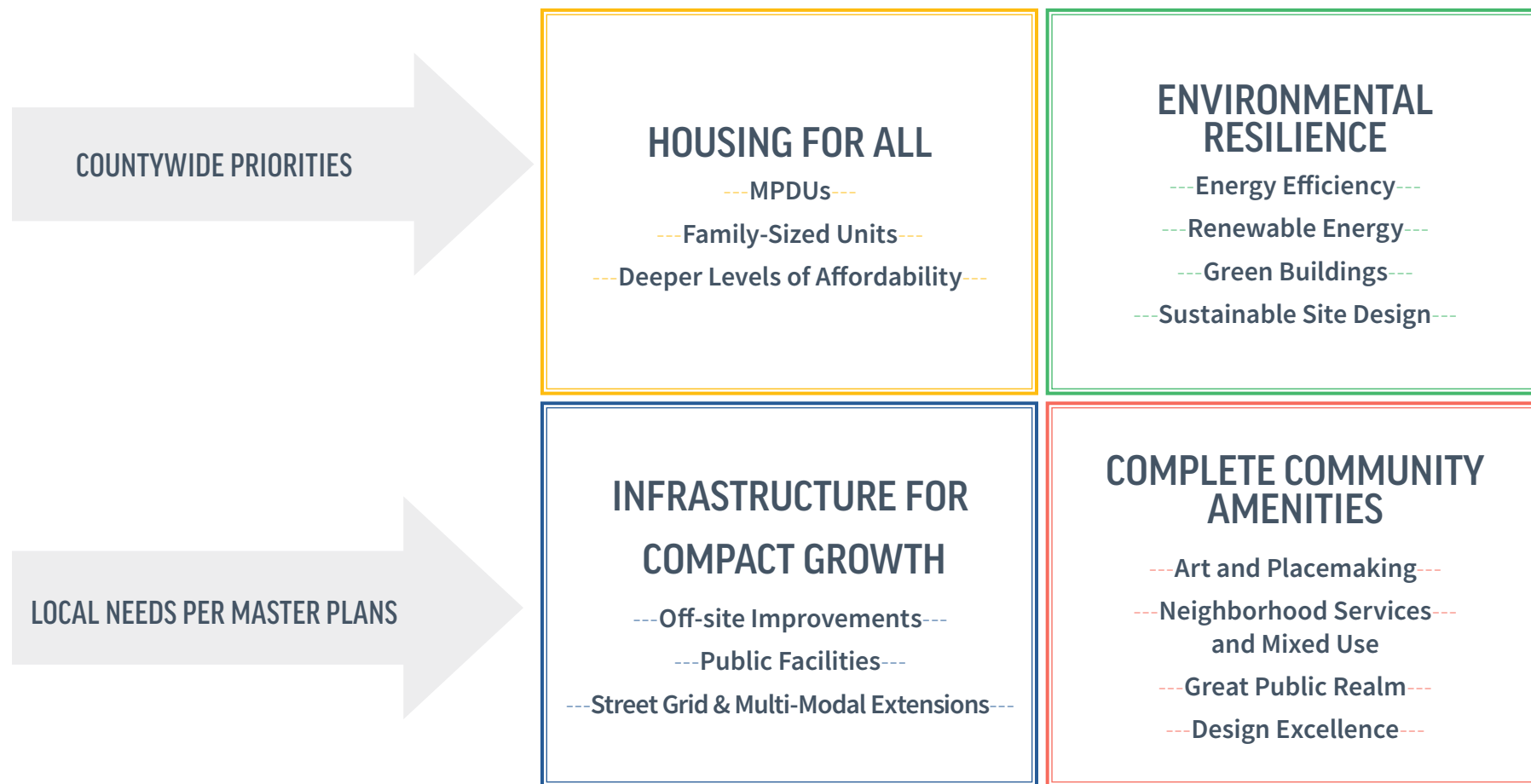


Diagram showing the 14 public benefits organized under four distinct categories.

TIERS OF PARTICIPATION

Under each public benefit, there are four tiers of participation. The lower tiers are assigned a lower FAR of Incentive Density and require a project to deliver less intensive public benefits. Higher tiers unlock greater amounts of Incentive Density FAR and require more intensive public benefits. Each public benefit includes a Tier 4, referred to as a Top Tier. If a project delivers this level of extraordinary public benefit, which involves considerable cost, no other public benefits will be required of the project. The table below is representative of the Tiers and assigned FAR for all public benefits except for the provision of MPDUs, which have a unique set of tiers and associated FAR.



Images showing elements that can be provided to satisfy various tiers of participation under the "Art and Placemaking" public benefit, as an example. Clockwise from top: Tier 1: Providing cultural programming; Tier 2: Installing public art; Tier 3: Providing artist housing; Tier 4: Delivering a facility like a theater or performance venue.



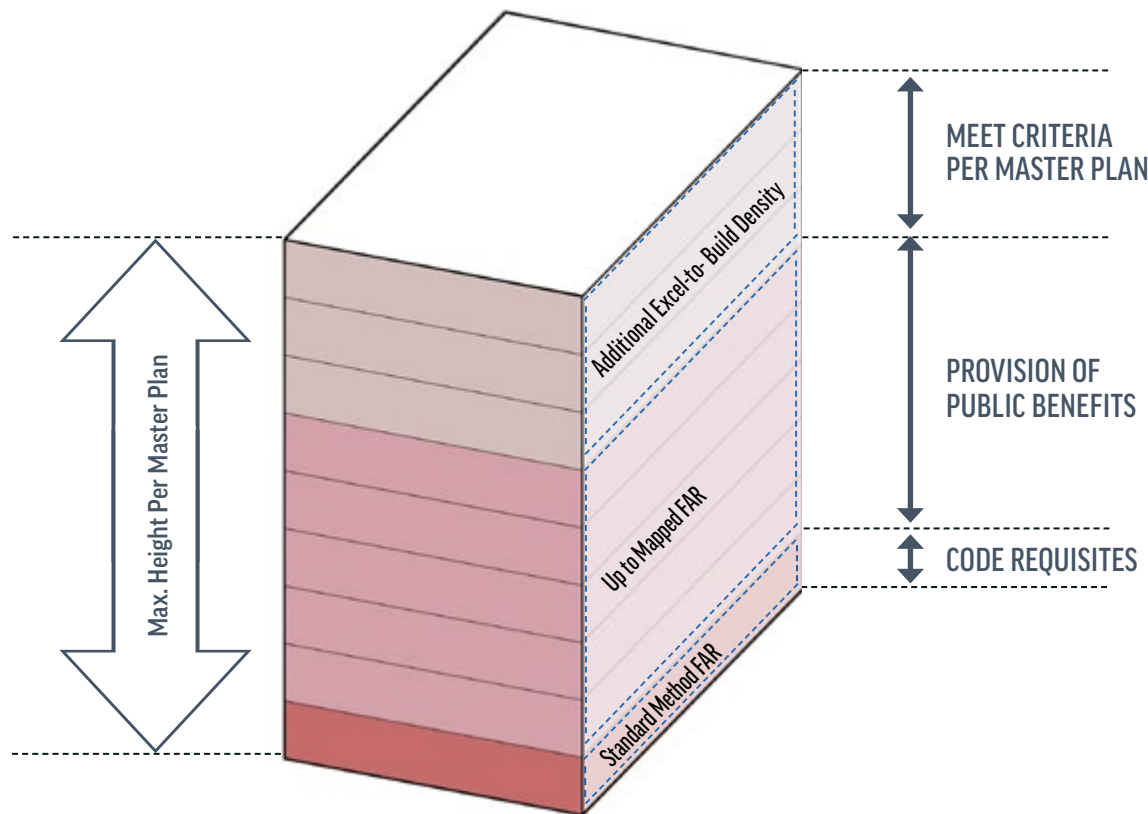
Public Benefit Category	
Public Benefit	
TIER 1 0.25 FAR	Small -scale public benefit incorporated into the project.
TIER 2 1.0 FAR	Medium-scale public benefit incorporated into the project.
TIER 3 1.5 FAR	Substantial public benefit incorporated into the project.
TIER 4/TOP TIER Up to mapped FAR	An extraordinary public benefit incorporated into the project. No payment in lieu options. NO OTHER PUBLIC BENEFITS REQUIRED

Each of the 14 public benefits offers the ability to deliver benefits at four distinct tiers. Each tier unlocks a specific amount of Incentive Density for the development application.

INCENTIVE DENSITY FAR

Incentive Density is defined as the difference in density between the maximum allowed FAR under the Standard Method of development (0.5 in the CR and CRT zone), and the mapped FAR. Optional Method development applications must provide public benefits that achieve the amount of Incentive Density proposed.

To ensure development feasibility for small sites with a high amount of mapped FAR near transit, development applications with a tract size under one acre and a mapped total FAR greater than 4.0 that are requesting to utilize the entire mapped FAR are exempt from providing public benefits for any density under 2.0 FAR.



EXCEL-TO-BUILD DENSITY

A master plan may choose to offer additional Excel-To-Build Density, enabling development applications to exceed the mapped FAR by obtaining additional density from a centralized pool. An example of such an arrangement is the Bethesda Overlay Zone Density. If the applicable master plan offers Excel-To-Build Density beyond the mapped FAR through a mechanism such as an overlay zone, a development application may request additional FAR, once the mapped FAR has been fully utilized. Public benefits or payments must be provided for the Excel-To-Build density, as defined by the applicable master plan and overlay zone.

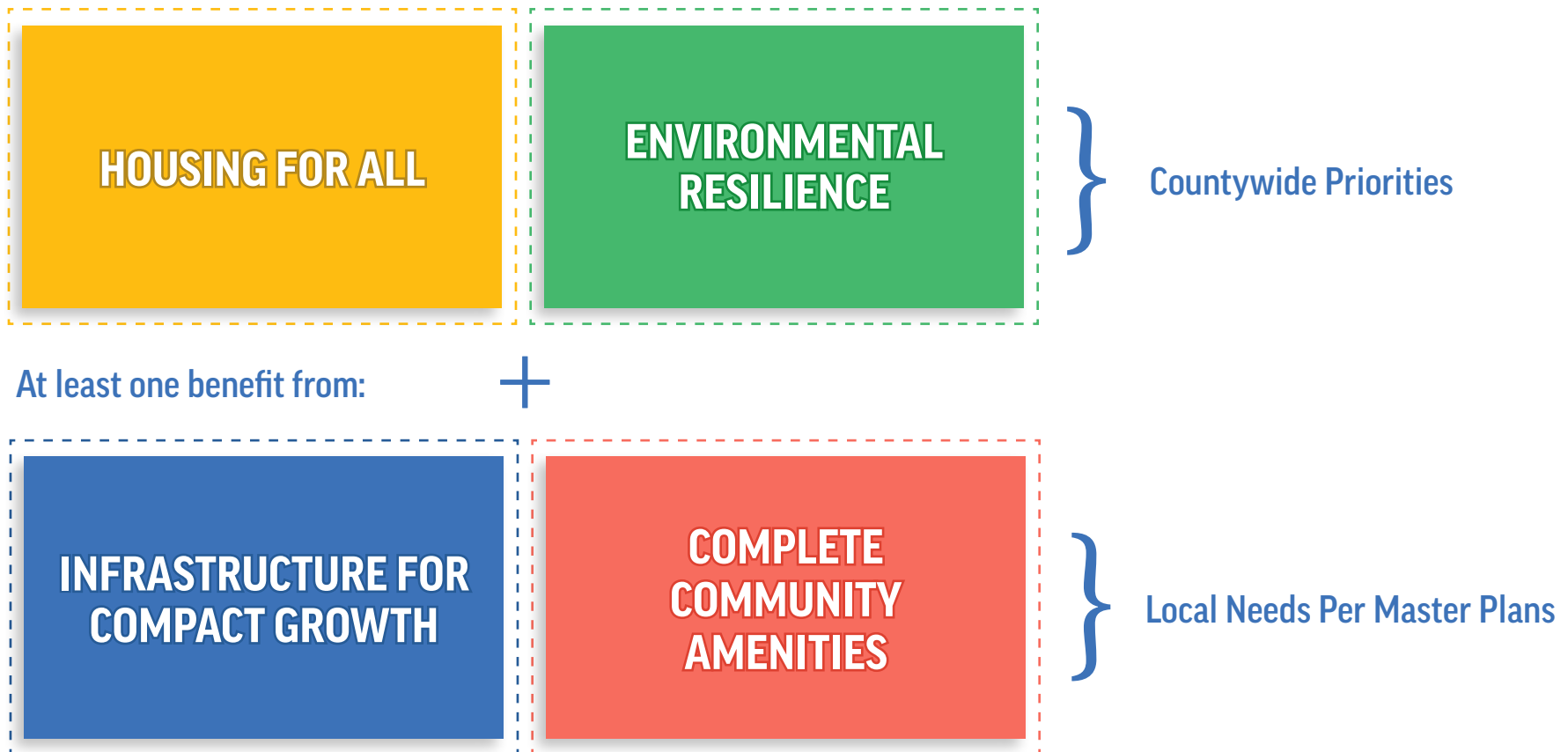
Optional Method projects in the CR and CRT zones are required to provide public benefits to earn the right to build the Incentive Density being proposed by the development application.

REQUIRED PUBLIC BENEFITS

Development applications proposing an Incentive Density greater than 0.5 FAR (rounded up by 0.25 increments) must provide at least one public benefit from the Countywide Priorities set of benefits as well as at least one public benefit from the Local Needs Per Master Plans set. Development applications providing a Tier 4 benefit from any category do not need to provide any other benefit.

A development application proposing only 0.25 FAR of Incentive Density may provide a single, Tier 1 public benefit from any category as prioritized by the applicable master plan. For small sites with high mapped FAR near transit, the provision of public benefits starts beyond 2.0 FAR as described on the preceding pages.

At least one benefit from:



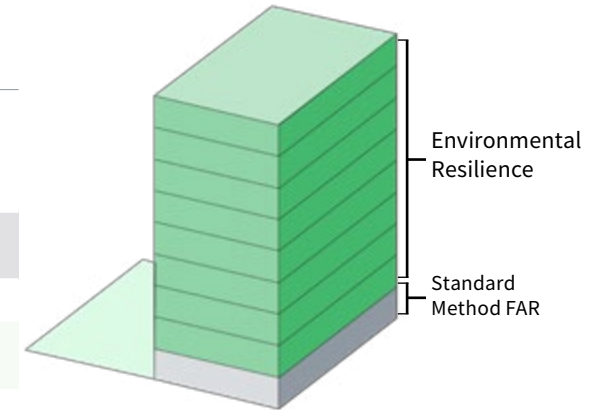
POTENTIAL APPROACHES FOR DELIVERING OPTIONAL METHOD PUBLIC BENEFITS

The current system offers a variety of ways development applications could provide public benefits from the four categories to achieve their proposed Incentive Density. Outlined below are a few Development Application Examples that show how Incentive Density is calculated and the variety of ways a project can choose to achieve the Incentive Density for its development application.

Example #1, Top Tier Approach:

A project is zoned CR 5.0 and proposes a total of 4.5 FAR. The project is required to provide public benefits that total 4 FAR [4.5 - 0.5 (Standard Method FAR) = 4]. The development application proposes to achieve the incentive density by providing a top tier (Tier 4) benefit from the Environmental Resilience category. The project proposes to provide a Green Buildings public benefit, constructing a LEED platinum building, and no other public benefits are required.

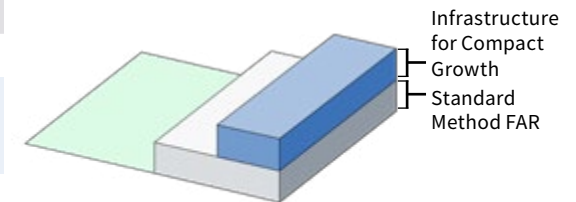
Category	Public Benefit	Top Tier Approach, 1.50	
		tract acres	FAR
		Zoned CR 5.0	
		Proposed Density	4.5
		Standard Method FAR	0.5
		Required Incentive Density	4.0
Environmental Resilience	Green Buildings	Tier 4: LEED platinum building	4.0



Example #2, Minimal FAR Approach:

A project is zoned CRT 1.0 and proposes a total of 0.75 FAR. The project is required to provide public benefits that total 0.25 FAR [0.75 - 0.5 (Standard Method FAR) = 0.25], from any of the four categories, without the requirement of providing at least one public benefit from both the Countywide Priorities set of benefits and from the Local Needs Per Master Plans set. The development application proposes to achieve Incentive Density by providing a Tier 1 public benefit (0.25 FAR) from the Infrastructure for Compact Growth category. The project proposes to provide a Grid and Multi-Modal Extensions public benefit, reducing curb cuts by 50%.

Category	Public Benefit	Minimal FAR Approach,	
		1.50 tract acres	FAR
		Zoned CR 5.0	
		Proposed Density	0.75
		Standard Method FAR	0.5
		Required Incentive Density	0.25
Infrastructure for Compact Growth	Grid and Multi-Modal Extensions	Tier 1: Reducing curb cuts by 50%	0.25



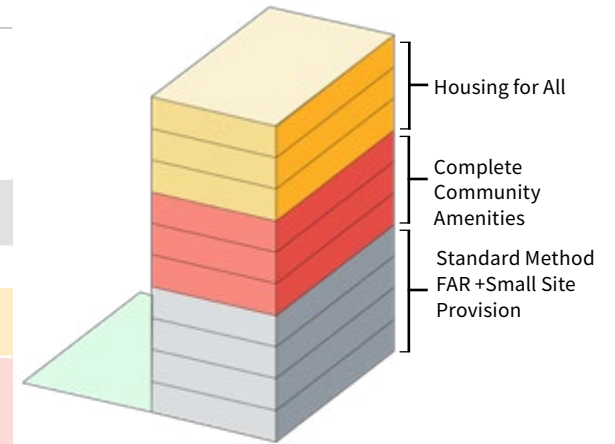
Example #3, Limited Categories

Approach:

A development application is zoned CR 5.0, proposes to maximize its mapped 5.0 FAR, and is located on a site with a tract area of 0.6 acres. The project falls within the provisions for applications with tract sizes less than one acre. Therefore, the development application is required to provide public benefits that total 3.0 FAR [5.0 - 2.0 (Standard Method FAR + small site provision) = 3.0].

The development application proposes to achieve Incentive Density by providing a Tier 2 public benefit (1.5 FAR) from the Housing for All category and a Tier 3 public benefit (1.5 FAR) from the Complete Communities category. The project proposes 5% more MPDUs under the Moderately Priced Dwelling Units public benefit and provides 15,000 square feet of neighborhood-serving uses under the Neighborhood Services public benefit.

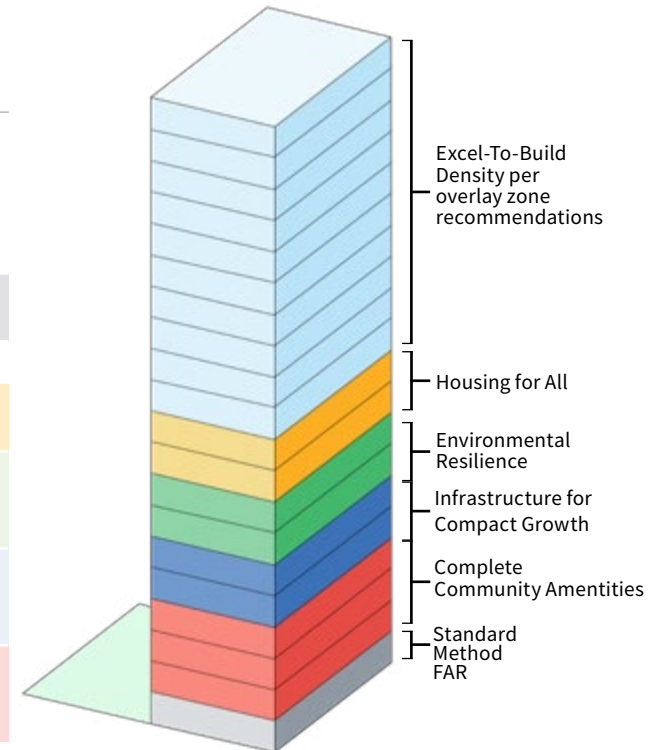
Category	Public Benefit	Limited Categories Approach, 0.6 tract acres	
			FAR
		Zoned CR 5.0	
		Proposed Density	5.0
		Standard Method FAR + small site provision	2.0
		Required Incentive Density	3.0
Housing for All	MPDUs	Tier 2: 5% greater MPDUs than required	1.5
Complete Communities Amenities	Neighborhood Services	Tier 3: 15,000 sf neighborhood services	1.5



Example #4, Mixed Approach:

A project is zoned CR 5.0, proposes a total of 10.0 FAR, and is located within an overlay zone with a master plan that offers Excel-to-Build Density beyond the mapped FAR of a parcel. The project is required to provide public benefits that total 4.5 FAR [5 - 0.5 (Standard Method FAR) = 4.5] with the remaining 5.0 FAR of Excel-to-Build Density being delivered through the overlay zone provisions. The development application proposes to achieve the Incentive Density by providing several Tier 2 and 3 benefits from each of the four public benefit categories as shown in the table. The additional 5.0 FAR proposed beyond the mapped FAR is subject to the requirements of the overlay zone for the additional density.

Category	Public Benefit	Mixed Approach, 1.10 tract acres	
			FAR
		Zoned CR 5.0	
		Proposed Density	10.0
		Standard Method FAR	0.5
		Excel-To-Build Density	5.0
		Required Incentive Density	4.5
Housing for All	MPDUs	Tier 2: 5% greater MPDUs than required	1.0
Environmental Resilience	Energy Efficiency	Tier 2: exceeding energy efficiency standards by 17.5%	1.0
Infrastructure for Compact Growth	Grid and Multi-Modal Extensions	Tier 2: off-site streetscape \$300k-\$500k	1.0
Complete Communities Amenities	Art & Placemaking	Tier 3: urban district contribution @ \$2/sf	1.5



PAYMENT IN LIEU

Preferably, public benefits are constructed and delivered by projects pursuing the Optional Method of development. Payment In Lieu of providing a public benefit may be considered and accepted under the following criteria:

- a. The public benefit falls under one of the following:
 - i. Off-site Improvements
 - ii. Public Facility
 - iii. Street Grid and Multi-Modal Extensions
 - iv. Art and Placemaking
 - v. Great Public Realm
- b. the applicable master plan recommends larger-scale facilities or amenities, and establishes a mechanism to receive in lieu payments,
- c. a Capital Improvement Project (CIP) exists within the applicable master plan area to receive the payments, and
- d. the public benefit is located off-site.

Any payment in lieu rates are based on a per square foot basis and calculated for the overall gross square footage of the development application. Payment in lieu rates must be adjusted biennially by the Planning Board, based on the Engineering News Record's Baltimore Construction Cost Index. The rate will be determined at the time of acceptance of the Site Plan application.

Development applications must request a payment in lieu for a public benefit in writing, with justification for each of the above criteria for review by staff and any agency responsible for a CIP. The agency responsible for the CIP must provide support in writing for the payment in lieu, before the Planning Board consideration.

ALTERNATIVE COMPLIANCE

The Planning Board may approve an alternative method of compliance for providing a public benefit under Section 4.7.3 if there is a unique site, a use characteristic, a unique benefit to the public, or a development constraint that precludes the delivery of a pre-defined public benefit in Section 59.4.7.3. or as modified by any applicable master plan. The alternative method of compliance must

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

Development applications must request alternative compliance for a public benefit in writing, with justification for each of the above criteria for review by staff as early in the process as possible (concept plan or sketch plan). Staff must present a recommendation for the alternative compliance with their findings for the Planning Board's consideration of any development application.

SECTION 3: CRITERIA FOR REVIEW



3

HOUSING FOR ALL

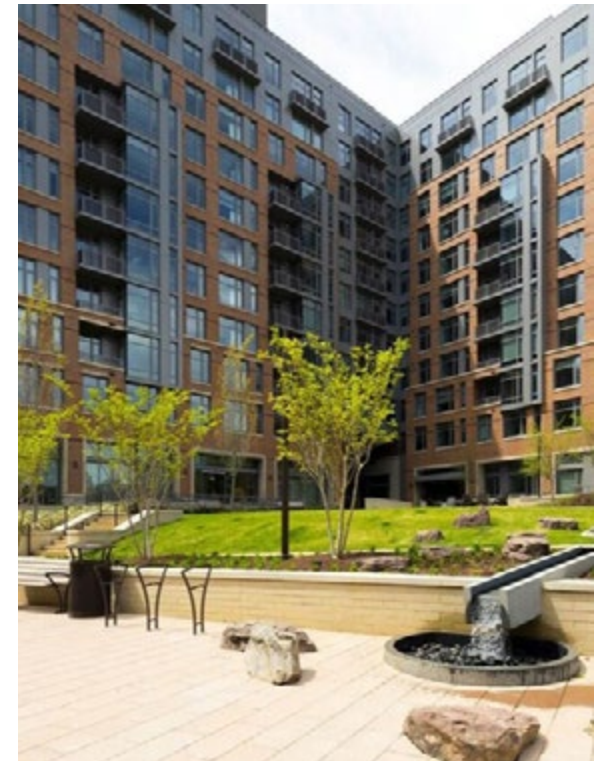
The Housing for All category incentivizes the delivery of affordable housing at varying levels for rent and for sale, as well as the provision of units that can house families and intergenerational households near transit. A variety of housing types priced for a range of incomes is essential to creating integrated neighborhoods and equitable access to resources. The county needs more of every type of rental and for-sale housing. These public benefits were developed in coordination with the Department of Housing and Community Affairs (DHCA). These public benefits do not change the requirements of Chapter 25A, as reviewed and administrated by DHCA, nor do they alter the bonus density or height provisions contained in the zoning ordinance for Optional Method development.



The provision of high-quality housing at various price points in close proximity to jobs and amenities is a key ingredient for creating equitable communities.

Public Benefits

MODERATELY PRICED DWELLING UNITS (MPDUs)	FAMILY-SIZED UNITS	DEEPER LEVELS OF AFFORDABILITY
Greater percentages of MPDUs than code/master plan requirements	Family-sized market rate & affordable units for rent and sale	Deeper levels of affordability as average Area Median Income



Development applications can pursue a variety of strategies to earn Incentive Density under three distinct public benefits within the Housing For All category.

MODERATELY PRICED DWELLING UNITS (MPDUS)

Intent

Incentivize development applications to deliver more MPDUs than the minimum requirements, to increase the supply of affordable housing in the county.



Projects that provide a greater percentage of MPDUs than required by county code or the master plan would be eligible for Incentive Density, such as the Thayer and Spring project in Downtown Sliver Spring that provided 2.5% greater MPDUs than required.

Incentive Density Approval Criteria

Development applications that provide more MPDUs than the county or master plan required minimum, whichever is greater, may receive Incentive Density based on the following FAR tiers modified from those described in Section 4.7.1.B.3 and Section 2 of this document:

TIER	MPDUs
TIER 1 1.25 FAR	Providing greater than or equal to 2.5% and less than 5% more MPDUs than required
TIER 2	Providing greater than or equal to 5% and less than 7.5% more MPDUs than required
TIER 3 1.75 FAR	Providing greater than or equal to 7.5% and less than 10% more MPDUs than required
TIER 4 Up to mapped FAR	Providing greater than or equal to 10% more MPDUs than required

Relevant Notes

- Incentive Density corresponding to the various tiers does not include MPDU density bonus.
- Additional public benefits are not required for the MPDU density bonus.
- Development applications providing 25% MPDUs may receive impact tax reductions per county code.

Calculation Example

A project is providing 20% MPDUs in an area where the minimum MPDU requirement is 15% per the applicable master plan. This project will qualify for a Tier 2 MPDU Public Benefit and earn 1.5 FAR of Incentive Density.



The Residences at Forest Glen project provided 20% MPDUs, which is at least 7.5% greater than required and would be eligible for 1.75 FAR of Incentive Density.

Submittal Criteria

Sketch Plan

- Initial proposal to be confirmed by DHCA during application review with agency approval letter before the Planning Board's consideration.
- Identify the requested density and percentage of MPDUs targeted.

Site Plan

- Agency approval letter from DHCA based on final details.
- Provide final MPDU percentages, unit counts, and architectural drawings showing unit locations and design.

Post Planning Board Approval Documentation

- Certified Site Plan that includes final MPDU percentages and conditions of approval/timing listed in Development Program Table.
- Compliance with the terms set forth in DHCA approval letter.

Partner Agencies

- DHCA, DPS

FAMILY-SIZED UNITS

Intent

This public benefit incentivizes the supply of family-sized dwellings that contain three or more bedrooms to accommodate larger families and intergenerational households.



Projects that provide family-sized units split proportionally between market rate and MPDU units, such as the ground floor units within the Ripley Street North project in downtown Silver Spring, may be eligible for varying amounts of Incentive Density.

Incentive Density Approval Criteria

Development applications that provide family-sized units may receive Incentive Density based on the following FAR tiers.

TIER	Family-Sized Units
TIER 1 0.25 FAR	Must include 1 of the following a. a minimum 5% of all units in an apartment or mixed use building type must be constructed with 3 or more bedrooms, and these family sized units must be divided evenly between market rate and MPDU units or b. a minimum 5% of all MPDU units in townhouse building types with 4 bedrooms or greater
TIER 2 1.0 FAR	Must include 1 of the following a. a minimum 10% of all units in an apartment or mixed use building type must be constructed with 3 or more bedrooms, and these family sized units must be divided evenly between market rate and MPDU units or b. a minimum 10% of all MPDU units in townhouse building types with 4 bedrooms or greater

Relevant Notes

- All eligible building types must meet the definition per the zoning and construction codes.
- There are no Tier 3 or Tier 4 options for this public benefit.
- A family sized unit is defined as a dwelling that is three or more bedrooms in size.

Calculation Example

A development application is proposing a 300-unit apartment building within a master plan area with a 15% minimum MPDU requirement. The applicant proposes 30 units, or 10% of total units, as three-bedroom units. Five of these three-bedroom units are proposed to be MPDUs. This development application will qualify for a Tier 2 Family-Sized Units public benefit and earn 1.0 FAR of Incentive Density.



Townhouse projects that provide family-sized units with four bedrooms or greater including MPDU units, such as the Chelsea Heights townhouse project in downtown Silver Spring, may be eligible for varying amounts of Incentive Density.



Phase 1 of the Strathmore Square development provides approximately 10% of units as three-bedroom apartments. If these units include both market rate and a proportionate amount of MPDUs, such projects may qualify for Incentive Density.

Submittal Criteria

Sketch Plan

- The applicant must provide narratives identifying what tier is being requested with information regarding unit types and targeted unit mix.
- Initial proposal to be confirmed by Montgomery County Department of Housing and Community Affairs (DHCA) during application review with agency approval letter prior to Planning Board consideration.

Site Plan

- Provide final narrative with unit mix and architectural drawings showing locations and design.
- Agency approval letter from DHCA based on final details for the MPDUs.

Post Planning Board Approval Documentation

- Certified Site Plan to include floor plans with conditions of approval/timing listed in the Development Program Table.
- Compliance with terms set forth DHCA approval letter.

Partner Agencies

- DHCA, DPS

DEEPER LEVELS OF AFFORDABILITY

Intent

This public benefit incentivizes developments that have a lower MPDU target Area Median Income (AMI) than set forth by the county MDPU law, as detailed below.



Projects that provide deeper levels of affordability may be eligible to receive Incentive Density. For example, this senior living facility in Colesville that provides 90% of their units at an AMI of 60% would not be required to provide any other public benefit.

Incentive Density Approval Criteria

Development applications that provide deeper levels of affordability may receive Incentive Density based on the following FAR increment tiers.

TIER	Deeper Levels of Affordability
TIER 1	NA
TIER 2 1.0 FAR	Must enter into an agreement with DHCA to provide at least 15% of all units as MPDUs at various levels of affordability averaging 60% of AMI
TIER 3 1.5 FAR	Must enter into an agreement with DHCA to provide at least 20% of all units as MPDUs at various levels of affordability averaging 60% of AMI
TIER 4 Up to mapped FAR	Must enter into an agreement with DHCA to provide at least 25% of all units as MPDUs at various levels of affordability averaging 60% of AMI

Relevant Notes

- FAR corresponding to the various tiers does not include MPDU density bonus.
- Additional public benefits do not need to be provided for the MPDU density bonus.
- Projects providing 25% MPDUs at various levels of affordability averaging 60% of AMI may receive impact tax reductions and do not need to provide any additional public benefits.
- Averaging of affordability will be reviewed and approved by DHCA.
- Average Median Income (AMI) is determined by the Department of Housing and Community Affairs (DHCA).

Calculation Example

A development application is proposing to build 150 townhouses in a master plan area where the minimum requirement for MPDUs is 12.5% at 70% AMI. The applicant works with DHCA to provide 23 units, or 15% of total units, as MPDUs, with an average 60% AMI. The breakdown of targeted AMI is approved by DHCA, in addition to other details of unit types, sizes, locations, and phasing. This development application will qualify for a Tier 2 Deeper Levels of Affordability public benefit and earn 1.0 FAR of Incentive Density.



Dowden's Station in Clarksburg constructed 21 single-family units and 84 townhouses with 25% MPDUs. If the project committed to deeper levels of affordability within the MPDUs, it would not be required to provide any other public benefit.



Ripley East, located in downtown Silver Spring Central Business District has 360 units, with 54 of MPDUs (15%). If the project committed to deeper levels of affordability within the 15% MPDUs, it would be eligible for 1 FAR of Incentive Density.

Submittal Criteria

Sketch Plan

- Initial proposal to be confirmed by DHCA during application review with agency support letter before the Planning Board's consideration.
- Identifies the tier requested and the affordability levels and unit sizes targeted.

Site Plan

- Agency approval letter from DHCA based on final details for the MPDUs.
- Provide AMI and unit size distribution and architectural drawings showing locations and design.

Post-Planning Board Approval Documentation

- Certified Site Plan to include floor plans with conditions of approval/timing listed in the Development Program Table.
- Compliance with terms set forth in the DHCA approval letter.

Partner Agencies

- DHCA, DPS

ENVIRONMENTAL RESILIENCE

The Environmental Resilience category incentivizes energy-efficient and green buildings, the use of renewable energy, and incorporation of sustainable site design principles. The County's Climate Action Plan has ambitious targets to cut 80% of greenhouse gas emissions by 2027 and 100% by 2035. The building and transportation sectors are major contributors of greenhouse gases within the county. By incentivizing projects to pursue clean energy, electrification, enhanced environmental performance, sustainable site design, and flood risk mitigation, these recommendations aim to align the public benefits system with the most critical objectives of the Climate Action Plan. These public benefits were developed in coordination with the Sustainability, Energy, and Mechanical Team within the Division of Commercial Building Construction and the Water Resources Section at the Department of Permitting Services (DPS), as well as Department of Environmental Protection (DEP) staff.



Net Zero energy buildings like the Unisphere in downtown Silver Spring have no operational carbon footprint because the electrical and thermal energy they use is renewably generated on site.



Enhanced on-site renewable energy generation is key to reducing greenhouse gas emissions from the county's building stock and achieving the Climate Action Plan targets.

Public Benefits

ENERGY EFFICIENCY	RENEWABLE ENERGY	GREEN BUILDINGS	SUSTAINABLE SITE DESIGN
Exceed energy-efficient standards	Use renewable and/or generate on-site energy to work toward net zero target	Meet/Exceed Alternative Compliance Path through LEED Certification or other DPS-approved certification programs.	Incorporate sustainable features such as biophilic design, enhanced green roof, bird-friendly design, pervious pavement materials, retaining existing trees, and adaptively reusing existing structures.



Development applications can pursue a variety of strategies to earn Incentive Density under four distinct public benefits within the Environmental Resilience category.

ENERGY EFFICIENCY

Intent

Incentivize development applications that exceed Montgomery County's required energy efficiency standards.



Projects exceeding the county's energy efficiency standards may be eligible for varying amounts of Incentive Density and a Net-Zero energy development may not be required to provide any other public benefit.

Incentive Density Approval Criteria

Incentive Density shall be awarded to development applications that exceed applicable energy efficiency standards per the following thresholds.

TIER	Energy Efficiency
TIER 1 0.25 FAR	Must exceed current County energy efficiency standards by 10%
TIER 2 1.0 FAR	Must exceed current County energy efficiency standards by 17.5%
TIER 3 1.5 FAR	Must exceed current County energy efficiency standards by 25%
TIER 4 Up to mapped FAR	Must achieve a net zero energy performance

Relevant Notes

- Current Energy Efficiency Standards are defined as most recent adoption of the energy code update per ASHRAE 90.1.
- A Net Zero Energy Performance means an energy efficient building that produces enough renewable energy on an annual basis to meet or exceed its energy use requirements.
- Certified professional can include licensed architect, engineer, or energy modeler.



Projects that achieve a LEED certification, such as the Marriott Headquarters building in downtown Bethesda (LEED ID+C Commercial Interiors), may also earn Incentive Density under the Energy Efficiency public benefit as long as they meet the performance standards outlined in this section or as modified by the applicable master plan.

Calculation Example

A project proposes to exceed current energy efficiency standards by 17.5% and has submitted a draft energy model demonstrating the building's energy performance with their site plan application. Montgomery County DPS (DPS) Sustainability, Energy, and Mechanical Section reviewed the draft energy model and found it to exceed the County's standard. The project will qualify for 1.0 FAR of Incentive Density and will be required to submit a final energy model during the building permit stage.

Submittal Criteria

Sketch Plan

- Includes the tier the applicant is requesting for density, with master plan recommendations as applicable.
- The applicant must contact DPS to determine the current efficiency standards.

Site Plan

- The application for incentive density is subject to the energy standards in place at the time the site plan application is accepted.
- The applicant must provide a draft energy model prepared by a certified professional to DPS to ensure that it is on track to meet the proposed tiers.
- DPS will issue a memo before the Planning Board hearing for the Site Plan confirming the tier and energy model.

Post Planning Board Approval Documentation

- Includes Site Plan conditions of approval related to DPS permits on the Development Program Table in the Certified Site Plan.
- Final approval of energy model by DPS required at the time of building permit to demonstrate conformance with incentive density criteria. The building permit application is subject to the energy standards in place at the time of building permit review.
- DPS conducts a final inspection for Energy and Green code compliance prior to the Use and Occupancy Permit and will confirm with Planning Staff that energy standards have been met.

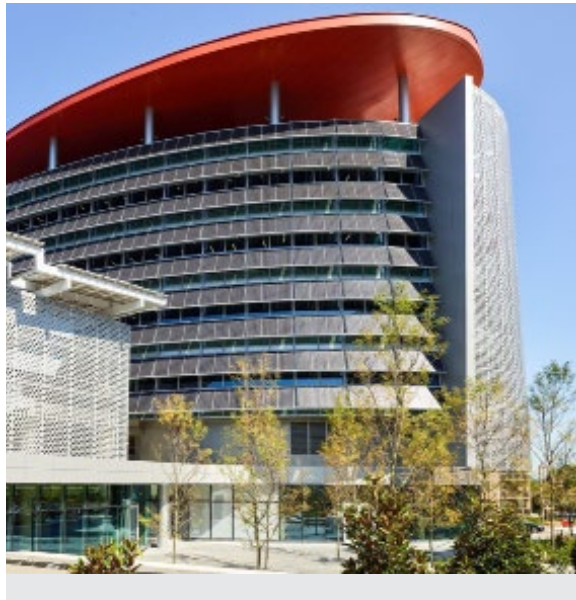
Partner Agency

- DPS: Commercial Building Construction Division; Sustainability, Energy, and Mechanical Section

RENEWABLE ENERGY

Intent

Incentivize developments that generate renewable energy on site or utilize renewable energy sourced from the regional catchment areas to help achieve the county's Climate Action Plan goals.



Renewable energy may be generated on-site using a combination of sources, including solar and geothermal, with projects earning Incentive Density commensurate to the amount of renewable energy being produced.

Incentive Density Approval Criteria

Incentive Density shall be awarded to development applications that commit to using or generating on-site renewable energy per the following tiers.

TIER	Renewable Energy
TIER 1 0.25 FAR	Must either generate renewable energy onsite or commit to using renewable energy from an off-site provider within the regional catchment area greater than or equal to at least 1/3 of the energy necessary for the development
TIER 2 1.0 FAR	Must either generate renewable energy onsite or commit to renewable energy from an offsite provider within the regional catchment area greater than or equal to at least 2/3 of the energy necessary for the development
TIER 3 1.5 FAR	Must either generate renewable energy onsite or commit to using renewable energy from an offsite provider within the regional catchment area greater than or equal to at least 3/4 of the energy necessary for the development
TIER 4 Up to mapped FAR	Must generate renewable energy onsite equal to 100% of the energy necessary for the development

Relevant Notes

Acceptable Regional Catchment Areas include:

- PJM represents Pennsylvania-New Jersey-Maryland interconnection and is the regional transmission organization for parts of the Mid-Atlantic Appalachian and Midwestern regions.
- Maryland Solar Renewable Energy Certified Program (SREC), which certifies electricity that has been generated from a solar energy resource to incentive the generation of solar energy in Maryland.
- Providing onsite solar in a project can assist in future Building Energy Performance Standards (BEPS) compliance. Reach out to the Department of Environmental Protection (DEP) for additional information.
- Certified professional can include licensed architect, engineer, or energy modeler.

Calculation Example

A project commits to utilizing renewable energy within their proposed building for a minimum of one third of their projected energy use. The applicant provides a draft energy model to MCDPS and commits to purchasing this renewable energy from the one of the markets in the regional catchment area. The project will qualify for 0.25 FAR of Incentive Density and will be conditioned to provide further documentation to MCDPS at the building permit stage.



Geothermal offers reliable renewable energy in all seasons, drawn from systems deep below the surface where the temperature does not fluctuate, providing both a sustainable source of heat and energy to power a building. The Westwood Gardens multi-family building in Toronto features geothermal systems that displace most of the natural gas usage typically required for a building of this size, reducing harmful greenhouse gas emissions by over 70% per year compared with a conventional building. The elimination of associated cooling towers in the mechanical penthouse saves over 1.3 million gallons of water per year and eliminates the need for harmful coolant chemicals.

Submittal Criteria

Sketch Plan

- Include the tier the applicant is requesting for density, with master plan recommendations as applicable.
- Provide a narrative describing the assumptions of energy use of the proposed development, and whether the renewable energy will be generated on site and/or off site. A combination of on-site and off-site strategies may be deployed.
- Planning staff should coordinate with DPS Division of Building and Construction to provide initial feedback.

Site Plan

- The application for Incentive Density is subject to the energy standards in place at the time the site plan application is accepted.
- The applicant must provide a draft energy model with details prepared by a certified professional to DPS to ensure that it is on track to meet the requested tier.
- DPS will issue a memo before the Planning Board hearing for the Site Plan confirming that the applicant is demonstrating renewable energy utilization for the appropriate tier.

Post Planning Board Approval Documentation

- Include Site Plan conditions of approval related to DPS permits on Development Program Table in Certified Site Plan.
- Final approval of energy model by DPS required at the time of building permit to demonstrate conformance with incentive density criteria. The building permit application is subject to the energy standards in place at the time of building permit review.
- During building permit review, submit a letter of intent signed by the lead designer and developer attesting to the annual renewal energy required and whether the renewal energy will be located on site and/or off site for a minimum term of 15 years. This letter will be reviewed and finalized by DPS.
- Before Use and Occupancy, the applicant must provide procurement documentation demonstrating compliance.

Partner Agencies

- DPS: Commercial Building Construction Division; Sustainability, Energy, and Mechanical Section

GREEN BUILDINGS

Intent

Incentivize developments with sustainably constructed buildings that pursue and achieve the Alternative Compliance Path for Green Buildings through LEED or an alternative certification program approved by the county.



Projects pursuing LEED certification under the Building Design and Construction rating system may be eligible for varying amounts of Incentive Density. A LEED Platinum project like Montgomery Planning's headquarter building in downtown Wheaton may qualify as providing a Tier 4 public benefit.

Incentive Density Approval Criteria

Incentive Density may be awarded to development applications that pursue the Alternative Compliance Path for Green Code per the following tiers.

TIER	Green Buildings
TIER 1 0.25 FAR	Must meet the Alternative Compliance Path for the International Green Construction Code (IgCC) and achieve LEED Silver plus 21 points
TIER 2 1.0 FAR	Must meet the Alternative Compliance Path for the International Green Construction Code (IgCC) and achieve LEED Gold
TIER 3 1.5 FAR	Must meet the Alternative Compliance Path for the International Green Construction Code (IgCC), achieve LEED Gold, and either provide full electrification of the building or utilize mass timber framed construction
TIER 4 Up to mapped FAR	Must meet the Alternative Compliance Path for the International Green Construction Code (IgCC) and achieve LEED Platinum

Relevant Notes

- Alternative Compliance Path and LEED ratings are based on the latest International Green Construction Code (IgCC) adopted by Montgomery County Council.
- LEED certification must be pursued in the Building Design and Construction rating system.
- DPS may approve an equivalent alternative certification system to LEED per their Alternative Compliance Pathway approval process, in consultation with Planning Staff.
- Full electrification—A building that contains no combustion equipment or plumbing for combustion equipment installed within the building or building site.
- Mass timber—A category of framing styles typically characterized by the use of large solid wood panels for wall, floor, and roof construction. Mass timber panels are large-format panelized wood products made from solid sawn or structural composite lumber laminations. They include cross-laminated timber, nail-laminated timber, dowel-laminated timber, and glue-laminated timber. For a building to be considered a mass timber building for the Tier 3 benefit, at least 50% of the structural system and floors must use mass timber products as defined by the International Building Code.



The SOTO building in San Antonio by Lake Flato Architects utilizes a mass timber structural system and includes ground floor commercial retail, office space, and below-grade parking organized around an open courtyard.



The LEED Platinum BD+C Biomedical Sciences and Engineering Education Facility at the Universities at Shady Grove is a six-story, 209,455-SF building housing teaching laboratories, active learning classrooms, lecture halls, maker spaces, academic offices, and a dental clinic that provides dental care to the community.

Calculation Example

A project proposes to achieve LEED Gold certification for a new apartment building and submits the required certification checklist prepared by a licensed professional. The project qualifies for 1 FAR of Incentive Density and will be required to provide further documentation to DPS during the building permit stage.

Submittal Criteria

Sketch Plan

- The applicant must contact DPS to understand current IgCC code requirements for Alternative Compliance Path (ACP). The project will be subject to the standards in place during Site Plan review.
- Include the tier the applicant is requesting with anticipated LEED, or equivalent alternative certification level.

Site Plan

- The application for Incentive Density is subject to the latest IgCC standards in place at the time the site plan application is accepted.
- The application must include a draft Alternative Compliance Path checklist to DPS based on final building design and the USGC or equivalent certification scorecard prepared by a certified professional.
- DPS will issue a memo before the Planning Board hearing for Site Plan confirming that the applicant provided documentation for the appropriate tier.

Post Planning Board Approval Documentation

- Include Site Plan conditions of approval for DPS permits on Development Program Table in Certified Site Plan.
- Final approval of ACP and LEED by DPS required at the time of building permit to demonstrate conformance with incentive density criteria. The building permit application is subject to the IgCC standards in place at the time of building permit review
- DPS will conduct a final inspection for Energy and Green code compliance prior to the Use and Occupancy Permit and will confirm with Planning Staff that ACP requirements have been met.

Partner Agency

- DPS: Commercial Building Construction Division; Sustainability, Energy, and Mechanical Section

SUSTAINABLE SITE DESIGN

Intent

Incentivize developments that incorporate sustainable design elements into their site layout and buildings.

Incentive Density Approval Criteria

Incentive Density may be awarded to development applications that incorporate sustainable features into building and site design, including biophilic design, enhanced green roofs, bird-friendly design, pervious pavement materials, retaining existing trees, and adaptively reusing existing structures per the following thresholds.



Biophilic design, which connects people to nature, offers numerous benefits, including reduced stress, improved well-being, enhanced productivity, and even faster healing in healthcare settings.

TIER	Sustainable Site Design
TIER 1 0.25 FAR	Must include 1 of the following elements: a. meet or exceed requirements for one point for “Designing with Nature, Biophilic Design for the Indoor Environment” under the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended b. enhanced green roof with a minimum coverage of 20% of the roof area, and a minimum six inches in depth c. meet or exceed requirements for one point for “Bird Collision Deterrence” under the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended d. pervious pavement for 10% of all paved surfaces onsite e. retain a minimum 10% Diameter at Breast Height (DBH) of existing trees onsite that are between 3 and 24 inches with an adequate soil volume or f. adaptively reuse at least 10,000 square feet of existing floor area from an existing building onsite or within the plan area
TIER 2 1.0 FAR	Must include at least 2 of the following elements: a. meet or exceed requirements for one point plus 5 additional biophilic strategies for “Designing with Nature, Biophilic Design for the Indoor Environment” under the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended b. enhanced green roof with a minimum coverage of 40% of the roof area, and a minimum six inches in depth c. meet or exceed requirements for one point for “Bird Collision Deterrence” under the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended d. pervious pavement for at least 25% of all hard paved surfaces onsite e. retain a minimum of more than 10% and less than 30% DBH of existing trees onsite that have a DHB between 3 and 24 inches with an adequate soil volume or f. adaptively reuse at least 50,000 square feet of existing floor area from an existing building onsite or within the plan area



Enhanced green roofs, like these featured in the Strathmore Square development, offer numerous benefits, including improved air and water quality, reduced urban heat island effect, enhanced building insulation, and increased biodiversity. They also potentially boost property values and provide recreational spaces.



Pervious pavement coupled with planted stormwater facilities can significantly reduce runoff from a site during rain events and reduce flooding risk, a key challenge facing the county that is exacerbated by climate change.

TIER

Sustainable Site Design

TIER 3
1.5 FAR

Must include at least 3 of the following elements:

- meet or exceed requirements for one point plus 5 additional biophilic strategies for “Designing with Nature, Biophilic Design for the Indoor Environment” under the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended
- enhanced green roof with a minimum coverage of 50% of the roof area, and a minimum six inches in depth
- meet or exceed requirements for one point for “Bird Collision Deterrence” under the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended
- pervious pavement for at least 40% of all hard paved surfaces onsite
- retain a minimum of more than 30% and less than 50% DBH of existing trees onsite that have a DBH between 3 and 24 inches with an adequate soil volume
or
- adaptively reuse at least 75,000 square feet of existing floor area from an existing building on-site or within the plan area

TIER 4
Up to
mapped
FAR

Must include at least 4 of the following elements:

- meet or exceed requirements for 1 point plus five additional biophilic strategies for “Designing with Nature, Biophilic Design for the Indoor Environment” under the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended
- enhanced green roof with a minimum coverage of 60% of the roof area, and a minimum six inches in depth
- meet or exceed requirements for 1 point for “Bird Collision Deterrence” the most recently updated standards under LEED BD+C at the time of site plan acceptance, as amended
- pervious pavement for 50% of all hard paved surfaces onsite
- retain 50% or more DBH of existing trees onsite that have a DHB between 3 and 24 inches with an adequate soil volume
or
- adaptively reuse greater than 100,000 square feet of existing floor area from an existing building onsite or within the plan area



The Strathmore Square development utilizes a combination of green site design strategies and biophilic elements throughout its public and private open spaces.



The CapitaSpring Building in Singapore has an exterior façade consisting of vertical elements that are pulled apart to allow glimpses into the green oases blooming from the base, core, and rooftop.

Relevant Notes

- For biophilic design, acceptable biophilic elements and design strategies outlined per LEED v4.1 are listed [here](#). Planning staff will finalize strategies with the applicant during Site Plan review. It is not mandated that the project pursue LEED certification, as long as the performance standards are met or exceeded. Detailed criteria for each strategy and specific project examples can be found in the following publications:
 - [14 Patterns of Biophilic Design, from Terrapin Bright Green](#)
 - [Biophilic Design Strategies, by USGBC](#)
- For more information on biophilic design:
 - In *Biophilic Design: The Theory, Science and Practice of Bringing Buildings to Life* (Kellert, Heerwagen, & Mador, 2008)
- Green roofs must have a minimum soil depth of 6 inches with soil media that includes native plant species.
- Bird-friendly design is intended to reduce bird injury and mortality from in-flight collisions with buildings. The proposed building(s) must meet or exceed the requirements to earn 1 point under the Bird Collision Deterrence category in LEED BD+C version 4.1. Criteria can be found [here](#). It is not mandated that the project pursue LEED certification, as long as the performance standards are met or exceeded.
- Pervious pavement is made of highly porous surfaces that allow rainwater pass through the ground or into an underdrain system. Pervious materials include asphalt, concrete, and interlocking pavers and can be used in parking lots, parking spaces, driveways, plazas, walkways, seating areas, etc. Not every site is suitable for these pavement types, and a geotechnical report will be required to determine if proper soils exist on site. For evaluating tiers, the percentage of pervious pavement is based on the overall at-grade hardscape on site.
- Tree retention is intended to target development sites that contain existing trees with a certain size (3”–24” diameter at breast height, DBH) that are not protected under Forest Conservation Law. These existing trees provide habitat and resources, so they should remain on site rather than being removed and having the site planted with new trees after construction is completed. Planning staff will review and approve requests based on tree species and health, soil quality, and soil volumes. DBH calculations for retention on site should use the net lot area.
- Adaptive reuse of existing buildings dramatically reduces waste, energy required to build a new structure, and need for additional raw materials and resources. A project working within the application of the county’s historic preservation laws may still apply for this benefit if it meets the thresholds for minimum square footage as outlined in the various tiers. Footage as outlined in the various tiers.



The Aqua Tower in Chicago, designed by Studio Gang, features an undulating, wave-like facade and fritted glass to minimize bird collisions by breaking up reflections and alerting birds to the building's presence.



Bird-friendly sunshade on the Levin Neuroscience Building on the University of Pennsylvania campus. Photo by Gregory Benson.

Calculation Example

A project proposes a new apartment building on a property with a site area of 30,000 square feet. The building will have a footprint (and rooftop area) of 20,000 square feet. The development application proposes pervious pavement for all at-grade amenity space, with the exception of the driveway. The rooftop will provide for a 6-inch green roof covering at least 50% of the rooftop. The provided elevations are certified by a LEED professional with a supplemental narrative confirming that it has been designed to the equivalent of 1 point for LEED under the Bird Collision Deterrence category. The project will qualify for 1.5 FAR of Incentive Density for sustainable site design.



Projects pursuing Incentive Density through biophilic design must meet or exceed requirements for 1 point for “Designing with Nature, Biophilic Design for the Indoor Environment” under LEED BD+C version 4.1. Biophilic strategies include incorporating place-based relationships between buildings and the distinctive geographical, ecological, and cultural characteristics of particular places and localities by incorporating reference to geological and landscape features, the use of local and indigenous materials, and connections to particular historic and cultural traditions.



Projects utilizing pervious paving materials including asphalt, concrete, and interlocking pavers may be eligible for Incentive Density, provided they demonstrate the site's appropriateness for installation through geotechnical analysis, with approval from the DPS Stormwater Management team.

Submittal Criteria

Sketch Plan

Written narrative and diagram of locations throughout the project for each requested element and requested tier.

Site Plan

Final drawings showing the location of each element:

- Biophilic design: Documentation required per LEED, certified by an accredited LEED professional.
- Green roof: Locations and square footage shown on architectural drawings and section of depth with planting species.
- Bird-friendly design: Documentation required per LEED, certified by an accredited LEED professional.
- Pervious pavement: Geotechnical report demonstrating site appropriateness (for review by DPS SWM), hardscape plan with material description, and maintenance plan. Hardscape plan must demonstrate percentage of pervious pavement for meeting the appropriate tier.
- Adaptive reuse: Plans showing square footage of building floor area adaptively reused and narrative supporting description of building reuse.
- Tree retention:
 - o Tree inventory of all trees on site (from 3”–24” DBH) detailing tree species, size, condition, and location in a diagram.
 - o Tree retention plan showing trees to be retained with critical root zone and relation to proposed building footprints and limits of disturbance.

Post Planning Board Approval Documentation

- The Certified Site Plan must include details for all sustainable site design elements approved for density by the Planning Board and must be signed by a certified professional where applicable.
- The applicant must adhere to the elevations as approved.
- Green roofs must be bonded by the appropriate agency.
- MCDPS confirmation that building permit reflects adaptive reuse square footage and constructed to retain existing building as approved.
- Surety bond must include the cost of a new tree with DBH equivalent for trees to be retained. Maintenance and monitoring agreement must be recorded for retained trees.



The Stack Building in Toronto is a LEED Platinum BD+C Core and Shell structure and a net-zero emitter of greenhouse-gas-causing carbon from day one of its opening.

Partner Agency

- MCDPS SWM, MCDOT and DEP



Sites designed to retain existing trees not covered under the county's Forest Conservation requirements may be eligible for varying levels of Incentive Density.

INFRASTRUCTURE FOR COMPACT GROWTH

The public benefits contained in this category are focused on delivering facilities that enhance connectivity and create an infrastructure framework to support compact growth as outlined in Thrive. Projects can receive Incentive Density for providing off-site improvements for pedestrian, cycling, and transit access facilities, including bus/BRT stops or improvements to streetscapes such as undergrounding of utilities, providing seating, planting trees, adding lighting, etc. Incentive Density may also be approved for projects that build out a compact grid of streets or extend trails to fill in key missing segments of the overall street and trail network.



Public benefits within this category incentivize the creation of walkable developments within the CR and CRT zones with high quality pedestrian, cycling, and transit access infrastructure.

Public Benefits

Off-site Improvements	Public Facilities	Street Grid and Multi-Modal Extensions
Provide off-site streetscape improvements along a public street and within the public right-of-way. Construct off-site bicycle improvements. Upgrade off-site stormwater facilities or runoff conveyance/storage.	Dedicate land and/or financially contribute to a major public facility per the sector plan or a functional plan. Underground existing overhead utilities along a site's frontage or off-site.	Reduce curb cuts or construct a portion of trail or contribute to an existing CIP to MCDOT or Montgomery Parks. Build new public streets that provide through-block connectivity with preferred intersection spacing per the Complete Streets Design Guide. Provide a major connection over an environmentally sensitive area or major arterial highway that will highly contribute to the network.



Development applications can pursue a variety of strategies to earn Incentive Density under three distinct public benefits within the Infrastructure for Compact Growth category.

OFF-SITE IMPROVEMENTS

Intent

Incentivize developments that enhance connectivity by creating an infrastructure framework that supports compact growth. Incentivized public benefits include new streets, new or upgraded sidewalks, bikeways, transit access improvements, and streetscape improvements such as seating, tree canopy, and lighting.



Projects that improve overall walkability of an area by enhancing off-site streetscapes may earn varying levels of Incentive Density.

Incentive Density Approval Criteria

Incentive Density may be awarded to development applications that provide off-site bikeways, streetscape improvements, and stormwater management upgrades per the following thresholds.

TIER	Off site Improvements
TIER 1 0.25 FAR	Must provide at least 1 of the following: a. offsite streetscape improvements greater than 2,000 square feet, or with an estimated cost greater than or equal to \$100,000 but less than \$300,000, that are consistent with county guidelines or master plan recommendations - or b. contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area
TIER 2 1.0 FAR	Must provide at least 1 of the following: a. offsite streetscape improvements greater than 4,000 square feet, or with an estimated cost greater than or equal to \$300,000 but less than \$500,000, that are consistent with county guidelines or master plan recommendations b. construct offsite bikeways greater than 1,000 linear feet, or with an estimated cost greater than or equal to \$300,000 but less than \$500,000, consistent with the applicable master plan - or c. contribute a minimum of \$1.00 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area
TIER 3 1.5 FAR	Must provide at least 1 of the following: a. offsite streetscape improvements greater than 5,000 square feet, or with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000, that are consistent with county guidelines or master plan recommendations b. construct off-site bikeways greater than 1,800 linear feet, or with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000, that are consistent with the applicable master plan c. contribute a minimum \$2.00 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area - or d. construct or upgrade an off-site stormwater management facility with an estimated cost greater than \$500,000 but less than \$1,000,000



Extending streetscape and/or bikeways beyond a property's frontage in a manner consistent with county standards may qualify for approval of Incentive Density.



Projects delivering stormwater upgrades beyond the on-site requirements per county code and as recommended in the applicable master plan or identified during review by MCDPS staff may qualify for Incentive Density.

TIER	Off site Improvements
TIER 4 Up to mapped FAR	Must provide a n offsite major transportation improvement or reinforcement to runoff conveyance or storage, or a stormwater treatment facility in a master plan, with an estimated cost greater than \$1,000,000. This Tier 4 improvement must be recommended in the relevant master plan

Relevant Notes

- Projects that are requesting incentive density for off-site improvements required by LATR must meet the most recent LATR requirements and guidelines.
- Off-site improvements are upgrades to transportation facilities such as sidewalks, bike facilities, and ADA curb ramps not located directly at, or adjacent to, a development site. The Applicant must conduct due diligence to locate utilities and determine impacts to ensure proposed off-site improvements are implementable.
- Streetscape improvements are within and adjoining a street right-of-way that influence the perception of the street. They include the width of the roadway, street trees and landscaping, sidewalk/pavement, street lighting, and other street furniture, including LATR mitigation projects.
- Streetscape improvements must be designed in conformance with the Complete Streets Design Guide, applicable streetscape standards established by a master plan, or a staff-approved equivalent.
- Bikeways must be designed in conformance with the applicable master plan, the latest county standards, or a staff-approved equivalent. Bikeway improvements must provide safe connections to the overall network.
- Payment in lieu is only accepted if there is a Capital Improvement Fund, or other funding mechanism in place to receive, and the agency responsible for the funds is willing to accept the contribution. For CIPs, MCDOT will prioritize projects where public ROW has been achieved to implement improvements.. Payment in lieu cannot be applied to a property's frontage improvements.
- Stormwater upgrade may be listed in a master plan or identified by MCDEP during development review.
- Construction of streetscape and/or bikeways along the property frontage does not qualify for Incentive Density.
- Cost estimates shall utilize the latest cost estimating tool and contingency factors for the LATR Guidelines and certified by a professional engineer, to be approved by Planning Staff and relevant agencies during Site Plan review.
- Payment in lieu rates must be adjusted biennially based on the Engineering News Record's Baltimore Construction Cost Index. Rate will be fixed at the time of site plan acceptance.
- Off-site improvements must be included in the limits of disturbance for Forest Conservation Law review.



Projects that provide off-site streetscape improvements including bikeways, protected intersections, and other streetscape improvements relating to Local Area Transportation Review (LATR) Guidelines, may be eligible for varying levels of Incentive Density.

Calculation Example

A project proposes to construct a new office building with a maximum density of 300,000 square feet in a downtown with a recently approved master plan. The master plan recommends a new off-site bicycle facility under MCDOT's Capital Improvement Program that is still in the design phase. The applicant proposes to contribute a payment in lieu to the CIP to achieve a Tier 3 FAR, which MCDOT has accepted in their agency approval letter. Based on the proposed density of 300,000 square feet, the applicant will be required to pay \$600,000 to MCDOT based on the timing of their approval letter. The project will earn the right to build 1.5 FAR in addition to its 0.5 Standard Method FAR.

Submittal Criteria

Sketch Plan

- Provide a narrative describing proposed improvements and requested density, including a concept drawing showing location and size, and a typical cross-section detailing proposed improvements. Initial proposal to be submitted with application for agency review prior to Planning Board consideration.
- Any agency receiving payment in lieu must indicate intent to accept funds in writing.

Site Plan

- Final drawings, sections, furnishings, and cost estimates of upgrades, any additional information requested during Sketch Plan review.
- Final drawings and details as applicable, to be submitted with application for review and approval by implementing agency and Planning Staff.
- Any agency receiving payment in lieu must indicate acceptance of funds in writing with timing for payment. Timing and triggers to be finalized during Site Plan review.

Post Planning Board Approval Documentation

- Final drawings, sections, and furnishings included in the Certified Site Plan.
- Private improvements to be bonded and publicly accessible.
- Payment in lieu to be received by agency per Site Plan conditions of approval.

Partner Agencies

- MCDOT, MDSHA, MCDPS, MCDEP, WMATA, MCPS, Montgomery Parks



Streetscape is defined as improvements within and adjoining a street right-of-way that influence our perception of streets. It includes the width of the roadway, street trees and landscaping, sidewalk/pavement, street lighting, and other street furniture.

PUBLIC FACILITIES

Intent

Incentivize developments that deliver infrastructure facilities needed to support a compact form of development as recommended by applicable master plans. Public Facility benefits include providing space or construction for single-point facilities such as bus stops/stations, bicycle parking and storage, undergrounding transformers and utility boxes, public parking, and major facilities such as police or fire stations.

Incentive Density Approval Criteria

Incentive Density may be awarded to development applications that provide public facilities per the following thresholds.



Public transit infrastructure can range in size from public bicycle parking and small bus shelters, to dedication of and for the development of larger bus rapid transit stations. Private development can help facilitate the dedication and construction of public infrastructure.

TIER	Public Facilities
TIER 1 0.25 FAR	Must provide at least 1 of the following: a. dedicate land or construct a facility such as a bus stop, BRT station, or bicycle parking, with an estimated cost greater than or equal to \$100,000 but less than \$300,000 b. underground or locate within a building existing electric transformers and other utility boxes located along a site frontage with an estimated cost greater than or equal to \$100,000 but less than \$300,000 or c. contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area
TIER 2 1.0 FAR	Must provide at least 1 of the following: a. dedicate land for and/or construct a facility such as a bus stop, BRT station, or bicycle parking, with an estimated cost greater than or equal to \$300,000 but less than \$500,000 b. underground or locate within a building existing electric transformers and other utility boxes located along a site frontage with an estimated cost greater than or equal to \$300,000 but less than \$500,000 or c. contribute a minimum of \$1.00 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area
TIER 3 1.5 FAR	Must provide at least 1 of the following: a. dedicate land or construct a facility such as a BRT station, or enhance an existing light rail or metro rail station with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000 b. underground existing overhead utilities along a site frontage, or another location off-site within the sector plan area, with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000 or c. contribute a minimum of \$2.00 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area
TIER 4 Up to mapped FAR	Must provide at least 1 of the following: a. dedicate land for and fully construct a major facility such as a police or fire station, or a public parking garage with an estimated cost greater than \$1,000,000 or b. underground all existing overhead utilities along a site frontage, or another location off-site within the master plan area, with an estimated cost greater than \$1,000,000

Calculation Example

A project proposes to redevelop a property at a prominent gateway intersection. The development application proposes to underground utilities along both frontages, with an estimated cost of \$800,000. The project will qualify for 1.5 FAR of Incentive Density.



Projects that dedicate and/or construct facilities that improve public infrastructure may be eligible for varying amounts of Incentive Density. Master Plans may prioritize utility improvements as shown in the image above, that development applications could financially contribute to for Incentive Density as well.

Relevant Notes

- Right-of-way dedication required along a property's frontage is not eligible for incentive density.
- Public Facility improvements for bus stop refers to amenities such as benches, lighting, shelter, landscaping, etc.
- Bike parking must be available to the public and designed to the latest county standards.
- The public facility must be designed and built to meet the applicable standards with approval from the relevant county, state, or federal agency.
- Cost estimates shall utilize the latest cost estimating tool for the LATR Guidelines and certified by a professional engineer, to be approved by Planning Staff and relevant agencies during Site Plan review.
- Payment in lieu may only be accepted if there is an identified funding mechanism in place to receive and utilize the funds, and the agency responsible for the funds must approve the contribution.
- Payment in lieu rates must be adjusted biennially based on the Engineering News Record's Baltimore Construction Cost Index. Rate will be fixed at the time of site plan acceptance.
- Land value is determined by State Department of Assessments and Taxation assessment, most recent sale price, or other total valuation such as a third-party appraisal, acceptable by Planning Staff.

Submittal Criteria

Sketch Plan

- Provide narrative describing public facility proposed and density requested. The development application must demonstrate whether dedication, construction, or both will achieve master plan recommendations.
- Concept drawing showing location and size to be reviewed by Planning Staff and implementing agency.
- Initial proposal to be confirmed by implementing agency during application review with agency approval letter prior to Planning Board consideration.

Site Plan

- Final drawings and details as applicable, to be submitted with application for review and approval by implementing agency and Planning Staff.
- Implementing agency approval letter before the Planning Board's consideration.

Post Planning Board Approval documentation

- Final drawings and details as applicable, per Site Plan conditions of approval, to be included in the Certified Site Plan.
- Improvements to be bonded and constructed per Site Plan conditions of approval.

Partner Agencies

- MCDOT, MCDPS, WMATA, MCPS, Montgomery Parks

DRAFT 2025

STREET GRID AND MULTI-MODAL EXTENSIONS

Intent

Incentivize developments that enhance the transportation network by building new streets and completing missing segments of pedestrian and bicycle infrastructure.

Incentive Density Approval Criteria

Incentive Density may be awarded to development applications that reduce curb cuts, build new streets, provide inter-parcel connections and extend existing bicycle and pedestrian facilities per the following thresholds.



Trails, such as the Bethesda Trolley Trail shown above, are located outside of the public street right of way but provide critical network connections for bicyclists and pedestrians. Development applications that propose to extend or improve these types of facilities may be eligible to receive Incentive Density.

TIER	Street Grid and Multi-Modal Extensions
TIER 1 0.25 FAR	Must provide at least 1 of the following: a. construct a publicly accessible trail greater than 2,500 linear feet but less than 3,500 linear feet in length, or with an estimated cost greater than or equal to \$100,000 but less than \$300,000 b. contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area - or c. for redevelopment applications, reduce the number of existing curb cuts by 50%
TIER 2 1.0 FAR	Must provide at least 1 of the following: a. construct a publicly accessible trail extension greater than 3,500 linear feet but less than 6,000 linear feet in length, or with an estimated cost greater than or equal to \$300,000 but less than \$500,000 b. contribute a minimum of \$1.00 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area - or c. build at least one new through-street that bisects an existing block as recommended by an applicable master plan and/or meets the intersection spacing standards in Chapter 50 of the County Code. The street must meet the preferred standards of the Complete Streets Design Guide
TIER 3 1.5 FAR	Must provide at least 1 of the following: a. construct a publicly accessible trail greater than 6,000 linear feet in length, or with an estimated cost greater than or equal to \$500,000 but less than \$1,000,000 b. design a development site providing at least two new street connections, or future street connections (i.e. stub road) with an adjacent property as recommended by an applicable master plan or meeting the intersection spacing standards in Chapter 50 of the County Code. The streets must meet the preferred design standards of the Complete Streets Design Guide



Projects that design new street connections that tie into the existing street grid, may be eligible for Incentive Density, if these connections meet the recommended standards of the Complete Streets Design Guide.

TIER	Street Grid and Multi-Modal Extensions
TIER 4 Up to mapped FAR	Must construct a transportation connection identified by a master plan over an environmentally sensitive area or across a major arterial highway that will contribute to the bike, pedestrian, and/or transit network in the area with an estimated cost

Relevant Notes

- A trail must be accessible to the public per conditions of approval and may include the following:
 - Pedestrian access to another trail on private property must be at least eight feet wide, with seating and lighting.
 - Through-block connection must be at least 15 feet wide to the air, and it must include seating, lighting, attractive, and lined with active uses.
- Public trail must be designed and built in conformance with the agency standards (Montgomery Parks or MCDOT).
- Any through street that cannot be extended due to lack of ROW must provide a proper turn around to be approved by Planning Staff and MCDOT.
- New streets must be designed and built to the most current county standards for public streets and meet preferred design and ROW per the Complete Streets Design Guide.
- A major connection over an environmentally sensitive area or arterial must be recommended in the applicable master plan and will be reviewed concurrently by Planning Staff and relevant partner agencies.
- Alleys are not considered streets for the purposes of this public benefit.
- Payment in lieu may not be used toward a property's frontage improvements.
- Payment in lieu rates must be adjusted biennially based on the Engineering News Record's Baltimore Construction Cost Index. Rate will be fixed at the time of the filing of site plan acceptance.

Calculation Example

A project proposes a new subdivision in the CRT zone. The project will provide a portion of a new through-public street as recommended in the master plan, with proper turn around at either end for future connections, meeting the preferred standards of the Complete Streets Design Guide and approved by MCDOT. The project will qualify for 1 FAR of Incentive Density.



A major connection over an environmentally sensitive area or arterial must be recommended in the applicable master plan and will be reviewed concurrently by Planning Staff and relevant partner agencies.

Submittal Criteria

Sketch Plan

- Provide a narrative describing the proposed design, construction, and density requested.
- Submit a concept drawing showing location and size for review by Planning Staff and relevant partner agencies.
- Acknowledgment from adjacent private property owner of proposed extension.
- Initial proposal to be confirmed by partner agency during application review with agency approval letter prior to Planning Board consideration.

Site Plan

- Drawings and details as applicable, to be submitted with application for review and approval by implementing agency and Planning Staff.
- Provide agreement with private property for trail extension.
- Implementing agency approval letter prior to Planning Board consideration.

Post Planning Board Approval Documentation

- Drawings and details as applicable, to be included in the Certified Site Plan.
- Private improvements to be bonded and constructed per Site Plan Conditions of Approval.

Partner Agencies

- MCDOT, SHA, Montgomery Parks



Publicly accessible routes through private property serve as important pedestrian connections across long blocks in urban areas, such as this through-block connection located at the ground level of a mixed-use building in downtown Bethesda. Such connections must be safe, attractive, and lined with active uses.

COMPLETE COMMUNITIES

This category supports Thrive Montgomery 2050's goal of creating Complete Communities where residents can easily walk or bike to services and to fulfill their daily needs. Accordingly, public benefits include providing neighborhood retail and services, such as public art, cultural programming, and placemaking, and delivering high-quality buildings and open spaces that are accessible to the public. Similar to the Infrastructure for Compact Growth category, these public benefits are intended to be tailored to the needs of the local community through the master planning process.



Complete Communities have a range of land uses, housing types, infrastructure, services, and amenities to meet a wide range of needs for a variety of people.



A vibrant and walkable public realm of parks, open spaces, and streets, framed by well-designed buildings, is a key ingredient for delivering Complete Communities as envisioned in Thrive Montgomery 2050.

Public Benefits

Art and Placemaking	Neighborhood Services & Mixed Use	Great Public Realm	Design Excellence
Provide artistic elements in projects, install public art, or organize publicly accessible programming. Affordable housing for artists. Arts or cultural public facilities like theater, art gallery, performance venue etc.	Provide neighborhood serving uses, space for community meeting rooms and events, or a major public facility like a library or a recreation center.	Improve an existing park, or provide a new park or privately owned public open space (POPS) with high quality features and amenities.	Substantially conform to Design Guidelines and implement design excellence strategies related to building footprint, massing, architecture, parking, or achieve WELL or a Living Building Challenge certification.



Development applications can pursue a variety of strategies to earn Incentive Density under four distinct public benefits within the Complete Communities category.

ART AND PLACEMAKING

Intent

Incentivize development applications to incorporate artistic elements into the design of buildings and public spaces, deliver public art, execute placemaking activities, provide housing for artists, and offer spaces for the creation and exhibition of art as recommended by master plans.

Incentive Density Approval Criteria

Incentive Density may be awarded to development applications that incorporate artistic and placemaking elements per the following thresholds.



Public art offers numerous benefits, including enriching urban spaces, fostering community identity, promoting economic growth, and enhancing mental and physical well-being by providing accessible and engaging art experiences for everyone.

TIER	Art and Placemaking
TIER 1 0.25 FAR	Must provide at least 1 of the following: a. provide artistic elements or treatments to the façade of buildings, parking garages, or free-standing installations within the streetscape that enhances the public realm b. provide at least monthly a recurring and publicly accessible programming in an open space, such as but not limited to a farmers' market, a concert series, or movie screenings, for a minimum of 12 months of operation or c. contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development application for the purposes of providing and maintaining public art
TIER 2 1.0 FAR	Must provide at least 1 of the following: a. install a public art installation that approved by the Art Review Panel, or partner with an urban district, public agency, arts nonprofit, or regional services center to install public art facing or accessible to the public b. provide at least monthly a recurring and publicly accessible programming in an open space such as but not limited to a farmers' market, a concert series, or movie screenings, for a minimum of 36 months or c. contribute a minimum of \$1.00 per square foot of gross floor area proposed for the purposes of providing and maintaining public art
TIER 3 1.5 FAR	Must provide at least 1 of the following: a. at least 5% of all units in a development application as restricted for artist housing, or as live/work units for artists earning 70% or less AMI, in addition to any required MPDUs or b. contribute a minimum of \$2.00 per square foot of gross floor area proposed within a development application for the purposes of providing and maintaining public art
TIER 4 Up to mapped FAR	a. provide a major publicly accessible arts facility such as a community theater, an art gallery, or a performance venue at least 20,000 square feet in size either onsite or within the same master plan area



Projects providing publicly accessible cultural programming per the criteria set forth in these guidelines may be eligible for varying levels of Incentive Density.



Projects providing artistic elements or treatments to the façades of buildings and parking garages facing the public realm may be eligible for varying levels of Incentive Density.

Relevant Notes

- PATSC is the Public Arts Trust Steering Committee.
- Urban Districts are special taxation districts formed in mixed-use commercial areas of Montgomery County to increase the maintenance of the streetscape and its amenities; provide additional public amenities such as plantings, seating, shelters, and works of art; promote the commercial and residential interests of these areas; and program cultural and community activities.
- A Regional Service Center functions as a central hub providing government and community services to specific geographic areas, focusing on regional needs and community engagement.
- Contributions for art or placemaking may be received by the Public Arts Trust Steering Committee, an urban district, a business improvement district, an arts and entertainment district, or a regional service center.
- An artist is defined as an individual who meets one or more of the following criteria:
 - Realizes income through the sale, performance, publication, or commission of original works of art
 - Has previously exhibited, presented, performed, or published original works of art in museums, galleries, or other recognized art venues and publications
 - Has formal training or education in a field of art, and/or
 - Has received awards or other forms of recognition from arts juries, arts grant panels, and similar entities for his/her artistic abilities or accomplishments.
 - Environmental design professionals, such as architects or landscape architects, can be considered artists if they otherwise meet the criteria in this definition.
- Artist housing is rental or for-sale units set aside for artists earning below 70% AMI for a period of at least 10 years, in addition to the provision of MPDUs as required by Chapter 22A and the applicable master plan.
- Live/work units for artists meet the definition of a live/work unit per the Zoning Ordinance and are set aside for artists earning below 70% AMI for a period of at least 10 years, in addition to the provision of MPDUs as required by Chapter 22A and the applicable master plan.
- Payment in lieu rates must be adjusted biennially based on the Engineering News Record's Baltimore Construction Cost Index. Rate will be fixed at the time of Site Plan acceptance.
- A payment may only be accepted if there is an identified funding mechanism to receive and utilize the funds already in place, and the agency responsible for the funds must approve the contribution.
- Public Realm is defined as any open space or built environment that is open to the public for access and enjoyment. Typically, the public realm includes roads, sidewalks, streetscapes, and public spaces. An expanded definition of public realm includes all that is visible from a public space. For example, building facades of private buildings as they line the streets or surround a public plaza are part of the experience of walking through the street or the plaza. A neon sign on a private building becomes part of the perception of the overall space.



Where applicable, developers may partner with an urban district, public agency, arts nonprofit, or regional services center to install art facing or accessible to the public realm.



Projects may earn Incentive Density by installing public art reviewed by the Art Review Panel.

Calculation Example

A project proposes a new mixed-use hotel building in a downtown area with a zero setback to the adjacent property. The building will have a blank wall, and the applicant proposes a series of murals on this façade, with similar elements integrated around the loading dock of the building. The project will qualify for 0.25 FAR of Incentive Density.

Submittal Criteria

Sketch Plan

- Provide narrative identifying density requested and conceptually describe artistic elements, public programming, placemaking, artist housing, or arts facility being envisioned.
- Submit diagrams of proposed public benefit locations, when applicable, with details for review by Planning Staff and relevant partner agencies.
- Any proposal for artist housing or artist live/work units must demonstrate how AMI will be reviewed and enforced.
- Initial proposal to be confirmed by partner agencies with a letter of support before the Planning Board's consideration.
- Agency receiving any payment in lieu must provide intent to accept funds in writing.

Site Plan

- The applicant must provide finalized narratives with drawings showing locations and details of proposed public benefits.
- Include final proposed calendar and description of programming activities.
- Triggers and phasing of the delivery of artistic elements, public art, and arts facility to be finalized via conditions of approval during Site Plan review.
- Agency approval letter from relevant partner agencies based on confirmed details.
- Agency receiving any payments must provide confirmation of acceptance of funds in writing before the Planning Board's approval.
- Development applications providing artist housing or artist live/work units must record a covenant before the building permit per the Site Plan conditions of approval. A minimum 10-year time period is binding on the original and future owners and successors in title and must be stated as a condition of any Site Plan approved by the Planning Board. An annual leasing report for the units set aside must be submitted to Planning staff for the duration of the covenant.

Post Planning Board Approval Documentation

- The Certified Site Plan must list conditions of approval related to the programming of activities, monitoring, and compliance.
- Proposed artistic elements and public art installations to be bonded and constructed or implemented per conditions of Site Plan approval.
- Artist housing and artist live/work units to be reserved and administered per Site Plan conditions of approval. Covenant to be recorded per site plan conditions of approval as well.
- Payment in lieu to be provided per Site Plan conditions of approval.
- Programming of activities must be bonded per Site Plan conditions of approval, and documentation showing completion of activities must be submitted to Planning Staff prior to the release of the bond.

Partner Agencies

- MCDOT, Montgomery Parks, Public Arts Trust Steering Committee, Urban Districts, Urban Partnerships, Business Improvement Districts, Regional Service Centers



Development projects such as the Arts Space in Silver Spring that provide housing for artists earning less than 70% AMI may be eligible for Incentive Density.

NEIGHBORHOOD SERVICES & MIXED USE

Intent

Incentivize developments that create retail and small business opportunities, public facilities, and neighborhood-serving uses addressing the needs of local communities as recommended by the applicable master plan.



Developments providing neighborhood serving uses such as retail, restaurants, grocery stores and day care centers may be eligible for varying levels of Incentive Density.

Incentive Density Approval Criteria

Incentive Density may be awarded to development applications creating mixed-use projects with retail space or providing other non-residential space, including publicly usable community rooms, or large facilities such as libraries or recreation centers per the following thresholds.

TIER	Neighborhood Services
TIER 1 0.25 FAR	Must provide at least 1 bay that is a minimum of 2,000 square feet for neighborhood serving uses as defined by these implementation guidelines, that is directly accessible from a street or public open space
TIER 2 1.0 FAR	Must provide at least 3 bays that total a minimum of 10,000 square feet for neighborhood serving uses as identified by these implementation guidelines, that are directly accessible from a street or public open space
TIER 3 1.5 FAR	Must provide a publicly usable conference, event, meeting space, or space for neighborhood-serving uses as identified by these implementation guidelines that is a minimum of 15,000 square feet, either onsite or within the master plan area
TIER 4 Up to mapped FAR	Must provide a major public facility such as a recreation center, library, or educational facility, at least 20,000 square feet in size, either onsite or within the master plan area

Relevant Notes

- A bay represents space on the ground floor of the building with a minimum depth of 30 feet that is accessible from a street or publicly accessible open space.
- Neighborhood-serving uses may include banks, cafes, care centers, community/civic centers, convenience stores, dry cleaners, hair care services, hardware stores, health clubs, laundromats, libraries, medical and dental offices, parks, pharmacies, police and fire stations, post offices, religious institutions, restaurants, schools, supermarkets, theaters, or staff-approved equivalents, or others identified in a master plan.
- Facilities that are restricted to be used only by the development's occupants do not qualify for this benefit.
- Project will be conditioned to reserve or dedicate space intended for neighborhood-serving use or public facility as approved by the Planning Board.



When developments provide a major public facility such as a recreation center, library, or educational facility, at least 20,000 square feet in size, either on-site or within the sector plan area, no other public benefits are required to build up to the site's mapped FAR.

Calculation Example

A project proposes a new mixed-use building in a downtown area with 20,000 square feet of the ground floor dedicated to a new grocery store, with multi-family residential space above. The project will qualify for 1.5 FAR of incentive density for providing a neighborhood-serving use.

Submittal Criteria

Sketch Plan

- Provide a narrative describing proposed neighborhood-serving use opportunities or public facilities being explored and the tier of Incentive Density being requested.
- Diagrams of proposed locations with conceptual details to be reviewed by Planning Staff and partner agencies.
- Initial proposal to be confirmed by partner agencies during the application review with a letter of support before the Planning Board's consideration.

Site Plan

- Provide finalized narrative with architectural drawings and details.
- Agency approval letter from relevant partner agencies based on confirmed details, including triggers and phasing of delivery before planning board consideration.
- Site Plan conditions requiring bays to be built and limited to neighborhood-serving use or public facility for an agreed upon period of time as approved by the Planning Board.

Post Planning Board Approval Documentation

- General location of bays reserved for the neighborhood-serving use or public facility must be identified in the Certified Site Plan.
- Identified bays to be built and retained for neighborhood-serving use or public facility per the Site Plan conditions of approval.

Partner Agencies

- MCDOT, Montgomery Parks, MCDGS

GREAT PUBLIC REALM

Intent

Incentivize developments that design and deliver high-quality public spaces for all ages and levels of accessibility.

Incentive Density Approval Criteria

Incentive Density may be awarded to development applications for the provision of publicly owned or privately owned and publicly accessible spaces designed to a higher quality and usability than required by ADA requirements and as described by the Energized Public Spaces Design Guidelines. Amenities may be provided on site or within the applicable master plan area per the following thresholds.



Projects may earn Incentive Density by providing publicly accessible open spaces on-site or improving off-site locations, pursuant to the recommendations of the applicable master plan.

TIER	Great Public Realm
TIER 1 0.25 FAR	Must provide at least 1 of the following: a. provide intergenerational amenities and inclusive design features over at least 0.25 acres of the provided onsite public open space with an estimated cost greater than or equal to \$100,000 but less than \$300,000 b. improve an existing park or privately-owned public open space with intergenerational amenities and inclusive design features over at least 0.25 acres with an estimated cost greater than or equal to \$100,000 but less than \$300,000 or c. contribute a minimum of \$0.33 per square foot of gross floor area proposed within a development application to a CIP project within the same master plan area
TIER 2 1.0 FAR	Must provide at least 1 of the following: a. exceed the minimum required public open space for a development application by 50%, and include a privately-owned publicly accessible open space, or a dedicated, constructed, and conveyed public park facility that is a minimum 0.25 acre Neighborhood Green as described in the Energized Public Spaces Design Guidelines or b. contribute a minimum of \$1.00 per square foot of gross floor area proposed within a development application for creating or improving public spaces as recommended by an applicable master plan
TIER 3 1.5 FAR	Must provide at least 1 of the following: a. provide a privately-owned publicly accessible open space, or a dedicated, constructed, and conveyed public park facility that is a minimum 1.5 acre Civic Green/Plaza as described in the Energized Public Spaces Design Guidelines or b. contribute a minimum of \$2.00 per square foot of gross floor area proposed within a development application to for creating or improve public spaces as recommended by an applicable master plan
TIER 4 Up to mapped FAR	Must provide a privately-owned publicly accessible open space, or a dedicated, constructed, and conveyed public park facility that is a minimum 3 acre Urban Recreational Park, as described in the Energized Public Spaces Design Guidelines



Relevant Notes

- Intergenerational amenities refer to facilities, equipment, or furnishings designed and built to be utilized by people of diverse age ranges.
- Inclusive design features refer to access infrastructure, play equipment, seating, and landscape features that can be utilized by individuals with a diverse range of physical abilities. Inclusive recreational features may follow criteria from the latest Recreation Guidelines.
- Cost estimates for intergenerational amenities and inclusive design features to be provided by a registered professional. Cost estimates should include equipment, materials, and labor for the amenities and features but must not include land costs and the base development costs to build the open space.
- Payment in lieu rates must be adjusted biennially based on the Engineering News Record's Baltimore Construction Cost Index. Rate will be fixed at the time of the filing of the Site Plan application.
- The minimum sizes for various types of open spaces may be tailored by the applicable master plan.
- If a master plan requires a payment in lieu of providing on-site public open space, that payment cannot be counted toward a payment to satisfy these public benefit criteria.

Calculation Example

A project is proposing a mixed use development on a 75,000 square foot site. The project is required to provide a minimum 10% of the site as public open space. The project proposes to exceed the requirement by providing 11,250 square feet of contiguous open space, designed as a Neighborhood Green in conformance with the EPS Design Guidelines. In addition, within the open space the project proposes to include seating and play equipment designed for use by individuals with varying levels of physical abilities with an additional cost greater than or equal to \$100,000 but less than \$300,000. The project will qualify for 1.0 FAR of Incentive Density for exceeding the minimum amount of public open space by 50% and 0.25 FAR of Incentive Density for providing inclusive design features within the public open space.



Developments may receive varying levels of Incentive Density, based on the size of publicly accessible open spaces provided and the quality of amenities included.



Projects providing a high-quality public realm such as public open spaces, parks, or recreational facilities—may be eligible for varying levels of Incentive Density.

Submittal Criteria

Sketch Plan

- Provide narrative and conceptual landscape design concepts describing proposed amenities and open spaces and Incentive Density being requested.
- Include examples and typical product information if providing intergenerational amenities or inclusive design features.
- Initial proposal to be confirmed by partner agencies where applicable during the application review, with agency approval letter before the Planning Board's consideration.
- Agency receiving any payment must provide intent to accept funds in writing.

Site Plan

- Final landscape drawings and details of proposed elements (e.g., materials, location, size, product cut-sheets) for review by Planning Staff and partner agencies.
- Final cost estimates if providing intergenerational amenities or inclusive design features.
- Agency approval letter from relevant partner agencies based on confirmed details.
- Agency receiving any payments must provide confirmation of acceptance of funds in writing before the Planning Board's approval.

Post Planning Board Approval Documentation

- Improvements to be bonded and constructed per Site Plan conditions of approval.
- Park Construction Permit to be acquired for any public park improvements and facilities to be conveyed to Montgomery Parks per Site Plan conditions of approval.
- Payments to be provided per Site Plan conditions of approval.

Partner Agencies

- MCDOT, Montgomery Parks



DESIGN EXCELLENCE

Intent

Incentivize developments that deliver Design Excellence as envisioned by a master plan and achieve certification for constructing buildings that prioritize human health and wellness.

Incentive Density Approval Criteria

Incentive Density may be awarded to development applications for incorporating the recommended design strategies or achieving a certification for providing design focused on improving human health and well-being, per the following thresholds.



25 King, Brisbane, Australia, is a mass timber tower with a ground floor concrete frame and is a WELL Core Platinum certified structure..

TIER	Design Excellence
TIER 1 0.25 FAR	Must provide at least 1 of the following: a. substantially conform to any master plan, design guidelines and implement at least 3 strategies from the Design Excellence list or b. achieve WELL Core Bronze certification
TIER 2 1.0 FAR	Must provide at least 1 of the following: a. substantially conform to any master plan design guidelines and implement at least 5 strategies from the Design Excellence list or b. achieve WELL Core Silver certification
TIER 3 1.5 FAR	Must provide at least 1 of the following: a. substantially conform to any master plan design guidelines and implement at least 7 strategies from the Design Excellence list or b. achieve WELL Core Gold certification
TIER 4 Up to mapped FAR	Must provide at least 1 of the following: a. substantially conform to design guidelines and implement at least 9 strategies from the Design Excellence list b. achieve WELL Core Platinum certification or c. achieve Living Building Challenge certification



Relevant Notes

Acceptable Design Excellence Strategies:

- Designing a building with a clear base, middle, and top.
- Providing human-scaled architectural elements along the ground floor facing all streets and public open spaces.
- Providing direct entry to all ground-floor residential units lining a street or public open space.
- Designing the building massing and facade to respond to the context of surrounding buildings.
- Lining at least 75% of the ground floor with active uses along all streets and major public spaces and providing ground-floor entrances into the building every 100 feet.
- Placing all on-site parking below ground or lining/screening all sides of an above-grade parking garage facing a street or open space with active uses like residential or commercial floor spaces.
- Designing the footprint, massing, and building facades to respond to solar orientation and local climate.
- Reducing the floor plate for the top two floors by at least 20% to create terraces and an interesting skyline.
- Designing all structured parking to be adaptable for alternative uses in the future.
- Using modular, prefabricated, or other innovative design and construction strategies to expedite project delivery.

Calculation Example

A project proposes a new mixed-use building in a downtown area with a recently approved sector plan that also established Design Guidelines and a Design Advisory Panel. The project was reviewed and approved by the Design Advisory Panel and the applicant has provided a narrative and architectural drawings demonstrating how the building achieves five of the listed Design Excellence strategies. The project will qualify for 1.0 FAR of Incentive Density.



Buildings incorporating various Design Excellence strategies such as designing a building with a clear base, middle and top or lining the ground floor with active uses along all streets and major public spaces may be eligible for Incentive Density.



The Design Excellence public benefit incentivizes projects that adjust footprints, massing, and building facades to screen parking (top) and respond to solar orientation and local climate (bottom).

Submittal Criteria

Sketch Plan

- Narrative and conceptual drawings demonstrating potential Design Excellence strategies.
- If there is a Design Advisory Panel (DAP), project must be reviewed and being utilized on track to meet the Design Guidelines per DAP before the Planning Board's consideration.
- Tentative compliance checklist for the selected certification process being pursued.

Site Plan

- Final drawings, along with a narrative justification explaining how the project achieves the selected design excellence strategies.
- Where applicable, the project must be reviewed and approved by the DAP before the Planning Board's consideration.
- The applicant must provide a final compliance checklist based on final building design prepared by a registered professional and approved by the certifying program. Triggers to be finalized during Site Plan review via conditions of approval.

Post Planning Board Approval Documentation

- All architectural details to be built in substantial compliance with the Certified Site Plan.
- Final certificate of compliance and ongoing monitoring as required by the selected certification program.

Partner Agencies

- MCDOT, Montgomery Parks, MCDPS



SECTION 4: MIGRATION FROM OLD TO CURRENT SYSTEM

4



PROJECTS WITH OLDER APPROVALS AND AMENDMENTS TO ONGOING APPLICATIONS

Projects with approvals under the previous system must file applications and amendments per the following criteria.

- A development application for a Sketch Plan or Site Plan filed and accepted as complete before January 1st 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.
- A development application for a Sketch Plan or Site Plan filed and accepted as complete within 12 months of January 1st 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.
- 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.
- 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:
 - o does not increase the approved density or building height(s) by more than 10%, and
 - o does not increase the tract area of the application.

PUBLIC BENEFITS CROSSWALK FOR OLDER MASTER PLANS

Any development application filed and accepted after January 1st 2027 is subject to the current standards contained in Section 59.4.7 for public benefits and the current Implementation Guidelines, or as modified by an applicable overlay zone. Development applications filed for properties governed by master plans that were adopted using the older menu must transition to requiring public benefits from this menu. This section provides a crosswalk approach to facilitate that transition.

Planning staff reviewed all master plans between 2010 and 2024, identifying the prioritized public benefits and their categories. Planning staff also analyzed public benefits from the old menu and filtered out benefits that are no longer incentivized. The remainder of older public benefits were then systematically aligned with the current menu to create a comprehensive crosswalk approach.

The table on the following pages graphically illustrates how to translate the previous 36 public benefits into the 14 current public benefits. Each row represents an older public benefit, while each column represents a current public benefit. Current public benefits that align directly with an older benefit are identified with a YES within the same row. Providing these current benefits in lieu of the older public benefits would meet the intent of master/sector plan's prioritization recommendations. When an Optional Method development application is submitted within a master plan area that originally utilized the older menu, this checklist is intended to guide regulatory reviewers on how to use the current menu. For example, if a master plan prioritized Vegetated Area or the Tree Canopy public benefit under the older menu, the applicant could provide the Sustainable Site Design public benefit from the

current menu, following the criteria per the updated Implementation Guidelines. Older public benefit rows marked NA are no longer incentivized and therefore do not have a corresponding current public benefit. In such instances, the applicant should work with Planning staff to explore other public benefits from the current menu.

Where an overlay zone has modified the public benefits, the requirements of the overlay zone supersede these Implementation Guidelines.

CURRENT PUBLIC BENEFITS

	MPDUs	Family-Sized Units	Deeper Levels of Affordability	Energy Efficiency	Renewable Energy	Green Buildings	Sustainable Site Design	Off site Improvements	Public Facilities	Street Grid and Multi Modal Extensions	Art and Placemaking	Neighborhood Services	Great Public Realm	Design Excellence
Existing Public Benefits														
Major Public Facility								YES	YES	YES	YES	YES	YES	
Transit Proximity	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Advance Dedication								YES	YES	YES				
Minimum Parking	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Neighborhood Services												YES		
Public Parking									YES					
Through-Block Connection										YES			YES	
Transit Access Improvement									YES					
Streetscape Improvement								YES						
Trip Mitigation	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Way Finding											YES			
Adaptive Buildings							YES							
Care Centers												YES		
Dwelling Unit Mix		YES												
Enhanced Accessibility													YES	
Live/Work Units											YES			
Affordable Housing	YES		YES											
Small Business Opportunities												YES		
Architectural Elevations														YES

CURRENT PUBLIC BENEFITS

	MPDUs	Family-Sized Units	Deeper Levels of Affordability	Energy Efficiency	Renewable Energy	Green Buildings	Sustainable Site Design	Off-site Improvements	Public Facility	Street Grid and Trail Extensions	Art and Placemaking	Neighborhood Service	Great Public Realm	Design Excellence
Existing Public Benefits														
Exceptional Design														YES
Historic Resource Protection							YES							YES
Public Open Space													YES	
Public Art											YES			
Structured Parking														YES
Tower Step-Back														YES
Building Lot Termination	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Cool Roof				YES		YES								
Energy Conservation and Generation				YES	YES	YES								
Habitat Preservation and Restoration							YES							
Recycling Facility Plan						YES								
Transferable Development Rights	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Tree Canopy							YES							
Vegetated Area							YES							
Vegetated Roof						YES	YES							
Vegetated Wall						YES	YES							
Retained Buildings							YES							



Incentive Density Implementation Guidelines For CR and CRT Zones

Montgomery County Planning Department

 Maryland-National Capital Park and Planning Commission

montgomeryplanning.org