

MEMORANDUM

April 1, 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 worksessions on ZTA 09-07 on September 29, October 5, October 26, and November 9, 2009, and on March 15, 2010. On March 15, the Committee made the following recommendations to revise ZTA 09-07 (all line numbers refer to the attached revised ZTA):

- 1) Amend the definition of research and development by adding life sciences to the definition and deleting text recommended at the Committee's November 9th meeting. The definition would now read as follows:

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 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).

- 2) Amend 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]; the proposed total gross floor area used for the purpose of calculating the minimum percentage of life science uses must exclude (1) health care 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] educational facilities.

Example: If an application for 150,000 square feet of development includes 30,000 square feet of life care facilities and 20,000 square feet of classrooms, then the 30 percent requirement for life science uses applies to the remaining 100,000 square feet. The development must include 30,000 square feet for life sciences.

Staff notes that the deleted uses are included in the definition of “health care services”. Using “educational facilities” is consistent with the Committee’s conversation regarding exemptions from BLT requirements.

3) Amend the definition of health care services.

ZTA 09-07 defines health care service for the purposes of excluding those uses from the requirement to purchase BLT easements. As recommended by the Committee, the gross floor area used for health care services is also excluded from the floor area used as the basis for determining the minimum percentage of life science uses. The Committee recommended amending the definition of health care services to exclude medical clinics¹:

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.

Medical clinics (doctor’s offices) would still be a permitted use in the LSC zone; they would not, however, be excluded from a requirement to purchase BLTs or from the calculation to determine the floor area requirement for life science uses.

Alternative recommended by staff: The Committee may wish to delete the definition of health care services and only have special provisions for hospitals at its accessory uses.

Remaining Issue - BLTs

TMX was the first zone to require development more dense than a .5 FAR to purchase building lot termination (BLT) easements.² 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 one BLT easement for every 20,000 square feet of floor. The following table hopefully simplifies the BLT requirements for the 2 zones that require the purchase of BLT easements.

¹ A medical office building is included within the current definition of a medical clinic (§59-A-2):

Medical or dental clinic: Any building or group of buildings occupied by 3 or more medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

Medical office building: See “Medical or dental clinic.”

² Development in the County increases the demand for large lot single family housing. In the past 20 years, on average, 72,000 square feet of non-residential construction and 99 dwelling units were complete for every 1 house completed in the RDT zone.

	TMX - Residential	TMX - Non-residential	CR
BLTs per 1,000,000 square feet of non-excluded floor area	16.6	13.8	2.5
Floor area allowed per BLT	72,000	60,000	400,000
BLT cost per square foot (assuming 1 BLT = \$200,000)	\$2.78 per square foot	\$3.33 per square foot	\$0.50 per square foot
Exclusions	.5 FAR and Metro station policy areas	.5 FAR	.5 FAR
Requirement equation	12.5 percent of gross floor area above .5 FAR requires 1 BLT for every 9,000 square feet of gross floor area	12.5 percent of development above .5 FAR requires 1 BLT for every 7,500 square feet of gross floor area	5 percent of gross floor area above .5 FAR requires 1 BLT for every 20,000 square feet of gross floor area

As introduced at the request of the Planning Board, the BLT requirement in the LSC zone was identical to the BLT requirement in the TMX zone. The Planning Board has more recently recommended that the LSC zone should have the same BLT requirement as the CR zone.

Both the TMX zone and the CR zone require public benefits (amenities) to achieve maximum density. The LSC zone does not have any similar requirement, except for the requirement to provide workforce housing under certain circumstances. ZTA 09-07 would increase the amount of future development allowed and place increased pressure on RDT land.

*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). If the Committee recommends using the CR rates for BLTs, exempting any use from the BLT requirement other than MPDUs and workforce housing would not be warranted. The necessity for exemptions from the BLT requirement decreases in proportion to the basic BLT requirement. ZTA 09-07, as introduced, would **require** workforce housing for any development with a significant residential component.*

Exemptions

ZTA 09-07, as introduced, would exempt health services from the requirement to purchase BLT easements. The Committee recommended an additional exemption for life science uses to the extent that such uses exceed a .5 FAR.³ The Committee is now being asked to consider additional exemptions to the BLT program.

- a) Educational facilities

³ The Committee agreed to this text on October 29, 2010. The phrase was repeated in the November 9 Staff Memorandum.

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. The Committee could limit this to classroom space if it wishes a more narrowly drawn exemption.*

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. 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; the purchase of BLT easements would be required for 1 FAR.⁴ 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).

c) Health care facilities

Health care facilities would not be a required use in the LSC zone. *Staff would recommend exempting hospitals and their accessory uses (not health care facilities).*

This packet contains
ZTA 09-07 (as revised)

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⁴ Under the Committee's recommendations, the minimum 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.

Zoning Text Amendment No: 09-07
Concerning: Life Sciences Center
(LSC) Zone - Revisions
Draft No. & Date: 5 - 3/25/10
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**

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

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 the development of prototypes and the
24 marketing of resultant products. Related activities include the manufacturing, mixing,

25 fermentation, treatment, assembly, packaging, and servicing of products. Supporting
 26 services such as administrative offices, educational facilities, libraries, and data services
 27 are other examples of related activities.

28 * * *

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

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

31 * * *

32 **59-C-5.21. Allowable uses.**

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

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

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

40

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
(a) Residential.						
Accessory residential unit. ³⁸				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. ¹	SE		SE			<u>P</u>
(b) Manufacturing and industrial.						
I. Uses of a light industrial nature.						
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	

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
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		
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		

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
Printing and publishing.	P		P	P	P	
Research, development, and related activities.	P		P	P	P	[P] P
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		
II. Uses of a heavy industrial nature.						
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. ⁶		SE ²⁷				
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.	p7	P		p7		
Recycling facility.	p30	P		p30		
Rock crusher, washing and screening plants.		P				
Sanitary landfills. ⁶		SE ²⁷				
Starch, glucose, and dextrin.		P				
Steam power plants.		P				
Stove polish.		P				
Sugar refineries.		P				
(c) Transportation, communication, and utilities.						
Amateur radio facility.	p35/ SE	p35/ SE	p35/ SE	p35/ SE	p35/ SE	[p35/ SE] p35/SE

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
Cable communications system. ⁵	SE	SE	SE	SE	SE	[SE] <u>P</u>
Electric power transmission and distribution lines, overhead, carrying more than 69,000 volts.	P	P	SE	SE	SE	[P] <u>P</u>
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] <u>P</u>
Heliports.	SE	SE	SE	SE	SE	[SE] <u>SE</u>
Helistops.	SE	SE	SE	SE	SE	[SE] <u>P*/SE</u>
Parking of motor vehicle, off-street, in connection with any use permitted.	p ²	p ³	P	P	P	[P] <u>P</u>
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] <u>P</u>
Pipelines, underground.	P	P	P	P	P	[P] <u>P</u>
Public utility buildings and structures.	SE	SE	SE	SE	SE	[SE] <u>P</u>
Radio and television broadcasting stations and towers.	p ³³ / SE	P	p ³³ / SE	p ³³ / SE	p ³³ / SE	[p ³³ / SE] <u>p³³</u>
Railroad tracks.	P	P	P	P	P	[P] <u>P</u>
Railroad yards or roundhouses.		P				
Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. ²⁶	P	P	P	P	P	[P] <u>P</u>
Solid waste transfer station, private. ⁶		SE ²⁷				
<u>Taxicab stands, not including storage while not in use.</u>						<u>P</u>
Telecommunications facility. ⁴	P	P	P	P	P	[P] <u>P</u>
Telephone and telegraph lines.	P	P	P	P	P	[P] <u>P</u>
Telephone offices, communication and telecommunication centers.	P		P	P	P	[P] <u>P</u>
Trucking terminals.	P			P		
(d) Commercial.						
Adult entertainment business. ²²	P	P				
Aircraft parts, sales and services, including the sale of fuel for aircraft only.	P			P		
Animal research service facilities.						[P] <u>P</u>
<u>Antique shops, handicrafts or art sales.</u>						<u>P</u>
<u>Appliance stores.</u>						<u>P</u>
Automobile parts, sales and services, including but not limited to tire sales and transmission services, but excluding automobile filling stations.	P			P		

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
Automobile repair and services.	P			P		
Automobile sales, indoors and outdoors.	p8			p8		
<u>Book stores.</u>						<u>P</u>
Building material and supply, wholesale and retail. ²⁰	P	P		P	p37	
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. ⁹	P	P	P	P	P	[p29] <u>P</u>
Consignment store.		p31				
<u>Drug store.</u>						<u>P</u>
Eating and drinking establishments. ^{9,10}	SE		SE	SE	SE	[SE] <u>P</u>
<u>Florist.</u>						<u>P</u>
<u>Food and beverage store.</u>						<u>P</u>
<u>Garden supply shops.</u>						<u>P</u>
<u>Gift shops.</u>						<u>P</u>
<u>Grocery stores.</u>						<u>P</u>
<u>Hardware stores.</u>						<u>P</u>
<u>Jewelry stores.</u>						<u>P</u>
Lumberyards.	P	P		P		
<u>Newsstand.</u>						<u>P</u>
<u>Office supply store.</u>						<u>P</u>
<u>Pet shops.</u>						<u>P</u>
<u>Photographic and art supply stores.</u>						<u>P</u>
Retail sales and personal services, dealing primarily with employees in the zone, in accordance with section 59-C-5.23.	P		P	P	P	[p29]
Transitory use. ²⁵	P/SE	P/SE	P/SE	P/SE	P/SE	[P/SE]
<u>Variety and dry goods stores.</u>						<u>P</u>
Wholesale trades limited to sale or rental of products intended for industrial or commercial users.	P		p36	P		
(e) Services.						
Ambulance or rescue squads, publicly supported.	P		P	P	P	[P] <u>P</u>
Animal boarding places. ¹¹	P			P		
Automobile filling stations. ²¹	SE	SE ¹⁴		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>

	I-1	I-2	I-3	I-4	R&D	LSC[[]]
Chancery.	SE		p24			
Child day care facility. ²⁸						
-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</u> services, 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 ²⁹] <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	[P ¹³] <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					
<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>

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
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. ¹⁵	P	P		P		
Trade, artistic, or technical schools.	P		p19	P	p19	[p19] <u>P</u>
Universities and colleges providing teaching and research facilities.	p32		P		P	[P] <u>P</u>
Warehousing and storage services:						
-Industrial and commercial users.	P	P	p16	P		
-Self-storage facilities.	P			P		
(f) Cultural, entertainment, and recreational.						
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. ¹⁷	SE		SE	SE	SE	<u>P</u>
Recreational facilities primarily for the use of employees. ¹⁷	P	P	P	P	P	[p29] <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.			p18			
(g) Resource production and extraction.						
Agricultural uses.	P	P		P		
Dairy products processing.	P			P		
Rock or stone quarries.		P				
Sand, gravel, or clay pits.		P				
Stockyards.	SE	SE				
(h) Miscellaneous uses.						
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>

42 1 In the I-1 and I-3 zones, [[On]] on a lot [[which]] that is a part of or adjacent to an
43 area of at least 50 acres [[which]] that is zoned industrial or shown for industrial use
44 on an approved and adopted master plan.

45 10 When located in [[an industrially zoned]] the I-1, I-2, I-3, I-4, and R&D zones, the use
46 must be located in an area containing more than 10 acres of land. Such facilities may
47 be freestanding, and may be located on an internal business district street, but shall not
48 adjoin any street or highway [[which]] that provides access to the industrial area.

49 17 When located in the I-1, I-2, I-3, I-4 and R&D zones, the use must [[Must]] not adjoin
50 any street [[which]] that provides the principal access to the principal use or uses
51 served.

52 [²⁹ In accordance with Section 59-C-5.23; and also operated for the convenience of
53 hospital and clinic users.]

54 33 A radio and television broadcasting station without a broadcast tower is a
55 permitted use. In the LSC zone, a radio and television broadcast tower is a
56 permitted use up to a height of 199 feet and a setback of one foot for every foot of
57 height from all residential and agricultural zoned properties.

58 * If located on the site of a hospital.

59 * * *

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

61

62 **[[59-C-5.211. Allowable uses in the LSC Zone.**

63 The following uses are permitted in the LSC Zone:

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

88 * * *

89 **59-C-5.23. Retail sales and personal services.**

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

93 (a) Such use must not be located in an industrially zoned area containing less
94 than [ten] 10 contiguous acres of land classified in industrial zones.

95 (b) Such use must not occupy more than 5 percent of the total floor area of the
96 buildings on a lot or group of contiguous lots in common ownership and
97 control at the time of subdivision approval.

98 (c) Such use must not front on or abut any street with a right-of-way of 70 feet
99 or more, unless the street is internal to the industrially zoned area. Such use,
100 however, must not front on or abut any street with an existing or master
101 planned right-of-way of 100 feet or more. All access to such use must be
102 from interior streets within the industrially zoned area.

103 (d) The display of a sign must [comply with the requirements established in]
104 satisfy Article 59-F [of this chapter].

105 (e) In the I-3 and R&D zones, such use may be located within any building as
106 [a] an incidental use [in accordance with] under the following requirements:

107 (1) Such incidental use must not be located above the first floor;

108 (2) Such incidental use must satisfy [the requirements of] subsections (a),
109 (b), and (d)[,] above.

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

113 * * *

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

	I-1	I-2	I-3	I-4	R&D	LSC
59-C-5.31 Building height.						
No building shall exceed the following height limits:						
(a) Normally:						
-In stories	3	5		3		
-In feet	42	70	100	42	50	[100]150 ¹¹
(b) In the I-1 zone, this height may be increased [in accordance with the requirements of section] under Section 59-C-5.41.						
59-C-5.32. Coverage limitations. (Percent of gross tract area)						
- <u>Minimum green [Green] area [shall be provided for not less than]</u>	10	10	35	20 ³	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>						20
-Off-street parking is not allowed to occupy more than			45 ¹			
59-C-5.321. Maximum density of development. ² 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>n 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>59-C-5.322. Requirement for landscape plan. In the R&D zone, the preliminary plan of subdivision must include a landscape plan and a plan for the preservation of natural features.</p>						

115

116 1 In unusual circumstances, may be waived by the [planning board] Planning Board
 117 at the time of site plan approval upon a finding that a more compatible
 118 arrangement of uses would result.

119 * * *

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

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

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

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

132 Life sciences – 30 percent minimum of the gross floor area proposed; the
133 proposed gross floor area used for the propose of calculating the minimum
134 percentage of life science uses excludes: (1) health care services and (2)
135 educational facilities.

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

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

143 * * *

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

145 * * *

146 **59-C-5.47. Special regulations LSC zone.**

147 **59-C-5.471. Purpose.** The primary purpose of the Life Sciences Center (LSC)
148 Zone is to promote research, academic, and clinical facilities that advance the life
149 sciences, health care services, and applied technologies. It is also the purpose of
150 the LSC Zone to provide opportunities for the development of uses that support a
151 Life Sciences Center while retaining an environment conducive to high technology
152 research, development, and production.

153 **59-C-5.471.1 Definitions**

154 **Health care services means:** Establishments providing health care by trained
155 professionals. These establishments include hospitals, hospice care facilities, life
156 care facilities, nursing homes, physical therapy facilities, and occupational therapy
157 facilities.

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

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

- 162 (1) To provide a unique reinforcing focus for the life sciences industry to
163 promote the successful expansion of the industry in Montgomery
164 County;
- 165 (2) To expand the educational and research resources available for
166 Montgomery County residents, employers and work force; and

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

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

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

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

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

184 (4) To assure the provision of green areas and promote the use of green
185 areas to enhance the appearance of the facilities and the quality of the
186 work environment.]

187 **59-C-5.472. Where applicable.** No land [shall] may be classified in the LSC zone,
188 unless the land is within an area for which there is an approved and adopted master
189 or sector plan [which] that recommends ~~[[life sciences center]]~~ Life Sciences
190 Center development for the land [which] that is subject to the application of the
191 zone. Development under the LSC zone must be substantially consistent with the
192 recommendations of the applicable master or sector plan.

193 **[59-C-5.473. Development standards.**

194 (a) **Building setbacks.**

195 (1) Building setback from the rights-of-way of interior roads is 25 feet
196 Building setback from the rights-of-way of perimeter roads is 50 feet.

197 (2) Building setback from the right-of-way line at entry gateways is 50
198 feet.

199 (3) Building setback from an interior lot line is 20 feet.]

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

204 [(c) **Building coverage.** Maximum building coverage is 25 percent of the lot
205 area except that increased coverage up to 50 percent may be approved when
206 the applicant proposes to construct structured or underground parking.]

207 [(d) **Floor area ratio.** The maximum floor area ratio may be increased to 0.50 if
208 special trip reduction is implemented in accordance with the guidelines in
209 Section 59-C-5.475.]

210 [(e) **Green area.** The minimum green area on the site is 25 percent of the lot
211 area. Roofs or below grade parking may be counted as green space if
212 developed for passive or recreational use.]

213 [(f) **Parking setbacks.**

214 (1) Parking setback from rights-of-way is 50 feet.

215 (2) Parking setback from an interior lot line is 15 feet. Where internal
216 connection between adjacent parking lots is planned, total combined
217 setback is eight (8) feet.

218 (3) In the Shady Grove Life Sciences Center, parking setback from the
219 right-of-way line of Blackwell Road and the curb line of access
220 roadways and cul-de-sacs is 25 feet.]

221 [(g) **Parking design standards.**

222 (1) All parking areas must be effectively screened from adjacent
223 roadways and adjoining lots, through the use of berms, plantings, or
224 the depression of parking areas below surrounding grades.

225 (2) Parking areas should be broken up into lots of no more than 150 cars,
226 the lots to be separated by landscaped islands.

227 (3) The number of parking spaces provided, and the overall design and
228 layout of parking lots must be in accordance with Article 59-E.

229 (4) No access to any lot is allowed directly from perimeter roads.]

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

231 (1) Buildings should be sited to provide primary visual orientation to the
232 internal road network. Care must be taken so that exposure to roads
233 surrounding the life sciences center do not detract from the overall
234 appearance of the facility or the life sciences center.

235 (2) Buildings should appear to be integrated into the natural terrain,
236 avoiding unnatural looking grading.

237 (3) Service areas should not detract from the design of the facility. All
238 service areas should be effectively screened from adjoining lots,
239 pedestrian areas, and parking lots by incorporating them into the
240 building or by the use of walls, berms, level changes and landscaping.

241 (4) In the Shady Grove Life Sciences Center, pedestrian paths or
242 sidewalks must be provided in accordance with the 1986 Shady Grove
243 Life Sciences Center Development Plan, as amended.]

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

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

246 (2) Recommended finish materials include:

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

268 screen walls and/or landscaping materials. Locations must be
269 compatible with building and site design.

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

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

- 274 (1) Site lighting must be provided to maintain a minimum level of
275 illumination within the parking areas (ft. candle minimum
276 maintained).

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

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

283 **[59-C-5.474. Landscaping guidelines.**

- 284 (a) Landscaping should be an integral part of the building design and should
285 provide effective screening and shade.

- 286 (b) Every effort should be made to avoid formality in plantings except as it may
287 be integral to an architectural concept. Emphasis should be placed on the

288 natural grouping of groves of trees and every opportunity should be taken to
289 emphasize or take advantage of natural terrain features.]

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

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

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

300 **[59-C-5.475. Special trip reduction guidelines.** Where the approved subdivision
301 plan of the life sciences center allows a development density exceeding 0.3 FAR, it
302 is the intent of the special trip reduction guidelines to achieve as a goal a reduction
303 in auto trips for projects of 10 percent below the peak hour trip generation rates
304 adopted by the Planning Board for the administration of the Adequate Public
305 Facilities Ordinance. To help achieve the trip reduction goal, design measures
306 should be incorporated in the project to meet trip reduction objectives established
307 in this section, as well as non-design measures for the purpose of reducing
308 dependence on single-occupant automobiles. The Planning Board may establish a

309 schedule for achieving the goal and time periods during which the trip reduction
310 measures will be in effect. Any or all of the following trip reduction guidelines or
311 other measures proposed by an applicant are to be considered as appropriate on a
312 case-by-case basis taking into consideration specific circumstances of the project.]

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

314 (1) Buildings clustered near internal streets to minimize walking distance
315 to available transit and to promote an attractive, active and safe
316 pedestrian-oriented streetscape, to accommodate bus service,
317 carpooling and vanpooling within a project.

318 (2) An uninterrupted pedestrian circulation system linking the various
319 uses within a project . The pedestrian system should provide
320 convenient connections to transit service and employee convenience
321 services to reduce dependence on single-occupant automobiles and to
322 promote an active streetscape.

323 (3) If convenience services are provided, space on the ground floor of a
324 building for such services to reduce the need for private vehicle trips
325 during the day.]

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

327 (1) Trip reduction programs such as limiting off-street parking after
328 consideration of market demand, flex time, the provision of or
329 participation in share-a-ride programs, transit/vanpool fare discounts,

330 bus shelters, emergency ride-home programs, reserved HOV spaces,
331 or other acceptable measures that may be proposed; provided that a
332 limitation on off-street parking below the applicable standards of
333 Article 59-E shall not be required in order to achieve trip reduction
334 goals.

- 335 (2) Development phased in accordance with public or private transit
336 availability.]

337 **[(c) Implementation.**

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

- 347 (2) Results of on-site trip reduction programs implemented by the
348 applicant to satisfy other traffic mitigation conditions of development
349 approvals may be credited toward achieving the trip reduction
350 requirement. All traffic mitigation requirements otherwise applicable

351 remain in effect. The Planning Board may phase implementation of
352 some or all of the trip reduction in accordance with the build-out of
353 the project and/or availability of transit so that the measures are
354 feasible and effective, except the Planning Board must not defer such
355 implementation for more than 10 years from the issuance of any use-
356 and-occupancy permit for a building in the project.]

358 **59-C-5.473. Special regulations for use of a Building Lot Termination (BLT)**

359 **Development Right.**

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

361 restricted to:

362 (a) workforce housing under Section 59-C-5.474(b) [[and except for]];

363 (b) moderately priced dwelling units under Section 59-C-5.474(a)

364 (c) [[health care services]] hospitals; and

365 (d) life sciences use and educational facilities, to the extent the gross floor area

366 for life sciences and educational facilities in total exceeds .5 FAR:

367 [[a)12.5 percent of]]any floor area above an FAR of 0.50 must be supported through the

368 purchase by the applicant of a BLT easement or through a contribution to the Agricultural

369 Land Preservation Fund, under Chapter 2B, for purchase of a BLT easement on real

370 property to preserve agricultural land in the County. One buildable RDT zoned lot must

371 be extinguished for each [[9,000]] 72,000 gross square feet of residential [[space]] floor
372 area or for each [[7,500]] 60,000 gross square feet of non-residential [[space]] floor area.

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

379 **59-C-5.474 MPDUs and Workforce Housing.**

380 **(a) Moderately Priced Dwelling Units.** If residential uses are included in a
381 development, Moderately Priced Dwelling Units must be provided under Chapter
382 25A. The maximum residential FAR may be increased in proportion to any MPDU
383 bonus density units provided on-site.

384 **(b) Workforce Housing.**

385 (1) Notwithstanding Section 59-A-6.18 and Chapter 25B, this zone requires that
386 any site plan containing residential units at a density of 20 dwelling units per
387 acre or higher, or containing 100 dwelling units or more, include an amount
388 of workforce housing units that is not less than 5 percent of the total number
389 of proposed market rate dwellings, not including any MPDUs or resulting
390 bonus density units, or dwelling units excluded under Chapter 25B.

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

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

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

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

405 **59-C-5.475 Parking.** Off-street parking must satisfy Article 59-E.

406 **59-C-5.476. Procedure for application and approval.**

407 (a) [The procedure for site plan approval in the LSC zone is set forth in] Site
408 plan approval in the LSC Zone must satisfy Division 59-D-3. The site plan
409 must be substantially consistent with the recommendations of the applicable
410 master or sector plan, including general design principles recommended by
411 the applicable master or sector plan and design guidelines adopted by the
412 Planning Board to implement the applicable master or sector plan. As part
413 of its site plan, the applicant must submit for approval comprehensive design

414 standards that address building types and facades, except when the site plan
415 is proposed for amendment through a limited plan amendment, a consent
416 agenda amendment, or a Director level amendment.

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

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

- 427 (1) In the Shady Grove Life Sciences Center, except as provided below, an
428 applicant for site plan or subdivision plan approval must comply with the
429 requirements of the Amended and Restated Declaration of Covenants and
430 Easements dated March 9, 1990 and recorded May 25, 1990 in Liber 9332 at
431 folio 591, or as the Declaration may be later amended, that governs the
432 development of the Shady Grove Life Sciences Center. Any project that
433 receives site plan or subdivision plan approval on property identified as
434 University Sites in the 1995 Shady Grove Life Sciences Center
435 Development Plan is not required to comply with the Declaration.

- 436 (2) Properties within the Shady Grove Life Sciences Center, except as provided
437 below, are subject to the provisions of:
- 438 A. an approved subdivision plan, which may restrict the maximum
439 density allowed[[,]]; and
- 440 B. the 1986 Shady Grove Life Sciences Center Development Plan, as
441 amended. This subparagraph does not apply to any project on the
442 property identified as the University Sites in the 1995 Shady Grove
443 Life Sciences Development Plan. Any application of the 1986 Shady
444 Grove Life Sciences Center Development Plan to such University
445 Sites arises by private agreement only.
- 446 (3) Any proposed development shown on a site plan or plan of development
447 approved prior to June 11, 1996 may be constructed in accordance with the
448 approved plan, regardless of whether said development is built in one or
449 more phases. Such development is not subject to the provisions of Section
450 59-G-4.1 and 59-G-4.25, and may be continued, repaired, reconstructed, or
451 structurally altered in accordance with the approved site plan or plan of
452 development. In cases where detailed review of subsequent phases of an
453 approved plan is anticipated, such reviews will continue to be required under
454 the provisions of Division 59-D-3.

455 **59-C-5.477. Existing approved buildings, building permits, or uses.**

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

476 buildings and structures so constructed [shall] must not be considered
477 nonconforming.

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

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

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

498 reconstructed, repaired, renovated, or enlarged under the previous standards of
499 LSC zone.

500 (f) Any lawful structure, building or use that was constructed or instituted on a lot or
501 parcel zoned LSC before {effective date} which is not subject to Section 59-C-
502 5.477(a), is conforming and may be continued, structurally altered, reconstructed,
503 repaired, renovated, or enlarged under the previous standards of the LSC zone.

504 **[[59-C-5.478.Definitions.**

505 In the Life Sciences Center zone, the following words and phrases have the meanings
506 indicated:

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

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

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

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

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

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

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

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

537

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

540

541 This is a correct copy of Council action.

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543

544 Linda Lauer, Clerk of the Council