Councilmembers should bring their copies of the Gaithersburg West Master Plan to this Public Hearing

AGENDA ITEMS #17&18
September 15, 2009

Public Hearing

MEMORANDUM

September 11, 2009

TO: County Council

FROM: Marlene Michaelson, Senior Legislative Analyst
Jeffrey L. Zyontz, Legislative Attorney

SUBJECT: Public Hearing: Gaithersburg West Master Plan
Zoning Text Amendment 09-07, Life Sciences Center (LSC) Zone - Revisions

This is a public hearing on the Gaithersburg West Master Plan and on Zoning Text Amendment (ZTA) 09-07. On July 31, 2009 the Planning Board transmitted the Gaithersburg West Master Plan to the County Council. The Master Plan focuses on the land use, zoning, and transportation network for the Life Sciences Center and other areas in Gaithersburg West that are within the County boundaries.

On July 28, 2009 the Council introduced ZTA 09-07 at the request of the Planning Board. The Planning Board's recommended Gaithersburg West Master Plan includes over 214 acres of LSC zoned land; it is the only LSC zoned land in the County. The Planning Board Draft Gaithersburg West Master Plan anticipates a more vibrant, dynamic life sciences community than allowed under the current LSC zone. ZTA 09-07 would help achieve the objectives of the Draft Plan. ZTA 09-07 is a comprehensive revision to the allowable land uses and development standards in the LSC Zone.

The allowable land uses in the LSC zone would be expanded under ZTA 09-07. Housing and retail uses would be allowed. Housing development would be required to provide moderately priced dwelling units and workforce housing units. ZTA 09-07 would also allow broad categories of uses under definitions applicable only to the LSC zone.

ZTA 09-07 would revise the standards of the LSC zone to allow more urban development. The maximum floor area ratio would change from .5 to 2.0. Development at densities greater than a .5 floor area ratio would be required to participate in the building lot termination program. Currently, the LSC zone allows building heights up to 100 feet. ZTA 09-07 would allow a maximum building height of 150 feet. The requirement for 25 percent green area would be replaced with a requirement for 20 percent public use space.

Currently, development in the LSC zone requires site plan approval. Site plan approval does not specifically require conformance or consistency with the recommendations of a master plan or sector plan. ZTA 09-07 would require that the site be "substantially consistent" with the recommendations of the master plan and design guidelines adopted by the Planning Board.

A Planning, Housing, and Economic Development Committee worksession on the Master Plan and this ZTA is tentatively scheduled for September 29, 2009.

Zoning Text Amendment No: 09-07
Concerning: Life Sciences Center (LSC) Zone - Revisions
Draft No. & Date: 1 - 7/16/09
Introduced: July 28, 2009
Public Hearing:
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. <u>Definitions</u>

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

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

Sec. 59-A-2.1. Definitions.

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

* * *

Research, development and related activities: Study, research, and experimentation in one or more scientific fields such as life sciences or 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.

* * *

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

Sec. 59-C-5.2. Land uses.

* * *

59-C-5.21. Allowable uses.

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

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

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

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

	I-1	I-2	I-3	I-4	R&D	LSC*
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]
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]
Paper products manufacturing.	P	P		P		
Printing and publishing.	P		P	P	P	
Research, development, and related activities.	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]				

	I-1	I-2	I-3	I-4	R&D	LSC*
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[7]	P		P[7]		
Recycling facility.	P[30]	P		P[30]		
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.	P[35]/ SE	P[35]/ SE	P[35]/ SE	P[35]/ SE	P[35]/ SE	[P[35]/ SE]
Cable communications system.[5]	SE	SE	SE	SE	SE	[SE]
Electric power transmission and distribution lines, overhead, carrying more than 69,000 volts.	P	P	SE	SE	SE	[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]
Heliports.	SE	SE	SE	SE	SE	[SE]
Helistops.	SE	SE	SE	SE	SE	[SE]
Parking of motor vehicle, off-street, in connection with any use permitted.	P[2]	P[3]	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]
Pipelines, underground.	P	P	P	P	P	[P]
Public utility buildings and structures.	SE	SE	SE	SE	SE	[SE]

	I-1	I-2	I-3	I-4	R&D	LSC*
Radio and television broadcasting stations and towers.	P[33]/ SE	P	P[33]/ SE	P[33]/ SE	P[33]/ SE	[P[33]/ SE]
Railroad tracks.	P	P	P	P	P	[P]
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]
Solid waste transfer station, private.[6]		SE[27]				
Telecommunications facility.[4]	P	P	P	P	P	[P]
Telephone and telegraph lines.	P	P	P	P	P	[P]
Telephone offices, communication and telecommunication centers.	P		P	P	P	[P]
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]
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[8]			P[8]		
Building material and supply, wholesale and retail.[20]	P	P		P	P[37]	
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	[P[29]]
Consignment store.		P[31]				
Eating and drinking establishments.[9,10]	SE		SE	SE	SE	[SE]
Lumberyards.	P	P		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[29]]
Transitory use.[25]	P/SE	P/SE	P/SE	P/SE	P/SE	[P/SE]

	I-1	I-2	I-3	I-4	R&D	LSC*
Wholesale trades limited to sale or rental of products intended for industrial or commercial users.	P		P[36]	P		
(e) Services.						
Ambulance or rescue squads, publicly supported.	P		P	P	P	[P]
Animal boarding places.[11]	P			P		
Automobile filling stations.[21]	SE	SE[14]		SE		
Automobile repair and services.	P			P		
Automobile, truck and trailer rentals, outdoor.	P			P		
Chancery.	SE		P[24]			
Child day care facility.[28]						
-Family day care home.	P		P	P	P	[P]
-Group day care home.	P		P	P	P	[P]
-Child day care center.	P		P	P	P	[P]
Clinics, medical or dental.	P		P	P	P	[P]
Computer programming and software services, including data banks and data retrieval.	P		P	P	P	
Conference centers:						
-With lodging facilities.			SE		SE	
-Without lodging facilities.			P		P	[P]
Corporate, administrative or business offices for companies principally engaged in health services, research and development, or high technology industrial activities.					P	[P]
Day care facility for senior adults and persons with disabilities.	P		P	P	P	[P]
Duplicating service.	P		P	P	P	[P[29]]
Educational institution, private.	P[34]					
Fire station, publicly supported.	P		P	P	P	[P]
General offices.	P	P[12]	P	SE	P[13]	[P[13]]
Highway fuel and food service.	SE					
Hospitals.	SE		SE	SE	SE	[P]
Hospitals, veterinary, when in a soundproof building.	P			P		
International organization, public.	SE		P[24]		P[24]	[P]
Laboratories.	P		P	P	P	[P]

	I-1	I-2	I-3	I-4	R&D	LSC*
Landscape contractor.	P					
Meeting centers.	SE					
Nursing and care homes.						[P]
Place of religious worship.	P		P	P	P	[P]
Physical therapy facilities.						[P]
Publicly owned or publicly operated uses.	P	P	P	P	P	[P]
Storage, outdoor.[15]	P	P		P		
Trade, artistic, or technical schools.	P		P[19]	P	P[19]	[P[19]]
Universities and colleges providing teaching and research facilities.	P[32]		P		P	[P]
Warehousing and storage services:						
-Industrial and commercial users.	P	P	P[16]	P		
-Self-storage facilities.	P			P		
(f) Cultural, entertainment and recreational.						
Art or cultural centers.			SE		SE	[SE]
Health clubs.	P		P	P	P	[P]
Libraries, scientific or technical.	P		P	P	P	[P]
Private clubs.[17]	SE		SE	SE	SE	
Recreational facilities primarily for the use of employees.[17]	P	P	P	P	P	[P[29]]
Recreational or entertainment establishments, commercial.	SE	SE		SE		
Rifle or pistol ranges, indoor.	SE	SE		SE		
Service organizations.	SE			SE		
Swimming pools, private.			P[18]			
(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]
Signs, in accordance with the provisions of article 59-F.	P	P	P	P	P	[P]

24 * * *

25 [[29] In accordance with Section 59-C-5.23; and also operated for the convenience of hospital and

26 clinic users.]

27 * * *

28 * Allowable uses in the LSC Zone are listed in Section 59-C-5.211.

29

30 **59-C-5.211. Allowable uses in the LSC Zone.**

31 The following uses are permitted in the LSC Zone:

32 (1) health care services;

33 (2) domiciliary care homes;

34 (3) research, development, and related activities;

35 (4) Corporate, administrative, or business offices for companies principally engaged
36 in health services, research and development, or high technology industrial
37 activities;

38 (5) private educational institutions;

39 (6) general offices limited to no more than 50% of the gross floor area of the
40 buildings on a lot or group of contiguous lots in common ownership and control at
41 the time of subdivision approval;

42 (7) conference centers;

43 (8) hotels, motels, and inns;

44 (9) dwellings and dormitories;

45 (10) housing and related facilities for senior adults or persons with disabilities;

46 (11) adult and child day care;

47 (12) food services, excluding drive-in restaurants;

48 (13) retail trade and personal services;

49 (14) cultural, entertainment, and recreation;

50 (15) communications facilities or structures;

51 (16) publicly owned or operated uses;

52 (17) transportation facilities or structures;

53 (18) utilities;

54 (19) accessory buildings and uses; and

55 (20) signs in accordance with the provisions of Article 59-F.

56 * * *

57 **59-C-5.23. Retail sales and personal services.**

58 In the I-1, I-2, I-3, I-4, and R&D zones, [Retail] retail sales and personal services

59 operating primarily for the convenience of employees [of Industrial zones] are permitted

60 uses subject to the following limitations:

61 (a) Such use must not be located in an industrially zoned area containing less than

62 [ten] 10 contiguous acres of land classified in industrial zones.

63 (b) Such use must not occupy more than 5 percent of the total floor area of the

64 buildings on a lot or group of contiguous lots in common ownership and control at

65 the time of subdivision approval.

66 (c) Such use must not front on or abut any street with a right-of-way of 70 feet or

67 more unless the street is internal to the industrially zoned area. Such use,

68 however, must not front on or abut any street with an existing or master planned

69 right-of-way of 100 feet or more. All access to such use must be from interior

70 streets within the industrially zoned area.

71 (d) The display of a sign must [comply with the requirements established in] satisfy

72 Article 59-F [of this chapter].

73 (e) In the I-3 and R&D zones, such use may be located within any building as [a] an
74 incidental use [in accordance with] under the following requirements:
75 (1) Such incidental use must not be located above the first floor;
76 (2) Such incidental use must satisfy [the requirements of] subsections (a), (b),
77 and (d)[,] above.
78 The provisions of this section shall not apply to any land or building lawfully
79 existing, under construction, or for which a building permit has been issued [prior
80 to] before August 19, 1987.
81 * * *
82 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*
(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)						
-Minimum green [Green] area [shall be provided for not less than]	10	10	35	20	30	[25]
- 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.						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
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.] 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. 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.			0.50			[0.30] 2.0**
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.						
[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.]						
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.						

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

* * *

87 * In approving height limits, the Planning Board must consider factors such as: the size of the lot or parcel;
88 the relationship of existing and proposed buildings and structures to surrounding uses; and the need to
89 preserve light and air for the occupants of the development and occupants of surrounding properties.
90 ** In approving the densities, the Planning Board must consider the size of the parcel and the relationship of
91 the existing and proposed buildings and structures to surrounding uses.
92 * * *
93 **Sec. 59-C-5.4. Special regulations.**
94 * * *
95 **59-C-5.47. Special regulations LSC zone.**
96 **59-C-5.471. Purpose.** The primary purpose of the Life Sciences Center (LSC) Zone is to
97 promote research, academic, and clinical facilities that advance the life sciences, health
98 care services, and applied technologies. It is also the purpose of the LSC Zone to provide
99 opportunities for the development of uses that support a Life Sciences Center while
100 retaining an environment conducive to high technology research, development, and
101 production.
102 [A life sciences center (LSC) is a major research and development park for facilities of
103 companies specializing in the life sciences and related fields, at a location as
104 recommended in a master or sector plan.]
105 [(a) The goals of an LSC are:
106 (1) To provide a unique reinforcing focus for the life sciences industry to
107 promote the successful expansion of the industry in Montgomery County;
108 (2) To expand the educational and research resources available for
109 Montgomery County residents, employers and work force; and

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

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

116 (1) To promote the development of life science research parks which reflect
117 the highest architectural and environmental standards; to preserve the
118 confidence of corporate users and the surrounding community that future
119 development will be of consistently high quality and to protect and
120 enhance the economic and environmental values of the life sciences
121 center.

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

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

127 (4) To assure the provision of green areas and promote the use of green areas
128 to enhance the appearance of the facilities and the quality of the work
129 environment.]

130 **59-C-5.472. Where applicable.** No land [shall] <u>may</u> be classified in the LSC zone,
131 unless the land is within an area for which there is an approved and adopted master or
132 sector plan [which] <u>that</u> recommends life sciences center development for the land

133 [which] that is subject to the application of the zone. Development under the LSC zone
134 must be substantially consistent with the recommendations of the applicable master or
135 sector plan.

136 **[59-C-5.473. Development standards.**

137 (a) **Building setbacks.**

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

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

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

142 [(b) **Building height.** Maximum building height is 100 feet, except 125 feet in the
143 health services core of the Shady Grove Life Sciences Center as defined in the
144 1986 Shady Grove Life Sciences Center Development Plan, as amended.]

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

148 [(d) **Floor area ratio.** The maximum floor area ratio may be increased to 0.50 if
149 special trip reduction is implemented in accordance with the guidelines in Section
150 59-C-5.475.]

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

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

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

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

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

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

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

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

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

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

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

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

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

178 (3) Service areas should not detract from the design of the facility. All service
179 areas should be effectively screened from adjoining lots, pedestrian areas,
180 and parking lots by incorporating them into the building or by the use of
181 walls, berms, level changes and landscaping.
182 (4) In the Shady Grove Life Sciences Center, pedestrian paths or sidewalks
183 must be provided in accordance with the 1986 Shady Grove Life Sciences
184 Center Development Plan, as amended.]
185 [(i) **Building design standards.**
186 (1) All sides of the building are to be built with finish materials.
187 (2) Recommended finish materials include:
188 (A) Architectural masonry units (excluding standard concrete and
189 cinder block);
190 (B) Natural stone;
191 (C) Precast concrete
192 (D) Aluminum and architectural metals
193 (E) Porcelain covered metal panels; and
194 (F) Glass
195 (3) Mechanical equipment should be located within the building or within a
196 mechanical equipment penthouse. If mechanical equipment is located on
197 the roof or is free-standing on the site, it must be effectively screened from
198 view by means fully compatible with the architecture. Mechanical
199 equipment must be screened from view from all roads and immediately
200 adjacent structures (existing or future) four stories in height or less.

201 Required flues or vents must be compatible in design with the architecture
202 and preferably incorporated into that design.
203 (4) Outdoor storage must not be permitted except when effectively screened
204 within a court or a wall made of substantial materials compatible with
205 those of the building skin.
206 (5) All trash containers, transformers, meters, telephone junction boxes etc.,
207 must be integrated architecturally or effectively screened with screen walls
208 and/or landscaping materials. Locations must be compatible with building
209 and site design.
210 (6) No temporary structures may be constructed or trailers located within the
211 LSC except for those approved by the Director to service a construction
212 project and only for the duration of the construction.]
213 [(j) **Site lighting standards.**
214 (1) Site lighting must be provided to maintain a minimum level of
215 illumination within the parking areas (ft. candle minimum maintained).
216 (2) Maximum pole heights for drives and parking lots must be approximately
217 24 feet with "cut off" type luminaries. Poles and luminaries must be
218 compatible with established lighting in the existing core area.
219 (3) Lighting bollards must be used adjacent to pedestrian walk areas. The
220 design must be compatible with architectural materials.]
221 **[59-C-5.474. Landscaping guidelines.**
222 (a) Landscaping should be an integral part of the building design and should provide
223 effective screening and shade.

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

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

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

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

[59-C-5.475. Special trip reduction guidelines. Where the approved subdivision plan of the life sciences center allows a development density exceeding 0.3 FAR, it is the intent of the special trip reduction guidelines to achieve as a goal a reduction in auto trips for projects of 10 percent below the peak hour trip generation rates adopted by the Planning Board for the administration of the Adequate Public Facilities Ordinance. To help achieve the trip reduction goal, design measures should be incorporated in the project to meet trip reduction objectives established in this section, as well as non-design measures for the purpose of reducing dependence on single-occupant automobiles. The Planning Board may establish a schedule for achieving the goal and time periods during which the trip reduction measures will be in effect. Any or all of the following trip

247 reduction guidelines or other measures proposed by an applicant are to be considered as
248 appropriate on a case-by-case basis taking into consideration specific circumstances of
249 the project.]

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

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

255 (2) An uninterrupted pedestrian circulation system linking the various uses
256 within a project . The pedestrian system should provide convenient
257 connections to transit service and employee convenience services to
258 reduce dependence on single-occupant automobiles and to promote an
259 active streetscape.

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

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

264 (1) Trip reduction programs such as limiting off-street parking after
265 consideration of market demand, flex time, the provision of or
266 participation in share-a-ride programs, transit/vanpool fare discounts, bus
267 shelters, emergency ride-home programs, reserved HOV spaces, or other
268 acceptable measures that may be proposed; provided that a limitation on

269 off-street parking below the applicable standards of Article 59-E shall not
270 be required in order to achieve trip reduction goals.
271 (2) Development phased in accordance with public or private transit
272 availability.]
273 [(c) **Implementation.**
274 (1) The Planning Board may establish a schedule for achieving the
275 requirements and time periods during which the trip reduction measures
276 will be in effect. The Planning Board may also require the applicant to
277 enter into an agreement providing for the monitoring, enforcement, and
278 other terms of the trip reduction program. Provision must be made in the
279 agreement to allow for the inclusion of a maximum cost for the
280 implementation of substitute components of the trip reduction measures in
281 the event initial components do not achieve the requirements.
282 (2) Results of on-site trip reduction programs implemented by the applicant to
283 satisfy other traffic mitigation conditions of development approvals may
284 be credited toward achieving the trip reduction requirement. All traffic
285 mitigation requirements otherwise applicable remain in effect. The
286 Planning Board may phase implementation of some or all of the trip
287 reduction in accordance with the build-out of the project and/or
288 availability of transmit so that the measures are feasible and effective,
289 except the Planning Board must not defer such implementation for more
290 than 10 years from the issuance of any use-and-occupancy permit for a
291 building in the project.]

292

293 **59-C-5.473. Special regulations for use of a Building Lot Termination (BLT) Development**

294 **Right.**

295 Except for residential development subject to the requirement of workforce housing under

296 Section 59-C-5.474(b) and except for health care services:

297 (a) 12.5 percent of any floor area above an FAR of 0.50 must be supported through the

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

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

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

301 be extinguished for each 9,000 square feet of residential space, or for each 7,500 square

302 feet of non-residential space.

303 (b) If the applicant for development under the LSC zone cannot purchase an easement, or if

304 the amount of density to be attributed to BLT easement is a fraction of the applicable

305 floor area equivalent, the Planning Board must require the applicant to pay the

306 Agricultural Land Preservation Fund an amount set annually by Executive Regulation.

307 **59-C-5.474 MPDUs and Workforce Housing.**

308 **(a) Moderately Priced Dwelling Units.** If residential uses are included in a development,

309 Moderately Priced Dwelling Units must be provided under Chapter 25A. The maximum

310 residential FAR may be increased in proportion to any MPDU bonus density units

311 provided on-site.

312 **(b) Workforce Housing.**

313 (1) Notwithstanding Section 59-A-6.18 and Chapter 25B, this zone requires that any

314 site plan containing residential units at a density of 20 dwelling units per acre or

315 higher, or containing 100 dwelling units or more, include an amount of workforce
316 housing units that is not less than 5 percent of the total number of proposed
317 market rate dwellings, not including any MPDUs or resulting bonus density units,
318 or dwelling units excluded under Chapter 25B.
319 (2) To allow the construction of all workforce housing units on site, the Planning
320 Board must permit:
321 (A) any residential density or residential FAR limit of the applicable zone to
322 be exceeded to the extent required for the number of workforce housing
323 units that are constructed, but not by more than 5 percent;
324 (B) any residential density or residential FAR limit established in a master or
325 sector plan to be exceeded to the extent required for the number of
326 workforce housing units that are constructed, but not more than the
327 maximum density and FAR of the zone, except as provided in paragraph
328 (2)(A); and
329 (C) any building height limit established in a master or sector plan to be
330 exceeded to the extent required for the number of workforce housing units
331 that are constructed, but not more than the maximum height of the zone.
332 **59-C-5.475** **Parking.** Off-street parking must satisfy Article 59-E.
333 **59-C-5.476. Procedure for application and approval.**
334 (a) [The procedure for site plan approval in the LSC zone is set forth in] Site plan approval
335 in the LSC Zone must satisfy Division 59-D-3. The site plan must be substantially
336 consistent with the recommendations of the applicable master or sector plan. In addition
337 to the site plan submission requirements, the applicant must submit for approval

338 comprehensive design standards that address building types, facades, and architecture,
339 except when the site plan is proposed for amendment through a limited plan amendment,
340 a consent agenda amendment, or a Director level amendment. Site plans also must be
341 substantially consistent with the general design principles recommended by the
342 applicable master or sector plan and design guidelines adopted by the Planning Board to
343 implement the applicable master or sector plan.

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

346 (1) In the Shady Grove Life Sciences Center, except as provided below, an applicant
347 for site plan or subdivision plan approval must comply with the requirements of
348 the Amended and Restated Declaration of Covenants and Easements dated March
349 9, 1990 and recorded May 25, 1990 in Liber 9332 at folio 591, or as the
350 Declaration may be later amended, that governs the development of the Shady
351 Grove Life Sciences Center. Any project that receives site plan or subdivision
352 plan approval on property identified as University Sites in the 1995 Shady Grove
353 Life Sciences Center Development Plan is not required to comply with the
354 Declaration.

355 (2) Properties within the Shady Grove Life Sciences Center, except as provided
356 below, are subject to the provisions of:

357 A. an approved subdivision plan which may restrict the maximum density
358 allowed, and

359 B. the 1986 Shady Grove Life Sciences Center Development Plan, as
360 amended. This subparagraph does not apply to any project on the property

361 identified as the University Sites in the 1995 Shady Grove Life Sciences
362 Development Plan. Any application of the 1986 Shady Grove Life
363 Sciences Center Development Plan to such University Sites arises by
364 private agreement only.

365 (3) Any proposed development shown on a site plan or plan of development approved
366 prior to June 11, 1996 may be constructed in accordance with the approved plan,
367 regardless of whether said development is built in one or more phases. Such
368 development is not subject to the provisions of Section 59-G-4.1 and 59-G-4.25,
369 and may be continued, repaired, reconstructed, or structurally altered in
370 accordance with the approved site plan or plan of development. In cases where
371 detailed review of subsequent phases of an approved plan is anticipated, such
372 reviews will continue to be required under the provisions of Division 59-D-3.

373 **59-C-5.477. Existing approved buildings, building permits, or uses.**

374 (a) Any existing building or structure for which a lawful building permit was issued, and any
375 lawful use which was instituted on property within the Shady Grove Life Sciences Center
376 and subject to the provisions of the 1986 Shady Grove Life Sciences Center Development
377 Plan, as amended, prior to a sectional zoning map amendment approved on June 11,
378 1996, where such lot was rezoned to the life sciences center zone by sectional or local
379 map amendment, will not be regarded as a non-conforming use. Such building or use
380 may be structurally altered, replaced, or repaired, or may be changed in conformance
381 with the requirements of the previous lease agreement or memorandum of understanding
382 with the County entered into prior to June 30, 1984, so long as it remains an otherwise
383 lawful use. Properties which are subject to a lease agreement or memorandum of

384 understanding with the County entered into prior to June 30, 1984 may be developed [in
385 accordance with] under agreements and procedures applicable prior to June 11, 1996.
386 Any lawful uses or development which were approved in a plan of development
387 approved by the District Council may be instituted on the Shady Grove Life Sciences
388 Center properties.
389 (b) Construction underway in the Shady Grove Life Sciences Center [pursuant to] under a
390 building permit validly issued and existing at the time of reclassification to the [life
391 sciences center] Life Sciences Center zone [shall be] are permitted, and buildings and
392 structures so constructed [shall] must not be considered nonconforming.
393 (c) Any lawful structure, building, or use that existed for which a building permit was issued
394 before the date the LSC zone was applied to the property is a conforming structure or use
395 and may be continued, structurally altered, repaired, renovated, or enlarged up to 10
396 percent of the gross building floor area. However, any enlargement of the building that is
397 more than 10 percent of the gross floor area, or construction of a new building, must
398 comply with the new standards of the LSC zone.
399 (d) Any preliminary plan or site plan approved before the date the LSC zone was applied to
400 the property remains valid, and construction may proceed subject to applicable approvals.
401 A preliminary plan approved before the date the LSC zone was applied to the property
402 may be amended under the standards of the previous zone or under the LSC zone
403 standards.
404 **59-C-5.478. Definitions.**
405 In the Life Sciences Center zone, the following words and phrases have the meanings indicated:

406 **Cultural, entertainment, and recreation**: Establishments that operate facilities or provide
407 services to meet cultural, entertainment, and recreational interests of their patrons. Such
408 establishments include art/cultural centers, health clubs, libraries, private clubs, and theaters.
409 **Communications facilities or structures**: Facilities or structures that support or facilitate
410 communications by radio, television, or telephone. Such facilities or structures include amateur
411 radio facility, cable communications system, radio and television broadcasting studio, radio and
412 television stations, telephone office or communications center, and rooftop mounted antennas
413 and related equipment.
414 **Food services**: Establishments that prepare meals, snacks, and beverages for human
415 consumption. Such establishments include restaurants, cafes, and coffee shops.
416 **Health care services:** Establishments providing health care by trained professionals. These
417 establishments include hospitals, hospice care facilities, life care facilities, nursing homes,
418 medical clinics, physical therapy facilities, and occupational therapy facilities.
419 **Personal services:** Establishments that provide services to individuals, households, and
420 businesses. These establishments include self-service laundromats, dry cleaning and laundry
421 establishments of no more than 3,000 square feet of gross floor area, dry cleaning and laundry
422 pick-up stations, beauty and barber shops, shoe repair, photo studios and photo finishing
423 services, data services, appliance repair shops, duplicating services, tailor or dress making shops,
424 and pet grooming services.
425 **Retail trade**: Establishments engaged in selling merchandise to the general public and services
426 incidental to the sale of merchandise. These establishments include grocery stores, pharmacies,
427 automobile filling stations, electronic and appliance stores, office supply stores, computer and
428 software stores, hardware stores, and clothing stores.

429 **Transportation facilities or structures:** Facilities or structures that support or facilitate
430 transportation of people. Such facilities or structures include bus terminals, bus stops, transit
431 stations, transit stops, taxi stands, heliports, helistops, and off-street parking of motor vehicles, in
432 connection with any use permitted.
433 **Utilities:** Buildings and structures that provide services such as telephone, electric power, natural
434 gas, water, and sewage removal.
435
436 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the date of Council
437 adoption.
438
439 This is a correct copy of Council action.
440
441 _____
442 Linda Lauer, Clerk of the Council