

MEMORANDUM

March 11, 2010

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz, Legislative Attorney 

SUBJECT: Zoning Text Amendment 09-07, Life Sciences Center (LSC) Zone – Revisions

The Committee had worksession on ZTA 09-07 on September 29, October 5, October 26, and November 9, 2009. On November 9, the Committee made the following recommendations to revise ZTA 09-07 (all line numbers refer to the attached revised ZTA):

1) Add the following definitions:

**High technology:** Activities that require scientific equipment, advanced engineering techniques, or computers; it includes electronics, information technology, optics, nanotechnology, robotics, renewable energy development, telecommunications, and biomedical research (Lines 5-8).

**Life sciences:** Research, development, and manufacturing activities concerning one or more of the following scientific fields: biology, biophysics, biochemistry, bioelectronics, biotechnology, biomedical engineering, bioinformatics, medicine, immunology, embryology, clinical engineering, diagnostics, therapeutics, nutraceuticals, pharmacogenomics, drug production, genetic testing, or gene therapy activities. For a business, institution, or government agency conducting such activities in a Life Sciences Center, life sciences also includes related activities and supporting services, such as administrative offices, educational facilities, libraries, data services, nanotechnology, informational technology, and robotics (Lines 10-18).

2) Amend the definition of research and development by adding the underlined text:

**Research, development and related activities:** Study, research, and experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics. Research and development also includes corporate, administrative, or business offices for companies principally engaged in the support of health services, research and development, or related industrial activities, the development of prototypes, and the marketing of resultant products. Related activities include the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products.

Supporting services such as administrative offices, educational facilities, libraries, and data services are other examples of related activities (Lines 20-29).

- 3) Amend the land use table (lines 42-43) and delete the definition of new combined uses (Lines 507-540).
- 4) Add a new footnote to Section 59-C-5.321, "Minimum and Maximum Use Requirements" as follows:

Non-residential uses. In order to maintain an appropriate emphasis on the purpose of the LSC Zone, the following minimum and maximum percentages of the total non-residential gross floor area proposed in a concept plan, preliminary plan, or site plan are required for tracts under common ownership larger than 5 acres:

Life sciences – 30 percent minimum of the gross floor area proposed, excluding: (1) healthcare services, hospitals, hospice care facilities, life care facilities, nursing homes, medical clinics, physical therapy facilities, and occupational therapy facilities; and (2) universities and colleges providing teaching or research facilities.

All retail uses – 10 percent maximum of the gross floor area proposed; however, if the Planning Board finds that unique circumstances are present and the area would be enhanced by additional retail activity, then a maximum of 15 percent of the gross floor area proposed may be used for retail purposes.

Residential uses. The maximum residential density, excluding dormitories, must not exceed 30 percent of the permitted FAR (Lines 129-145).

- 5) Remove the requirement to purchase BLT easements from life science uses to the extent that such uses exceed a .5 FAR (Line 367).
- 6) Amend § 59-C-5.476 (a) to read as follows:

Site plan approval in the LSC Zone must satisfy Division 59-D-3. The site plan must be substantially consistent with the recommendations of the applicable master or sector plan, including general design principles recommended by the applicable master or sector plan and design guidelines adopted by the Planning Board to implement the applicable master or sector plan. As part of its site plan, the applicant must submit for approval comprehensive design standards that address building types and facades, except when the site plan is proposed for amendment through a limited plan amendment, a consent agenda amendment, or a Director level amendment (Lines 410-419).

#### **Issues since the last PHED worksession (November 9, 2009)**

- 1) Grandfathering approved plans

The approved plans on land currently zoned LSC were not fully grandfathered in the ZTA as introduced. Staff included text to grandfather such plans (Lines 493-506).

- 2) BLT exemptions

**Background**

TMX was the first zone to require development more dense than a .5 FAR to purchase building lot termination (BLT) easements. The requirements were different for residential (1 BLT easement for every 72,000 square feet of floor area above a .5 FAR) and non-residential (1 BLT easement for every 60,000 square feet of development) buildings. The Council recently made BLTs a requirement in the CR zones; 5 percent of density exceeding a .5 FAR must purchase 1 BLT easement for every 20,000 square feet of floor. The following simplifies the requirements for the 3 zones that require the purchase of BLT easements.

<b>Zone</b>	<b>Required number of BLTs per 100,000 sq ft of gross floor area above a .5 FAR</b>	<b>Exempted space</b>
<u>TMX</u> -- Residential -- Non-residential	1.66 1.38	Metro Station Policy Areas None
<u>CR</u>	.25	None
<u>LSC</u> (with the Committee's recommendations to date) -- Residential -- Non-residential	1.66 1.38	None Health related services Life science uses (if the use exceeds .5 FAR)

**Exceptions**

ZTA 09-07, as introduced, would exempt health services from the requirement to purchase BLT easements.<sup>1</sup> The Committee recommended an additional exemption for life science uses to the extent that such uses exceed a .5 FAR.<sup>2</sup> The Committee is now being asked to consider additional exemptions to the BLT program.

- a) Educational facilities

Unless an educational facility is either a health care facility or a life science use, density greater than .5 FAR would not be exempt from the requirement to purchase BLT easements. *If the Committee decides to add this exemption, staff would recommend exempting educational facilities to the extent that such facilities plus the floor area for life science uses exceeds .5 FAR.*

<sup>1</sup> "Health Services" would be a defined term in the LSC zone:  
Establishments providing health care by trained professionals. These establishments include hospitals, hospice care facilities, life care facilities, nursing homes, medical clinics, physical therapy facilities, and occupational therapy facilities.

The definition of clinics includes medical office buildings.

<sup>2</sup> The Committee agreed to this text on October 29, 2010. The phrase was repeated in the November 9 Staff Report.

b) Life science uses

Johns Hopkins would like all life science uses to be exempt, in addition to the .5 FAR exemption for any use. This would be the same exemption proposed for health care services.

As recommended by the Committee to date, a project that provides the minimum required amount of life science uses in a 1.5 FAR project would get the standard exemption of .5 FAR, but no additional exemption.<sup>3</sup> Under the Johns Hopkins proposal, at least .95 FAR of every project with a 1.5 FAR would be exempt. With a 1 FAR maximum, a minimum of .8 FAR would be exempt (.5 plus the require 30% life science use).

Health care facilities would not be a required use in the LSC zone. As drafted, all health services would be exempt AND the first .5 FAR density would be exempt.

### **Planning Board Recommendation**

A February 7 memorandum from the Chairman Hanson to the Committee presented the Planning Board's opinion as follows:

**With regard to the LSC zone, the Board recommends that the BLT easement provision be retained as an exaction, consistent with the character of the zone.** There is a defensible nexus between agricultural preservation and development of life sciences uses that are proximate to (or even on) farmland and the Reserve. The Board discussed at length the relationship between the two broad exemptions from the BLT requirement (health care services and life sciences) and the various minimum and maximum percentages for office and residential uses that have been introduced during the PHED worksessions. If exemptions from BLT easements for both health services and life sciences are retained, there may be little development to which a BLT requirement will apply.

We suggest two non-exclusive alternatives for Committee consideration:

- Exempt only public and non-profit organizations, such as hospitals, university facilities, etc., from the BLT requirement. Many life science and health service businesses are highly profitable. Some, but not all, do have higher costs per square foot for some of their construction, but are unlikely to be seriously affected by a modest BLT requirement such as recommended below.
- Retain the BLT exaction for all uses but nonprofits, and reduce BLT requirement from 12.5% to 5% of density above 0.5 FAR or 10,000 SF, whichever is greater. This would apply the requirement to more kinds of development in the zone, but at a lower and more readily accommodated rate.

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<sup>3</sup> Under the Committee's recommendations, the minimum amount of life science use required is 30 percent; 30 percent of 1.5 equals .45 FAR. As .45 FAR is less than .5 FAR, all of the density above .5 FAR would be required to purchase BLTs for 12.5 percent of its density at the rate of 1 BLT for every 9,000 square feet of residential floor area and 1 BLT for every 7,500 square feet of non-residential (and non-health services) floor area.

## Staff recommendation

Staff is persuaded by the Planning Board to delete the proposed exemptions from BLT easement purchase requirement. The expansive definition of life sciences and the addition of educational facilities would substantially diminish the number of BLT easements required for full development.

**The BLT requirement should be higher in the LSC zone than in the CR zones.** The fact that the LSC zone would have a more stringent BLT requirement than the CR zones is related to the difference in zoning “entitlements” prior to ZTA 09-07 and increased housing demands from non-LSC zoned areas. In all cases the proposed LSC zoning increases development potential. The maximum density of the zone would be 2 FAR; it is currently .5 FAR. The LSC zone does not require public amenities or public benefits through an optional method of development process; it only requires substantial consistence with the master or sector plan and site plan approval. In some instances, the standard method of development in CR zones merely equals the standard method development in the property’s prior zoning. All development in the CR zones above a .5 FAR requires the provision of public benefits. The LSC zone would limit housing to 30 percent of the FAR.

*If the Committee desires the same level of exemption for life sciences as health care services, staff would recommend only exempting health services to the extent that the floor area of health care services, educational facilities and life sciences exceeds .5 FAR.*

*Staff does not recommend changing the number of BLT easements required in ZTA 09-07 (although the requirement could be stated more simply as 1 BLT per 60,000 square feet of non-residential gross floor area and 1 BLT per 72,000 square feet of residential gross floor area).*

This packet contains  
ZTA 09-07 (as revised)

© page  
1 – 36

Zoning Text Amendment No: 09-07  
Concerning: Life Sciences Center  
(LSC) Zone - Revisions  
Draft No. & Date: 4 - 1/21/10  
Introduced: July 28, 2009  
Public Hearing: September 15, 2009  
Adopted:  
Effective:  
Ordinance No:

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

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By: The District Council at the Request of the Planning Board

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- revise the Life Sciences Center (LSC) Zone to permit mixed-use development under certain circumstances in order to promote the growth and advancement of life sciences and applied technologies, and to establish the use of building lot termination development rights in the LSC Zone; and
- generally amend the provisions of the LSC Zone.

By amending the definitions of the following terms in the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

**DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

**Section 59-A-2.1. Definitions.**

Research, development and related activities;

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

**DIVISION 59-C-5. INDUSTRIAL ZONES.**

Section 59-C-5.21. Allowable uses.

Section 59-C-5.23. Retail sales and personal services.

Section 59-C-5.3. Development standards.

Section 59-C-5.47. Special regulations LSC zone.

And adding a new Section 59-C-5.478. Definitions

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

## ORDINANCE

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

1 **Sec. 1. DIVISION 59-A-2. is amended as follows:**

2 **Sec. 59-A-2.1. Definitions.**

3 In this Chapter, the following words and phrases have the meanings indicated:

4 \* \* \*

5 **High technology:** Activities that require scientific equipment, advanced engineering  
6 techniques, or computers; it includes electronics, information technology, optics,  
7 nanotechnology, robotics, renewable energy development, telecommunications, and  
8 biomedical research.

9 \* \* \*

10 **Life Sciences:** Research, development, and manufacturing activities concerning one  
11 or more of the following scientific fields: biology, biophysics, biochemistry,  
12 bioelectronics, biotechnology, biomedical engineering, bioinformatics, medicine,  
13 immunology, embryology, clinical engineering, diagnostics, therapeutics,  
14 nutriceuticals, pharmacogenomics, drug production, genetic testing, or gene therapy  
15 activities. For a business, institution, or government agency conducting such  
16 activities in a Life Sciences Center, life sciences also includes related activities and  
17 supporting services, such as administrative offices, educational facilities, libraries,  
18 data services, nanotechnology, informational technology, and robotics.

19 \* \* \*

20 **Research, development and related activities:** Study, research, and experimentation in  
21 one or more scientific fields such as life sciences, [[or]] biomedical research,  
22 communications, chemistry, computer science, electronics, medicine, and physics.

23 Research and development also includes corporate, administrative, or business offices  
24 for companies principally engaged in the support of health services, research and

25 development, or related industrial activities, the development of prototypes, and the  
 26 marketing of resultant products. Related activities include the manufacturing, mixing,  
 27 fermentation, treatment, assembly, packaging, and servicing of products. Supporting  
 28 services such as administrative offices, educational facilities, libraries, and data services  
 29 are other examples of related activities.

30 \* \* \*

31 **Sec. 2. DIVISION 59-C-5. is amended as follows:**

32 **Sec. 59-C-5.2. Land uses.**

33 \* \* \*

34 **59-C-5.21. Allowable uses.**

35 No use is allowed except as indicated in the following table:

36 -Permitted Uses. Uses designated by the letter "P" and uses of a similar  
 37 character[,] are permitted on any lot in the zones indicated, subject to all  
 38 applicable regulations.

39 -Special Exception Uses. Uses designated by the letters "SE" may be  
 40 authorized as special exceptions[, in accordance with the provisions of]  
 41 under Article 59-G.

42

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
<b>(a) Residential.</b>						
Accessory residential unit. <sup>38</sup>				P		
<u>Dormitories</u>						<u>P</u>
Dwellings.	SE		SE	SE		<u>P</u>
Dwellings, for caretakers or watchkeepers and their families or for bona fide agricultural operations.	P	P	P	P	P	<u>P</u>
Hotel or motel. <sup>1</sup>	SE		SE			<u>P</u>
<b>(b) Manufacturing and industrial.</b>						

	I-1	I-2	I-3	I-4	R&D	LSC[[]]
<b>I. Uses of a light industrial nature.</b>						
Bakery.	P	P		P		
Blacksmith shops, welding shops, ornamental iron works, and machinery shops, excluding drop hammers and punch presses over 20 tons rated capacity.	P	P	P	P	P	
Bottling plants.	P	P		P		
Confectionery production.	P	P		P		
Contractors, storage yards.	P	P				
Dry cleaning and laundry plant.	P	P		P		
Electroplating and manufacturing of small parts such as coils, condensers, transformers, and crystal holders.	P	P	P	P	P	
Food production, packaging, packing and canning of.	P	P		P		
Fuel storage yards.	P	P				
Ice manufacturing and storage.	P	P		P		
<u>Life sciences.</u>					<u>P</u>	<u>P</u>
Manufacturing of light sheet metal products.	P	P	P	P	P	
Manufacturing, compounding, assembling or treatment of articles from the following previously prepared materials: bone, cellophane, plastic, canvas, cloth, cork, feathers, felt, fiber, fur, hair, horn, leather, textiles, yarns, glass, precious or semi-precious metals or stones, and tobacco.	P	P		P		
Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development.	P		P	P	P	[P] <u>P</u>
Manufacturing, fabrication and/or subassembly of aircraft or satellite parts, components, and equipment.	P		P	P	P	
Manufacturing of musical instruments, toys, novelties, and rubber and metal stamps.	P		P	P		
Manufacturing of paint not employing a boiling or rendering process.	P	P		P		
Manufacturing of pottery and figurines or other products using previously pulverized clay and kilns fired only by electricity or gas.	P	P		P		
Manufacturing and assembly of electronic components, instruments and devices.	P		P	P	P	
Manufacturing and assembly of machine parts, components and equipment.	P	P		P		
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment.	P		P	P	P	[P] <u>P</u>
Manufacturing and assembly of mobile, modular and manufactured homes.	P	P		P		

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
Manufacturing and assembly of semi-conductors, microchips, circuits and circuit boards.	P		P	P	P	
Manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development.	P		P	P	P	[P] <u>P</u>
Paper products manufacturing.	P	P		P		
Printing and publishing.	P		P	P	P	
Research, development, and related activities.	P		P	P	P	[P] <u>P</u>
Sawmills.	P	P				
Sign making shop.	P	P		P		
Stoneworks.	P	P				
Tinsmith and roofing services.	P	P		P		
Wood products manufacturing.	P	P		P		
<b>II. Uses of a heavy industrial nature.</b>						
Alcoholic beverage manufacturing.	SE	P				
Automobile recycling facility		P				
Distillation of coal, tar, or wood.		P				
Central mixing plants for asphalt, concrete, or other paving materials.		P				
Chemicals, except sulfuric, nitric, hydrochloric acid or other corrosive or offensive chemicals.		P				
Dye works.		P				
Fertilizer mixing plants.		SE				
Foundries or metal fabrication plants.		P				
Incinerators. <sup>6</sup>		SE <sup>27</sup>				
Manufacturing of brick, clay, terra cotta, and tile.		P				
Manufacturing of cinder blocks.		P				
Manufacturing of printing inks.		P				
Manufacturing of synthetic fabrics such as rayon.		P				
Manufacturing of cloth made from shoddy or other similar material.		P				
Off-loading and transfer sites for storage of sand, gravel, or rocks.	p <sup>7</sup>	P		p <sup>7</sup>		
Recycling facility.	p <sup>30</sup>	P		p <sup>30</sup>		
Rock crusher, washing and screening plants.		P				
Sanitary landfills. <sup>6</sup>		SE <sup>27</sup>				
Starch, glucose, and dextrin.		P				
Steam power plants.		P				

	I-1	I-2	I-3	I-4	R&D	LSC[[±]]
Stove polish.		P				
Sugar refineries.		P				
<b>(c) Transportation, communication, and utilities.</b>						
Amateur radio facility.	p35/ SE	p35/ SE	p35/ SE	p35/ SE	p35/ SE	[P35/ SE] p35/SE
Cable communications system. <sup>5</sup>	SE	SE	SE	SE	SE	[SE]P
Electric power transmission and distribution lines, overhead, carrying more than 69,000 volts.	P	P	SE	SE	SE	[P] P
Electric power transmission and distribution lines, overhead, carrying 69,000 volts or less.	P	P	P	P		
Electric power transmission and distribution lines, underground.	P	P	P	P	P	[P] P
Heliports.	SE	SE	SE	SE	SE	[SE] SE
Helistops.	SE	SE	SE	SE	SE	[SE] P*/SE
Parking of motor vehicle, off-street, in connection with any use permitted.	p2	p3	P	P	P	[P] P
Parking of motor vehicle, off-street, in connection with any use permitted in a commercial zone.	SE					
Pipelines, aboveground.	P	P	SE	SE	SE	[SE] P
Pipelines, underground.	P	P	P	P	P	[P] P
Public utility buildings and structures.	SE	SE	SE	SE	SE	[SE] P
Radio and television broadcasting stations and towers.	p33/ SE	P	p33/ SE	p33/ SE	p33/ SE	[P33/ SE] p33
Railroad tracks.	P	P	P	P	P	[P] P
Railroad yards or roundhouses.		P				
Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. <sup>26</sup>	P	P	P	P	P	[P] P
Solid waste transfer station, private. <sup>6</sup>		SE <sup>27</sup>				
<u>Taxicab stands, not including storage while not in use.</u>						P
Telecommunications facility. <sup>4</sup>	P	P	P	P	P	[P] P
Telephone and telegraph lines.	P	P	P	P	P	[P] P
Telephone offices, communication and telecommunication centers.	P		P	P	P	[P] P
Trucking terminals.	P			P		
<b>(d) Commercial.</b>						
Adult entertainment business. <sup>22</sup>	P	P				
Aircraft parts, sales and services, including the sale of fuel for aircraft only.	P			P		

	I-1	I-2	I-3	I-4	R&D	LSC[[]]
Animal research service facilities.						[P] P
<u>Antique shops, handicrafts or art sales.</u>						P
<u>Appliance stores.</u>						P
Automobile parts, sales and services, including but not limited to tire sales and transmission services, but excluding automobile filling stations.	P			P		
Automobile repair and services.	P			P		
Automobile sales, indoors and outdoors.	p <sup>8</sup>			p <sup>8</sup>		
<u>Book stores.</u>						P
Building material and supply, wholesale and retail. <sup>20</sup>	P	P		P	p <sup>37</sup>	
Cafeteria, dining room, snack bar, or other such facilities as an accessory use in connection with the operation and primarily for employees of the zone in which the use is located. <sup>9</sup>	P	P	P	P	P	[P <sup>29</sup> ] P
Consignment store.		p <sup>31</sup>				
<u>Drug store.</u>						P
Eating and drinking establishments. <sup>9,10</sup>	SE		SE	SE	SE	[SE] P
<u>Florist.</u>						P
<u>Food and beverage store.</u>						P
<u>Garden supply shops.</u>						P
<u>Gift shops.</u>						P
<u>Grocery stores.</u>						P
<u>Hardware stores.</u>						P
<u>Jewelry stores.</u>						P
Lumberyards.	P	P		P		
<u>Newsstand.</u>						P
<u>Office supply store.</u>						P
<u>Pet shops.</u>						P
<u>Photographic and art supply stores.</u>						P
Retail sales and personal services, dealing primarily with employees in the zone, in accordance with section 59-C-5.23.	P		P	P	P	[P <sup>29</sup> ]
Transitory use. <sup>25</sup>	P/SE	P/SE	P/SE	P/SE	P/SE	[P/SE]
<u>Variety and dry goods stores.</u>						P
Wholesale trades limited to sale or rental of products intended for industrial or commercial users.	P		p <sup>36</sup>	P		
<b>(e) Services.</b>						
Ambulance or rescue squads, publicly supported.	P		P	P	P	[P] P
Animal boarding places. <sup>11</sup>	P			P		

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
Automobile filling stations. <sup>21</sup>	SE	SE <sup>14</sup>		SE		<u>SE</u>
Automobile repair and services.	P			P		<u>SE</u>
Automobile, truck and trailer rentals, outdoor.	P			P		
<u>Banks and financial institutions.</u>						<u>P</u>
<u>Barber or beauty shop.</u>						<u>P</u>
Chancery.	SE		p24			
Child day care facility. <sup>28</sup>						
-Family day care home.	P		P	P	P	[P] <u>P</u>
-Group day care home.	P		P	P	P	[P] <u>P</u>
-Child day care center.	P		P	P	P	[P] <u>P</u>
Clinics, medical or dental.	P		P	P	P	[P] <u>P</u>
Computer programming and software <u>sales and services</u> , including data banks and data retrieval.	P		P	P	P	<u>P</u>
Conference centers:						
-With lodging facilities.			SE		SE	<u>P</u>
-Without lodging facilities.			P		P	[P] <u>P</u>
Corporate, administrative or business offices for companies principally engaged in health services, research and development, or high technology industrial activities.					P	[P] <u>P</u>
Day care facility for senior adults and persons with disabilities.	P		P	P	P	[P] <u>P</u>
<u>Domiciliary care home for more than 16 residents.</u>						<u>P</u>
<u>Dry cleaning and laundry establishments consisting of no more than 3,000 square feet of gross floor area.</u>						<u>P</u>
<u>Dry cleaning and laundry pick-up station.</u>						<u>P</u>
Duplicating service.	P		P	P	P	[P <sup>29</sup> ] <u>P</u>
Educational institution, private.	p34					<u>P</u>
Fire station, publicly supported.	P		P	P	P	[P] <u>P</u>
General offices.	P	p12	P	SE	p13	[P13] <u>p13</u>
Highway fuel and food service.	SE					<u>SE</u>
<u>Home occupation, major.</u>						<u>SE</u>
<u>Home occupation, registered and no impact.</u>						<u>P</u>
Hospitals.	SE		SE	SE	SE	[P] <u>P</u>
Hospitals, veterinary, when in a soundproof building.	P			P		<u>P</u>
International organization, public.	SE		p24		p24	[P] <u>P</u>
Laboratories.	P		P	P	P	[P] <u>P</u>
Landscape contractor.	P					

	I-1	I-2	I-3	I-4	R&D	LSC[[]]
<u>Laundromat, self-service.</u>						<u>P</u>
Meeting centers.	SE					
Nursing and care homes.						[P] <u>P</u>
Place of religious worship.	P		P	P	P	[P] <u>P</u>
Physical <u>and occupational</u> therapy facilities.						[P] <u>P</u>
Publicly owned or publicly operated uses.	P	P	P	P	P	[P] <u>P</u>
<u>Shoe repair shop.</u>						<u>P</u>
Storage, outdoor. <sup>15</sup>	P	P		P		
Trade, artistic, or technical schools.	P		P <sup>19</sup>	P	P <sup>19</sup>	[P <sup>19</sup> ] <u>P</u>
Universities and colleges providing teaching and research facilities.	P <sup>32</sup>		P		P	[P] <u>P</u>
Warehousing and storage services:						
-Industrial and commercial users.	P	P	p <sup>16</sup>	P		
-Self-storage facilities.	P			P		
<b>(f) Cultural, entertainment, and recreational.</b>						
Art or cultural centers.			SE		SE	[SE] <u>P</u>
Health clubs.	P		P	P	P	[P] <u>P</u>
Libraries, scientific or technical.	P		P	P	P	[P] <u>P</u>
<u>Parks and playgrounds, publicly owned.</u>						<u>P</u>
<u>Parks and playgrounds, privately owned.</u>						<u>P</u>
Private clubs. <sup>17</sup>	SE		SE	SE	SE	<u>P</u>
Recreational facilities primarily for the use of employees. <sup>17</sup>	P	P	P	P	P	[P <sup>29</sup> ] <u>P</u>
Recreational or entertainment establishments, commercial.	SE	SE		SE		<u>SE</u>
Rifle or pistol ranges, indoor.	SE	SE		SE		
Service organizations.	SE			SE		<u>P</u>
Swimming pools, private.			p <sup>18</sup>			
<b>(g) Resource production and extraction.</b>						
Agricultural uses.	P	P		P		
Dairy products processing.	P			P		
Rock or stone quarries.		P				
Sand, gravel, or clay pits.		P				
Stockyards.	SE	SE				
<b>(h) Miscellaneous uses.</b>						
Accessory buildings and uses.	P	P	P	P	P	[P] <u>P</u>
Signs, in accordance with the provisions of article 59-F.	P	P	P	P	P	[P] <u>P</u>

44 1 In the I-1 and I-3 zones, [[On]] on a lot [[which]] that is a part of or adjacent to an  
45 area of at least 50 acres [[which]] that is zoned industrial or shown for industrial use  
46 on an approved and adopted master plan.

47 10 When located in [[an industrially zoned]] the I-1, I-2, I-3, I-4, and R&D zones, the use  
48 must be located in an area containing more than 10 acres of land. Such facilities may  
49 be freestanding, and may be located on an internal business district street, but shall not  
50 adjoin any street or highway [[which]] that provides access to the industrial area.

51 17 When located in the I-1, I-2, I-3, I-4 and R&D zones, the use must [[Must]] not adjoin  
52 any street [[which]] that provides the principal access to the principal use or uses  
53 served.

54 [<sup>29</sup> In accordance with Section 59-C-5.23; and also operated for the convenience of  
55 hospital and clinic users.]

56 33 A radio and television broadcasting station without a broadcast tower is a  
57 permitted use. In the LSC zone, a radio and television broadcast tower is a  
58 permitted use up to a height of 199 feet and a setback of one foot for every foot of  
59 height from all residential and agricultural zoned properties.

60 \* If located on the site of a hospital.

61 \* \* \*

62 [[\* Allowable uses in the LSC Zone are listed in Section 59-C-5.211.]]

63

64 **[[59-C-5.211. Allowable uses in the LSC Zone.**

65        The following uses are permitted in the LSC Zone:

- 66        (1)    health care services;
- 67        (2)    domiciliary care homes;
- 68        (3)    research, development, and related activities;
- 69        (4)    Corporate, administrative, or business offices for companies principally  
70        engaged in health services, research and development, or high technology  
71        industrial activities;
- 72        (5)    private educational institutions;
- 73        (6)    general offices limited to no more than 50% of the gross floor area of the  
74        buildings on a lot or group of contiguous lots in common ownership and  
75        control at the time of subdivision approval;
- 76        (7)    conference centers;
- 77        (8)    hotels, motels, and inns;
- 78        (9)    dwelling and dormitories;
- 79        (10)   housing and related facilities for senior adults or persons with disabilities;
- 80        (11)   adult and child day care;
- 81        (12)   food services, excluding drive-in restaurants;
- 82        (13)   retail trade and personal services;
- 83        (14)   cultural, entertainment, and recreation;
- 84        (15)   communications facilities or structures;
- 85        (16)   publicly owned or operated uses;
- 86        (17)   transportation facilities or structures;
- 87        (18)   utilities;
- 88        (19)   accessory buildings and uses; and
- 89        (20)   signs in accordance with the provisions of Article 59-F.]]

90        \*   \*   \*

91 **59-C-5.23. Retail sales and personal services.**

92 In the I-1, I-2, I-3, I-4, and R&D zones, [Retail] retail sales and personal services  
93 operating primarily for the convenience of employees [of Industrial zones] are  
94 permitted uses subject to the following limitations:

- 95 (a) Such use must not be located in an industrially zoned area containing less  
96 than [ten] 10 contiguous acres of land classified in industrial zones.
- 97 (b) Such use must not occupy more than 5 percent of the total floor area of the  
98 buildings on a lot or group of contiguous lots in common ownership and  
99 control at the time of subdivision approval.
- 100 (c) Such use must not front on or abut any street with a right-of-way of 70 feet  
101 or more, unless the street is internal to the industrially zoned area. Such use,  
102 however, must not front on or abut any street with an existing or master  
103 planned right-of-way of 100 feet or more. All access to such use must be  
104 from interior streets within the industrially zoned area.
- 105 (d) The display of a sign must [comply with the requirements established in]  
106 satisfy Article 59-F [of this chapter].
- 107 (e) In the I-3 and R&D zones, such use may be located within any building as  
108 [a] an incidental use [in accordance with] under the following requirements:
- 109 (1) Such incidental use must not be located above the first floor;
- 110 (2) Such incidental use must satisfy [the requirements of] subsections (a),  
111 (b), and (d)[,] above.

112 The provisions of this section shall not apply to any land or building  
 113 lawfully existing, under construction, or for which a building permit has  
 114 been issued [prior to] before August 19, 1987.

115 \* \* \*

116 Sec. 59-C-5.3. Development standards.

	I-1	I-2	I-3	I-4	R&D	LSC
<b>59-C-5.31 Building height.</b>						
No building shall exceed the following height limits:						
(a) Normally:						
-In stories	3	5		3		
-In feet	42	70	100	42	50	[100]150[ <sup>a</sup> ]
(b) In the I-1 zone, this height may be increased [in accordance with the requirements of section] <u>under Section 59-C-5.41.</u>						
<b>59-C-5.32. Coverage limitations. (Percent of gross tract area)</b>						
- <u>Minimum green [Green] area [shall be provided for not less than]</u>	10	10	35	20 <sup>3</sup>	30	[25]
- <u>Minimum public use space in the LSC zone; however, such space may be provided in part or entirely off-site on a separate lot or parcel in the same zone. A payment instead of all or some of the required public use space may be made at the time of site plan review, if approved under the applicable provisions of Section 59-D-2.31.</u>						<u>20</u>
-Off-street parking is not allowed to occupy more than			45 <sup>1</sup>			
<b>59-C-5.321. Maximum density of development.</b> <sup>2</sup> The maximum density of development must not exceed the following floor area ratio, which is to be based on and may be averaged over the gross tract area.					0.30	

	I-1	I-2	I-3	I-4	R&D	LSC
<p>In the I-3 and LSC zones, the maximum density of development must not exceed the following floor area ratio, based on gross tract area, which may be averaged over 2 or more lots created by the same subdivision plan if the density is recorded by covenant in the land records for all affected lots. When averaging is used for previously approved subdivision plans, the total development density must not exceed the density for which Facility approval was previously granted, unless a new Adequate Public Facility test is applied. In such situations, the shift of density must be recorded in the land records for all affected lots. [Adequate Public Facility approval was previously granted, unless a new Adequate Public Facility test is applied. In such situations, the shift of density must be recorded in the land records for all affected lots.]</p> <p><u>In the LSC Zone, if the property is under common ownership or control, the floor area ratio in one portion of the gross tract area of the property may exceed the maximum floor area ratio of the zone only if the floor area ratio for the total tract area does not exceed the maximum floor area ratio. The densities for all portions of the property must be shown in a covenant that is recorded in the land records and that covers the total tract area of the property. The Planning Board must determine compliance with the densities shown in the covenant when a site plan application is before it.</u></p> <p><u>In the LSC zone, 12.5% of any density above a floor area ratio of 0.50 must be supported through the purchase of a BLT easement under Section 59-C-5.473.</u></p>			0.50			[0.30]2.0**
<p>In the I-3 zone, the maximum density may be increased up to a maximum floor area ratio of 0.60, provided that the applicant for development obtains approval of a traffic mitigation agreement at the time of site plan review[,] that will result in traffic generation equal to or less than a project with a floor area ratio of 0.50.</p>						
<p>[In the LSC zone, the maximum density may be increased to a maximum floor area ratio of 0.50 provided the applicant for development obtains approval of a traffic mitigation agreement in accordance with Section 59-C-5.475.]</p>						
<p><b>59-C-5.322. Requirement for landscape plan.</b> In the R&amp;D zone, the preliminary plan of subdivision must include a landscape plan and a plan for the preservation of natural features.</p>						

117

118 1 In unusual circumstances, may be waived by the [planning board] Planning Board  
 119 at the time of site plan approval upon a finding that a more compatible  
 120 arrangement of uses would result.

121 \* \* \*

122 [\* In approving height limits, the Planning Board must consider factors such as: the  
 123 size of the lot or parcel; the relationship of existing and proposed buildings and

124 structures to surrounding uses; and the need to preserve light and air for the  
125 occupants of the development and occupants of surrounding properties.]]

126 \*\* [[In approving the densities, the Planning Board must consider the size of  
127 the parcel and the relationship of the existing and proposed buildings and  
128 structures to surrounding uses.]]

129 Non-residential uses. In order to maintain an appropriate emphasis on the  
130 purpose of the LSC Zone, the following minimum and maximum percentages  
131 of the total non-residential gross floor area proposed in a concept plan,  
132 preliminary plan, or site plan are required for tracts under common ownership  
133 larger than 5 acres:

134 Life sciences – 30 percent minimum of the gross floor area proposed,  
135 excluding: (1) healthcare services, hospitals, hospice care facilities, life care  
136 facilities, nursing homes, medical clinics, physical therapy facilities, and  
137 occupational therapy facilities; and (2) universities and colleges providing  
138 teaching or research facilities.

139 All retail uses – 10 percent maximum of the gross floor area proposed;  
140 however, if the Planning Board finds that unique circumstances are  
141 present and the area would be enhanced by additional retail activity, then a  
142 maximum of 15 percent of the gross floor area proposed may be used for  
143 retail purposes.

144 Residential uses. The maximum residential density, excluding dormitories,  
145 must not exceed 30 percent of the permitted FAR.

146 \* \* \*

147 **Sec. 59-C-5.4. Special regulations.**

148 \* \* \*

149 **59-C-5.47. Special regulations LSC zone.**

150 **59-C-5.471. Purpose.** The primary purpose of the Life Sciences Center (LSC)  
151 Zone is to promote research, academic, and clinical facilities that advance the life  
152 sciences, health care services, and applied technologies. It is also the purpose of  
153 the LSC Zone to provide opportunities for the development of uses that support a  
154 Life Sciences Center while retaining an environment conducive to high technology  
155 research, development, and production.

156 **59-C-5.471.1 Definitions**

157 **Health care services** means: Establishments providing health care by trained  
158 professionals. These establishments include hospitals, hospice care facilities, life  
159 care facilities, nursing homes, medical clinics, physical therapy facilities, and  
160 occupational therapy facilities.

161 [A life sciences center (LSC) is a major research and development park for  
162 facilities of companies specializing in the life sciences and related fields, at a  
163 location as recommended in a master or sector plan.]

164 [(a) The goals of an LSC are:

- 165 (1) To provide a unique reinforcing focus for the life sciences industry to  
166 promote the successful expansion of the industry in Montgomery  
167 County;

168 (2) To expand the educational and research resources available for  
169 Montgomery County residents, employers and work force; and

170 (3) A life sciences center may serve the health care needs of the region.]

171 [(b) It is the intent that LSC's be developed in a manner which makes a positive  
172 contribution to the quality of life in the County. The facilities, landscaping  
173 and open space will create an attractive setting and environment conducive  
174 to high technology research, development, production and related uses. The  
175 purposes of the life sciences center zone are as follows:

176 (1) To promote the development of life science research parks which  
177 reflect the highest architectural and environmental standards; to  
178 preserve the confidence of corporate users and the surrounding  
179 community that future development will be of consistently high  
180 quality and to protect and enhance the economic and environmental  
181 values of the life sciences center.

182 (2) To assure that all buildings are compatible with each other and with  
183 their surroundings in terms of exterior design, massing and scale, and  
184 type and quality of construction.

185 (3) To promote clustering of buildings to encourage and facilitate  
186 pedestrian use of open space and common areas and shared facilities.

- 187 (4) To assure the provision of green areas and promote the use of green  
188 areas to enhance the appearance of the facilities and the quality of the  
189 work environment.]

190 **59-C-5.472. Where applicable.** No land [shall] may be classified in the LSC zone,  
191 unless the land is within an area for which there is an approved and adopted master  
192 or sector plan [which] that recommends ~~[[life sciences center]]~~ Life Sciences  
193 Center development for the land [which] that is subject to the application of the  
194 zone. Development under the LSC zone must be substantially consistent with the  
195 recommendations of the applicable master or sector plan.

196 **[59-C-5.473. Development standards.**

197 (a) **Building setbacks.**

- 198 (1) Building setback from the rights-of-way of interior roads is 25 feet  
199 Building setback from the rights-of-way of perimeter roads is 50 feet.  
200 (2) Building setback from the right-of-way line at entry gateways is 50  
201 feet.  
202 (3) Building setback from an interior lot line is 20 feet.]

203 [(b) **Building height.** Maximum building height is 100 feet, except 125 feet in  
204 the health services core of the Shady Grove Life Sciences Center as defined  
205 in the 1986 Shady Grove Life Sciences Center Development Plan, as  
206 amended.]

- 207 [(c) **Building coverage.** Maximum building coverage is 25 percent of the lot  
208 area except that increased coverage up to 50 percent may be approved when  
209 the applicant proposes to construct structured or underground parking.]
- 210 [(d) **Floor area ratio.** The maximum floor area ratio may be increased to 0.50 if  
211 special trip reduction is implemented in accordance with the guidelines in  
212 Section 59-C-5.475.]
- 213 [(e) **Green area.** The minimum green area on the site is 25 percent of the lot  
214 area. Roofs or below grade parking may be counted as green space if  
215 developed for passive or recreational use.]
- 216 [(f) **Parking setbacks.**
- 217 (1) Parking setback from rights-of-way is 50 feet.
- 218 (2) Parking setback from an interior lot line is 15 feet. Where internal  
219 connection between adjacent parking lots is planned, total combined  
220 setback is eight (8) feet.
- 221 (3) In the Shady Grove Life Sciences Center, parking setback from the  
222 right-of-way line of Blackwell Road and the curb line of access  
223 roadways and cul-de-sacs is 25 feet.]
- 224 [(g) **Parking design standards.**
- 225 (1) All parking areas must be effectively screened from adjacent  
226 roadways and adjoining lots, through the use of berms, plantings, or  
227 the depression of parking areas below surrounding grades.

- 228 (2) Parking areas should be broken up into lots of no more than 150 cars,  
229 the lots to be separated by landscaped islands.
- 230 (3) The number of parking spaces provided, and the overall design and  
231 layout of parking lots must be in accordance with Article 59-E.
- 232 (4) No access to any lot is allowed directly from perimeter roads.]

233 [(h) **Site design standards.**

- 234 (1) Buildings should be sited to provide primary visual orientation to the  
235 internal road network. Care must be taken so that exposure to roads  
236 surrounding the life sciences center do not detract from the overall  
237 appearance of the facility or the life sciences center.
- 238 (2) Buildings should appear to be integrated into the natural terrain,  
239 avoiding unnatural looking grading.
- 240 (3) Service areas should not detract from the design of the facility. All  
241 service areas should be effectively screened from adjoining lots,  
242 pedestrian areas, and parking lots by incorporating them into the  
243 building or by the use of walls, berms, level changes and landscaping.
- 244 (4) In the Shady Grove Life Sciences Center, pedestrian paths or  
245 sidewalks must be provided in accordance with the 1986 Shady Grove  
246 Life Sciences Center Development Plan, as amended.]

247 [(i) **Building design standards.**

- 248 (1) All sides of the building are to be built with finish materials.

- 249 (2) Recommended finish materials include:
- 250 (A) Architectural masonry units (excluding standard concrete and
- 251 cinder block);
- 252 (B) Natural stone;
- 253 (C) Precast concrete
- 254 (D) Aluminum and architectural metals
- 255 (E) Porcelain covered metal panels; and
- 256 (F) Glass
- 257 (3) Mechanical equipment should be located within the building or within
- 258 a mechanical equipment penthouse. If mechanical equipment is
- 259 located on the roof or is free-standing on the site, it must be
- 260 effectively screened from view by means fully compatible with the
- 261 architecture. Mechanical equipment must be screened from view
- 262 from all roads and immediately adjacent structures (existing or future)
- 263 four stories in height or less. Required flues or vents must be
- 264 compatible in design with the architecture and preferably incorporated
- 265 into that design.
- 266 (4) Outdoor storage must not be permitted except when effectively
- 267 screened within a court or a wall made of substantial materials
- 268 compatible with those of the building skin.

269 (5) All trash containers, transformers, meters, telephone junction boxes  
270 etc., must be integrated architecturally or effectively screened with  
271 screen walls and/or landscaping materials. Locations must be  
272 compatible with building and site design.

273 (6) No temporary structures may be constructed or trailers located within  
274 the LSC except for those approved by the Director to service a  
275 construction project and only for the duration of the construction.]

276 **[(j) Site lighting standards.**

277 (1) Site lighting must be provided to maintain a minimum level of  
278 illumination within the parking areas (ft. candle minimum  
279 maintained).

280 (2) Maximum pole heights for drives and parking lots must be  
281 approximately 24 feet with “cut off” type luminaries. Poles and  
282 luminaries must be compatible with established lighting in the  
283 existing core area.

284 (3) Lighting bollards must be used adjacent to pedestrian walk areas. The  
285 design must be compatible with architectural materials.]

286 **[59-C-5.474. Landscaping guidelines.**

287 (a) Landscaping should be an integral part of the building design and should  
288 provide effective screening and shade.

289 (b) Every effort should be made to avoid formality in plantings except as it may  
290 be integral to an architectural concept. Emphasis should be placed on the  
291 natural grouping of groves of trees and every opportunity should be taken to  
292 emphasize or take advantage of natural terrain features.]

293 [(c) Plants should be restricted to those with low maintenance requirements and  
294 which have already proven themselves hardy and easily cared for in this  
295 area.]

296 [(d) To ensure year-round interest and beauty, a skeletal planting of evergreen  
297 trees and major shrubs of seasonal interest should be used in each project so  
298 that the design does not disintegrate at leaf-fall.]

299 [(e) Native flowering trees should be planted in groves placed near areas of  
300 pedestrian use. Whenever possible, larger specimens should be selected in  
301 order to create an immediate effect at major points in the design. Smaller  
302 plantings may be used in peripheral areas.]

303 **[59-C-5.475. Special trip reduction guidelines.** Where the approved subdivision  
304 plan of the life sciences center allows a development density exceeding 0.3 FAR, it  
305 is the intent of the special trip reduction guidelines to achieve as a goal a reduction  
306 in auto trips for projects of 10 percent below the peak hour trip generation rates  
307 adopted by the Planning Board for the administration of the Adequate Public  
308 Facilities Ordinance. To help achieve the trip reduction goal, design measures  
309 should be incorporated in the project to meet trip reduction objectives established

310 in this section, as well as non-design measures for the purpose of reducing  
311 dependence on single-occupant automobiles. The Planning Board may establish a  
312 schedule for achieving the goal and time periods during which the trip reduction  
313 measures will be in effect. Any or all of the following trip reduction guidelines or  
314 other measures proposed by an applicant are to be considered as appropriate on a  
315 case-by-case basis taking into consideration specific circumstances of the project.]

316 [(a) **Design guidelines.**

- 317 (1) Buildings clustered near internal streets to minimize walking distance  
318 to available transit and to promote an attractive, active and safe  
319 pedestrian-oriented streetscape, to accommodate bus service,  
320 carpooling and vanpooling within a project.
- 321 (2) An uninterrupted pedestrian circulation system linking the various  
322 uses within a project . The pedestrian system should provide  
323 convenient connections to transit service and employee convenience  
324 services to reduce dependence on single-occupant automobiles and to  
325 promote an active streetscape.
- 326 (3) If convenience services are provided, space on the ground floor of a  
327 building for such services to reduce the need for private vehicle trips  
328 during the day.]

329 [(b) **Non-design guidelines.**

- 330 (1) Trip reduction programs such as limiting off-street parking after  
331 consideration of market demand, flex time, the provision of or  
332 participation in share-a-ride programs, transit/vanpool fare discounts,  
333 bus shelters, emergency ride-home programs, reserved HOV spaces,  
334 or other acceptable measures that may be proposed; provided that a  
335 limitation on off-street parking below the applicable standards of  
336 Article 59-E shall not be required in order to achieve trip reduction  
337 goals.
- 338 (2) Development phased in accordance with public or private transit  
339 availability.]

340 **[(c) Implementation.**

- 341 (1) The Planning Board may establish a schedule for achieving the  
342 requirements and time periods during which the trip reduction  
343 measures will be in effect. The Planning Board may also require the  
344 applicant to enter into an agreement providing for the monitoring,  
345 enforcement, and other terms of the trip reduction program. Provision  
346 must be made in the agreement to allow for the inclusion of a  
347 maximum cost for the implementation of substitute components of the  
348 trip reduction measures in the event initial components do not achieve  
349 the requirements.

350 (2) Results of on-site trip reduction programs implemented by the  
 351 applicant to satisfy other traffic mitigation conditions of development  
 352 approvals may be credited toward achieving the trip reduction  
 353 requirement. All traffic mitigation requirements otherwise applicable  
 354 remain in effect. The Planning Board may phase implementation of  
 355 some or all of the trip reduction in accordance with the build-out of  
 356 the project and/or availability of transit so that the measures are  
 357 feasible and effective, except the Planning Board must not defer such  
 358 implementation for more than 10 years from the issuance of any use-  
 359 and-occupancy permit for a building in the project.]

360

361 **59-C-5.473. Special regulations for use of a Building Lot Termination (BLT)**

362 **Development Right.**

363 Except for [[residential development subject to the requirement of ]] the floor area

364 restricted to: (a) workforce housing under Section 59-C-5.474(b) [[and except

365 for]];

366 (b) health care services; and

367 (c) life sciences use, to the extent the gross floor area for life sciences use

368 exceeds .5 FAR:

369 [[a]](1) 12.5 percent of any floor area above an FAR of 0.50 must be

370 supported through the purchase by the applicant of a BLT easement or

371 through a contribution to the Agricultural Land Preservation Fund,  
372 under Chapter 2B, for purchase of a BLT easement on real property to  
373 preserve agricultural land in the County. One buildable RDT zoned  
374 lot must be extinguished for each 9,000 square feet of residential  
375 space, or for each 7,500 square feet of non-residential space.

376 ~~[[b]]~~(2) If the applicant for development under the LSC zone cannot  
377 purchase an easement, or if the amount of density to be attributed to  
378 BLT easement is a fraction of the applicable floor area equivalent, the  
379 Planning Board must require the applicant to pay the Agricultural  
380 Land Preservation Fund an amount set annually by Executive  
381 Regulation.

382 **59-C-5.474 MPDUs and Workforce Housing.**

383 **(a) Moderately Priced Dwelling Units.** If residential uses are included in a  
384 development, Moderately Priced Dwelling Units must be provided under Chapter  
385 25A. The maximum residential FAR may be increased in proportion to any MPDU  
386 bonus density units provided on-site.

387 **(b) Workforce Housing.**

388 (1) Notwithstanding Section 59-A-6.18 and Chapter 25B, this zone requires that  
389 any site plan containing residential units at a density of 20 dwelling units per  
390 acre or higher, or containing 100 dwelling units or more, include an amount  
391 of workforce housing units that is not less than 5 percent of the total number

392 of proposed market rate dwellings, not including any MPDUs or resulting  
393 bonus density units, or dwelling units excluded under Chapter 25B.

394 (2) To allow the construction of all workforce housing units on site, the  
395 Planning Board must permit:

396 (A) any residential density or residential FAR limit of the applicable zone  
397 to be exceeded to the extent required for the number of workforce  
398 housing units that are constructed, but not by more than 5 percent;

399 (B) any residential density or residential FAR limit established in a master  
400 or sector plan to be exceeded to the extent required for the number of  
401 workforce housing units that are constructed, but not more than the  
402 maximum density and FAR of the zone, except as provided in  
403 paragraph (2)(A); and

404 (C) any building height limit established in a master or sector plan to be  
405 exceeded to the extent required for the number of workforce housing  
406 units that are constructed, but not more than the maximum height of  
407 the zone.

408 **59-C-5.475 Parking.** Off-street parking must satisfy Article 59-E.

409 **59-C-5.476. Procedure for application and approval.**

410 (a) [The procedure for site plan approval in the LSC zone is set forth in] Site  
411 plan approval in the LSC Zone must satisfy Division 59-D-3. The site plan  
412 must be substantially consistent with the recommendations of the applicable  
413 master or sector plan, including general design principles recommended by

414 the applicable master or sector plan and design guidelines adopted by the  
415 Planning Board to implement the applicable master or sector plan. As part  
416 of its site plan, the applicant must submit for approval comprehensive design  
417 standards that address building types and facades, except when the site plan  
418 is proposed for amendment through a limited plan amendment, a consent  
419 agenda amendment, or a Director level amendment.

420 [[In addition to the site plan submission requirements, the applicant must  
421 submit for approval comprehensive design standards that address building  
422 types, facades, and architecture, except when the site plan is proposed for  
423 amendment through a limited plan amendment, a consent agenda  
424 amendment, or a Director level amendment. Site plans also must be  
425 substantially consistent with the general design principles recommended by  
426 the applicable master or sector plan and design guidelines adopted by the  
427 Planning Board to implement the applicable master or sector plan.]]

428 (b) For site plan or subdivision plan approvals before {Effective Date}, [The] the  
429 following regulations apply [in the LSC zone]:

- 430 (1) In the Shady Grove Life Sciences Center, except as provided below, an  
431 applicant for site plan or subdivision plan approval must comply with the  
432 requirements of the Amended and Restated Declaration of Covenants and  
433 Easements dated March 9, 1990 and recorded May 25, 1990 in Liber 9332 at  
434 folio 591, or as the Declaration may be later amended, that governs the  
435 development of the Shady Grove Life Sciences Center. Any project that  
436 receives site plan or subdivision plan approval on property identified as

437 University Sites in the 1995 Shady Grove Life Sciences Center

438 Development Plan is not required to comply with the Declaration.

439 (2) Properties within the Shady Grove Life Sciences Center<sub>1</sub>, except as provided  
440 below<sub>1</sub>, are subject to the provisions of:

441 A. an approved subdivision plan<sub>2</sub>, which may restrict the maximum  
442 density allowed[[,]]<sub>2</sub>; and

443 B. the 1986 Shady Grove Life Sciences Center Development Plan, as  
444 amended. This subparagraph does not apply to any project on the  
445 property identified as the University Sites in the 1995 Shady Grove  
446 Life Sciences Development Plan. Any application of the 1986 Shady  
447 Grove Life Sciences Center Development Plan to such University  
448 Sites arises by private agreement only.

449 (3) Any proposed development shown on a site plan or plan of development  
450 approved prior to June 11, 1996 may be constructed in accordance with the  
451 approved plan<sub>2</sub> regardless of whether said development is built in one or  
452 more phases. Such development is not subject to the provisions of Section  
453 59-G-4.1 and 59-G-4.25, and may be continued, repaired, reconstructed, or  
454 structurally altered in accordance with the approved site plan or plan of  
455 development. In cases where detailed review of subsequent phases of an  
456 approved plan is anticipated, such reviews will continue to be required under  
457 the provisions of Division 59-D-3.

458 **59-C-5.477. Existing approved buildings, building permits, or uses.**

459 (a) Any existing building or structure for which a lawful building permit was issued,  
460 and any lawful use ~~[[which]]~~ that was instituted on property within the Shady  
461 Grove Life Sciences Center and subject to the provisions of the 1986 Shady Grove  
462 Life Sciences Center Development Plan, as amended, prior to a sectional zoning  
463 map amendment approved on June 11, 1996, where such lot was rezoned to the  
464 ~~[[life sciences center]]~~ Life Sciences Center zone by sectional or local map  
465 amendment, will not be regarded as a non-conforming use. Such building or use  
466 may be structurally altered, replaced, or repaired, or may be changed in  
467 conformance with the requirements of the previous lease agreement or  
468 memorandum of understanding with the County entered into prior to June 30,  
469 1984, so long as it remains an otherwise lawful use. Properties ~~[[which]]~~ that are  
470 subject to a lease agreement or memorandum of understanding with the County  
471 entered into prior to June 30, 1984 may be developed ~~[in accordance with]~~ under  
472 agreements and procedures applicable prior to June 11, 1996. Any lawful uses or  
473 ~~[[development which]]~~ developments that were approved in a plan of development  
474 approved by the District Council may be instituted on the Shady Grove Life  
475 Sciences Center properties.

476 (b) Construction underway in the Shady Grove Life Sciences Center [pursuant to]  
477 under a building permit validly issued and existing at the time of reclassification to  
478 the ~~[[life sciences center]]~~ Life Sciences Center zone [shall be] are permitted, and

479 buildings and structures so constructed [shall] must not be considered  
480 nonconforming.

481 (c) Any lawful structure, building, or use that existed for which a building permit was  
482 issued before the date the LSC zone was applied to the property is a conforming  
483 structure or use and may be continued, structurally altered, repaired, renovated, or  
484 enlarged up to 10 percent of the gross building floor area. However, any  
485 enlargement of the building that is more than 10 percent of the gross floor area, or  
486 construction of a new building, must comply with the new standards of the LSC  
487 zone.

488 (d) Any preliminary plan or site plan approved before the date the LSC zone was  
489 applied to the property remains valid, and construction may proceed subject to  
490 applicable approvals. A preliminary plan approved before the date the LSC zone  
491 was applied to the property may be amended under the standards of the previous  
492 zone or under the LSC zone standards.

493 (e) When a lot or parcel is located in the LSC zone on {effective date}, any approved  
494 preliminary plan or site plan in effect remains valid and construction may proceed  
495 subject to applicable approvals under the previous standards of the LSC zone. At  
496 the option of the applicant, the preliminary plan or site plan may be amended or  
497 necessary site plans for implementation submitted, under the previous standards of  
498 the zone or the standards that exist at the time of filing. Any building or use  
499 constructed under the previous standards of the LSC zone under 59-C-5.477(e) is a  
500 conforming structure or use and may be continued, structurally altered,

501 reconstructed, repaired, renovated, or enlarged under the previous standards of  
502 LSC zone.

503 (f) Any lawful structure, building or use that was constructed or instituted on a lot or  
504 parcel zoned LSC before {effective date} which is not subject to Section 59-C-  
505 5.477(a), is conforming and may be continued, structurally altered, reconstructed,  
506 repaired, renovated, or enlarged under the previous standards of the LSC zone.

507 **[[59-C-5.478.Definitions.**

508 In the Life Sciences Center zone, the following words and phrases have the meanings  
509 indicated:

510 **Cultural, entertainment, and recreation:** Establishments that operate facilities or  
511 provide services to meet cultural, entertainment, and recreational interests of their  
512 patrons. Such establishments include art/cultural centers, health clubs, libraries, private  
513 clubs, and theaters.

514 **Communications facilities or structures:** Facilities or structures that support or  
515 facilitate communications by radio, television, or telephone. Such facilities or structures  
516 include amateur radio facility, cable communications system, radio and television  
517 broadcasting studio, radio and television stations, telephone office or communications  
518 center, and rooftop mounted antennas and related equipment.

519 **Food services:** Establishments that prepare meals, snacks, and beverages for human  
520 consumption. Such establishments include restaurants, cafes, and coffee shops.

521 **Health care services:** Establishments providing health care by trained professionals.  
522 These establishments include hospitals, hospice care facilities, life care facilities, nursing  
523 homes, medical clinics, physical therapy facilities, and occupational therapy facilities.

524 **Personal services:** Establishments that provide services to individuals, households, and  
525 businesses. These establishments include self-service laundromats, dry cleaning and  
526 laundry establishments of no more than 3,000 square feet of gross floor area, dry cleaning  
527 and laundry pick-up stations, beauty and barber shops, shoe repair, photo studios and  
528 photo finishing services, data services, appliance repair shops, duplicating services, tailor  
529 or dress making shops, and pet grooming services.

530 **Retail trade:** Establishments engaged in selling merchandise to the general public and  
531 services incidental to the sale of merchandise. These establishments include grocery  
532 stores, pharmacies, automobile filling stations, electronic and appliance stores, office  
533 supply stores, computer and software stores, hardware stores, and clothing stores.

534 **Transportation facilities or structures:** Facilities or structures that support or facilitate  
535 transportation of people. Such facilities or structures include bus terminals, bus stops,  
536 transit stations, transit stops, taxi stands, heliports, helistops, and off-street parking of  
537 motor vehicles, in connection with any use permitted.

538 **Utilities:** Buildings and structures that provide services such as telephone, electric power,  
539 natural gas, water, and sewage removal.]]

540

541 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the date of  
542 Council adoption.

543

544 This is a correct copy of Council action.

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547 Linda Lauer, Clerk of the Council