

Action

MEMORANDUM

April 23, 2010

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney

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

PHED Recommendation: On April 5, the Committee recommended approval of ZTA 09-07 with amendments. The Committee was persuaded that the LSC zone gave a marketing advantage to the County and should not be abandoned in favor of a general mixed-use zone. The Committee recommended:

- 1) a definition of life sciences and included the use in appropriate places in the Zoning Ordinance;
- 2) waiting for the Zoning Ordinance Re-write to combine land uses;
- 3) expanding the uses in the LSC zone, with a minimum amount of floor area devoted to life science uses and a maximum amount of floor area devoted to retail and residential uses;
- 4) no changes to the basic BLT requirements; however, the Committee would exclude MPDUs, hospitals and their accessory uses, and educational facilities from the BLT requirement;
- 5) clarification of how the design standards would be incorporated into the site plan approval;
- 6) making workforce housing an option and not a requirement; and
- 7) amending the grandfathering provisions to provide for current approvals.

Councilmember Elrich would recommend: 1) retaining references to the natural environment in the purpose clause of the LSC zone; 2) limiting the FAR in the LSC zone to 1.5; and 3) requiring a higher minimum percentage of life sciences floor area.

Council President Floreen would exclude all floor area used for life science from the requirement to purchase BLT easements.

The Planning, Housing, and Economic Development Committee held worksessions on ZTA 09-07 on September 29, October 5, October 29, and November 9, 2009 and March 15 and April 5, 2010 to review the amendment. Councilmember Andrews also attended most of those sessions.

Public Hearing

Public hearings on ZTA 09-07 and the Great Seneca Science Corridor Master Plan Amendment were held on September 15 and September 17, 2009.¹ The Planning Board supported ZTA 09-07 as introduced. In the Planning Board's opinion, the revised LSC zone would allow for a live/work community that ensures growth opportunities in the areas of research, medical, and bioscience interests. The Executive did not recommend specific revisions to ZTA 09-07. He did recommend assuring a proper buffer to nearby communities.

The vast majority of residents and businesses who testified had concerns about the Great Seneca Science Corridor Sector Plan. The Montgomery County Civic Federation was concerned about the proposed change to the purpose clause of the LSC zone that would delete any reference to the natural environment. Landowners recommended against requiring the purchase of Building Lot Termination easements (BLTs) and in favor of increased height limits.

Issues

The implementation of the Planning Board Draft Great Seneca Science Corridor Master Plan as introduced would require the establishment of Commercial/Residential (CR) zones in addition to ZTA 09-07.

Should there be a separate zone for Life Sciences Centers in light of the Planning Board's proposal to establish Commercial/Residential (CR) zones?

The CR zones could accommodate the land uses and densities proposed for the LSC zone. One of the goals of the Zoning Ordinance Re-write project is to reduce the number of zones. ZTA 09-07 would make the LSC zone far more similar to a general mixed-use zone than it is currently; it would allow residential uses and more retail.

The Executive supported a revised LSC zone. The Director of Economic Development commented that a special zone is needed to clearly indicate Montgomery County's commitment to biotech businesses and organizations. Landowners defended a unique zone for life sciences.

The major differences between the revised LSC zone and the proposed CR zones are as follows:

- 1) No incentive elements (public benefits) would be required to reach maximum density (the approval of a sketch plan would not be required).
- 2) No setback or design elements would be in the zone.
- 3) Comprehensive design standards would require approval.
- 4) General office uses would be limited to no more than 50 percent of the total floor area.

The Council's policy to attract the life science industries is sufficient reason to retain the zone. *The Committee recommended retaining the LSC zone, even with the adoption of the CR zones. The Committee also recommended requiring a minimum of 30 percent life science use for projects larger than 5 acres.*

¹ The master plan was then referred to as Gaithersburg West. The Council changed the name of the plan to the Great Seneca Science Corridor Master Plan in the course of the plan's adoption.

Should the revisions to allowable land uses conform to the current conventions in the Zoning Ordinance?

The Planning Department wants to reduce the number of highly specific land uses currently in the Zoning Ordinance.² Land uses in the Zoning Ordinance relate to each other. A highly specific use such as a florist is not allowed unless it is specifically allowed. There may be consequences to the new land uses proposed in ZTA 09-07 that are not known at this time.

The new definition of land uses may allow land uses that do not meet the intent of the zone. "Entertainment" in the definition of "culture, entertainment, and recreation" arguably includes adult entertainment businesses. "Retail trade" uses could include department stores, big box retail stores, car sales, and boat sales. Although there is a limit on the amount of general office space in the zone, there is no limit on the amount of retail space.³

Definitions are absent. The term "high technology" is in the Zoning Ordinance. ZTA 09-07 would add the term "life sciences" to the definition of research and development. What are activities "related to research"? *The Committee recommended additional definitions in the Ordinance.*

ZTA 09-07 would remove all uses from the land use table. There is no reason to take unchanged land uses out of the land use table only to allow them in a footnote. The ZTA Advisers recommended using the current land format until changes are made to all zones. Changing land use definitions one zone at a time will likely lead to unintended consequences. It will certainly be more difficult to administer the Ordinance. *The Committee recommended including allowed uses in the land use table and combining uses in the Zoning Ordinance Re-write process. On projects on 5 acres or more, the Committee further recommended a minimum amount of Life Science uses (30%), and a maximum amount of retail (10%) and residential (30%).*

Should the purpose clause of the zone include reference to the natural environment?

ZTA 09-07 would delete most of the current purpose and goals of the zone and replace them with a single sentence on the primary purpose of the zone:

The primary purpose of the Life Sciences Center (LSC) zone is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. It is also the purpose of the LSC Zone to provide opportunities for the development of uses that support a Life Sciences Center while retaining an environment conducive to high technology research, development, and production.

The zone has deleted any reference to the natural environment or landscaping. The densities proposed require a far more urban character in the absence of increased height. Environmental considerations are identified in the Master Plan; the LSC zone would require substantial consistency with the Master Plan. *The Committee (2-1) recommended adoption of the text as proposed in ZTA 09-07.* Councilmember Elrich recommended including respect for the natural environment in the purpose clause of the LSC zone.

² ZTA 09-07, lines 23-55; hereafter, all line references are to line numbers in ZTA 09-07.

³ Although the total amount of general office floor area is limited, the zone itself would not prevent the general office floor area portion of a development from being built first.

Should the allowable floor area ratio be increased from .5 to 2.0?

ZTA 09-07 would change the maximum floor area ratio (FAR) from .5 to 2.0. The maximum recommended density in the Great Seneca Science Corridor Master Plan is 1.5 FAR. Density could be shifted between properties under common ownership by virtue of a separate provision of ZTA 09-07.⁴ The Planning Staff believes the maximum density should be limited to a FAR of 2.0 to retain flexibility for future application of the LSC zone. *The Committee recommended adoption of the 2.0 FAR.*

Councilmember Elrich recommended decreasing the maximum FAR to 1.5. If a 1.5 FAR is sufficient to attract life science industries in a mixed-use setting with a dedicated transit way in Shady Grove, it should be a sufficient density to do the same in other parts of the County.

Should there be a footnote to the maximum density allowed in the LSC zone?

ZTA 09-07 proposes to add the following footnote to the maximum FAR:

In approving the densities, the Planning Board must consider the size of the parcel and the relationship of the existing and proposed buildings and structures to surrounding uses.

Development in the LSC zone is required to have site plan approval. In reaching its decision on the approval of a site plan, the Planning Board must make a finding that:

The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.⁵

In addition:

The Planning Board must not approve the proposed site plan if it finds that the proposed development would not achieve a maximum of compatibility, safety, efficiency and attractiveness.⁶

The Committee recommended deleting the footnote given the findings required in the site plan process.

Should the maximum building height be increased from 100 feet to 150 feet?

ZTA 09-07 would increase the allowable height of buildings from 100 feet to 150 feet.⁷ Testimony found this to be too high, too low, and just right.

Maximum building heights should be related to the allowable density and allowable building coverage. Forest conservation and other environmental considerations may limit the possible areas for building. Under these circumstances, greater height may be required to achieve the maximum density of the zone. A relatively low maximum height with a relatively high FAR may result in a high percentage of street frontages being lined by buildings.

⁴ §59-C-5.321.

⁵ §59-D-3.4(c)(3).

⁶ §59-D-3.4(d).

⁷ §59-C-5.31. Some buildings in the Shady Grove Life Science Center were allowed to be 125 feet.

In the CBD-2 zone, which is limited to 2 FAR under the standard method of development, a building may cover 90 percent of the lot; its maximum building height is 60 feet. As the LSC zone requires more open space than the CBD zone (20 percent as compared to 10 percent), it is logical to allow more height in the LSC zone. Planning Staff believes the 150 foot maximum height is appropriate, even if there is a high water tower nearby.

The Committee recommended approval of the 150 foot maximum height limit as proposed by ZTA 09-07.

Should the LSC zone have a footnote on the maximum height limit?

ZTA 09-07 would add the following footnote to the maximum building height:

In approving height limits, the Planning Board must consider factors such as: the size of the lot or parcel; the relationship of existing and proposed buildings and structures to surrounding uses; and the need to preserve light and air for the occupants of the development and occupants of surrounding properties.

These considerations are already part of the compatibility finding required for site plan approval as previously noted. *The Committee recommended deleting the footnote relating to building height.*

Should all of the references to setback be deleted from the LSC zone?

ZTA 09-07 would remove all the current setback requirements from right-of ways and interior lot lines for buildings and parking. Setbacks would be determined in the site plan approval process.

In the proposed CR zone, there are setbacks if the zone shares a lot line with residential or agricultural uses. The Shady Grove Life Sciences Center zone is not surrounded by rights-of way. The Council amended the Great Seneca Science Corridor Master Plan to include more detail on open space. *The Committee recommended deleting minimum setback in the LSC zone for land adjoining a different zone.*

Should all of the design standards be deleted from the LSC zone?

ZTA 09-07 would remove all the design standards in the zone. Site plan approval would be required. The Planning Board must make a finding under ZTA 09-07 that the site plan is:

...substantially consistent with the general design principles recommended by the applicable master or sector plan and design guidelines adopted by the Planning Board to implement the applicable master or sector plan.

In addition to the site plan submission requirements, the applicant must submit for approval comprehensive design standards that address building types, facades, and architecture, except for minor amendments. Building types are currently approved in the site plan process. The approval of comprehensive design standards would be a new process. This runs counter to the Zoning Ordinance Re-write's goal of reducing the number of approval processes required by the Ordinance. ZTA 09-07 does not provide details on what must be submitted or the standards for approval. *The Committee recommended incorporating design standards into the site plan approval process.*

Should the standard of conformance be “substantial consistence”?

The proposed CR zone would require that the development be consistent with the applicable master or sector plan for site plan approval. ZTA 09-07 would require **substantial** consistency with such plans.⁸ *The Committee recommended requiring consistency with the master plan, not substantial consistency.*

Should the purchase of Building Lot Termination easements (BLTs) be required for certain development?

The TMX-2 zone requires the purchase of BLTs for development above a .5 FAR.⁹ The proposed CR zone recommends the same exclusion. ZTA 09-07 would add an additional exclusion for health care services. Health care services would be defined as follows:

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.

Testimony advocated additional exclusions. Staff summarized these arguments as follows:

The LSC zone was created and is being revised to attract life science center organizations. Life science organizations may be repelled by additional extraction in the development process; therefore, those core businesses should be exempt from the BLT requirement. In addition, all elements of a development help to attract world class organizations. Therefore, all development in the zone should be exempt from the BLT requirement.

ZTA 09-07, as introduced, would exempt health services (as defined above) from the requirement to purchase BLT easements.¹⁰ The Committee considered additional exemptions to the BLT program:

a) Educational facilities

Unless an educational facility is either a health care facility or a life science use, density greater than .5 FAR would not be exempt from the requirement to purchase BLT easements.

b) Life science uses

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

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

⁸ If consistency is the hobgoblin of small minds, is substantial consistency the hobgoblin of larger minds? Site plan approval would require consistence with the applicable master plan in the LSC zone. Currently, a finding of consistency with the applicable master or sector plan is not required for site plan approval in general.

⁹ Planning Staff should add a statement to the record of this ZTA concerning the nexus between development in the LSC zone and demands created in the RDT zone. Planning Staff responded to the anticipated economics of purchasing BLTs in a June 4, 2009 memorandum to the Planning Board.

¹⁰ The definition of clinics includes medical office buildings.

care facilities, including doctor's offices, was over-broad. The Committee recognized that MPDUs were not exempted from the BLT requirement in ZTA 09-07 as introduced.

The Committee recommended retaining the same rate required for the purchase of BLT easements, but adding additional exemptions from the BLT requirement for MPDUs, hospitals and their accessory uses, and educational facilities.

This Packet Contains
ZTA 09-07

© number
1 - 40

Zoning Text Amendment No: 09-07
Concerning: Life Sciences Center (LSC)
Zone - Revisions
Draft No. & Date: 6 - 4/7/10
Introduced: July 28, 2009
Public Hearing: September 15&17, 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.*

OPINION

Zoning Text Amendment No. 09-07 was introduced on July 28, 2009 at the request of the Planning Board.

Public hearings were held on September 15 and on September 17, 2009. The Planning Board supported ZTA 09-07 as introduced. In the Planning Board's opinion, the revised LSC zone would allow for a live/work community that ensures growth opportunities in the areas of research, medical, and bioscience interests. More land uses were proposed to be allowed in the LSC zone. ZTA 09-07 would increase the allowable FAR from .5 to 2.0. Developers who choose to exceed .5 FAR would be required to purchase Building Lot Termination (BLT) easements.

The vast majority of residents and businesses who testified had concerns about the Great Seneca Science Corridor Sector Plan. The Montgomery County Civic Federation was concerned about the proposed change to the purpose clause of the LSC zone that would delete any reference to the natural environment. Landowners recommended against requiring the purchase of BLT easements and in favor of increased height limits. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on ZTA 09-07 on September 29, October 5, October 29, and November 9, 2009 and March 15 and April 5, 2010 to review the amendment. Councilmember Andrews also attended most of those sessions.

On April 5, 2010 the Committee recommended approval of ZTA 09-07 with amendments. The Committee was persuaded that the LSC zone gave a marketing advantage to the County and should not be abandoned in favor of a general mixed-use zone. The Committee recommended:

- 1) a definition of life sciences and included the use in appropriate places in the Zoning Ordinance;
- 2) waiting for the Zoning Ordinance Re-write to combine land uses;
- 3) expanding the uses in the LSC zone, with a minimum amount of floor area devoted to life science uses and a maximum amount of floor area devoted to retail and residential uses;

- 4) no changes to the basic BLT easement purchase requirements; however, the Committee would exclude MPDUs, hospitals and their accessory uses, and educational facilities from the BLT requirement;
- 5) clarification of how the design standards would be incorporated into the site plan approval;
- 6) making workforce housing an option and not a requirement; and
- 7) amending the grandfathering provisions to provide for current approvals.

Councilmember Elrich recommended: 1) retaining references to the natural environment in the purpose clause of the LSC zone; 2) limiting the FAR in the LSC zone to 1.5; and 3) requiring a higher minimum percentage of life sciences floor area.

Council President Floreen recommended excluding all life science uses from the requirement to purchase BLT easements.

The Committee considered, but did not recommend, revisions for a number of issues documented in the April 27, 2010 memorandum to the Council.

The District Council reviewed Zoning Text Amendment No. 09-07 and the memorandum provided for that review at a worksession held on April 27, 2010, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 09-07 will be approved as amended.

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
6 engineering techniques, or computers; it includes electronics, information
7 technology, optics, nanotechnology, robotics, renewable energy development,
8 telecommunications, and biomedical research.

9 * * *

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

20 * * *

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

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

30 * * *

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

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

33 * * *

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

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

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

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

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	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>

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

	I-1	I-2	I-3	I-4	R&D	LSC[(*)]
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment.	P		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] P
Paper products manufacturing.	P	P		P		
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.	P ⁷	P		P ⁷		

	I-1	I-2	I-3	I-4	R&D	LSC[<u>[*]</u>]
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	[P ³⁵ / SE] <u>p35/SE</u>
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.	p2	p3	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.	p33/ SE	P	p33/ SE	p33/ SE	p33/ 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>

	I-1	I-2	I-3	I-4	R&D	LSC[<u>[*]</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		
Automobile repair and services.	P			P		
Automobile sales, indoors and outdoors.	p ⁸			p ⁸		
<u>Book stores.</u>						<u>P</u>
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] <u>P</u>
Consignment store.		p ³¹				
<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>

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
<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	[P ²⁹]
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		p ³⁶	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>
Chancery.	SE		p ²⁴			
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>

	I-1	I-2	I-3	I-4	R&D	LSC[[]]
<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.	p ³⁴					<u>P</u>
Fire station, publicly supported.	P		P	P	P	[P] <u>P</u>
General offices.	P	p ¹²	P	SE	p ¹³	[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		p ²⁴		p ²⁴	[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 and occupational therapy facilities.						[P] <u>P</u>
Publicly owned or publicly operated uses.	P	P	P	P	P	[P] <u>P</u>
<u>Shoe repair shop.</u>						<u>P</u>
Storage, outdoor. ¹⁵	P	P		P		
Trade, artistic, or technical schools.	P		p ¹⁹	P	p ¹⁹	[p ¹⁹] <u>P</u>
Universities and colleges providing teaching and research facilities.	p ³²		P		P	[P] <u>P</u>
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] <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>

	I-1	I-2	I-3	I-4	R&D	LSC[[*]]
<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	[P ²⁹] <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>

43 * * *

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

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

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

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

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

61 * If located on the site of a hospital.

62 * * *

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

64

65 **[[59-C-5.211. Allowable uses in the LSC Zone.**

66 The following uses are permitted in the LSC Zone:

67 (1) health care services;

68 (2) domiciliary care homes;

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

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

73 (5) private educational institutions;

- 74 (6) general offices limited to no more than 50% of the gross floor area of
75 the buildings on a lot or group of contiguous lots in common
76 ownership and control at the time of subdivision approval;
- 77 (7) conference centers;
- 78 (8) hotels, motels, and inns;
- 79 (9) dwellings and dormitories;
- 80 (10) housing and related facilities for senior adults or persons with
81 disabilities;
- 82 (11) adult and child day care;
- 83 (12) food services, excluding drive-in restaurants;
- 84 (13) retail trade and personal services;
- 85 (14) cultural, entertainment, and recreation;
- 86 (15) communications facilities or structures;
- 87 (16) publicly owned or operated uses;
- 88 (17) transportation facilities or structures;
- 89 (18) utilities;
- 90 (19) accessory buildings and uses; and
- 91 (20) signs in accordance with the provisions of Article 59-F.]]

92 * * *

93 **59-C-5.23. Retail sales and personal services.**

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

- 97 (a) Such use must not be located in an industrially zoned area containing less
98 than [ten] 10 contiguous acres of land classified in industrial zones.
- 99 (b) Such use must not occupy more than 5 percent of the total floor area of the
100 buildings on a lot or group of contiguous lots in common ownership and
101 control at the time of subdivision approval.
- 102 (c) Such use must not front on or abut any street with a right-of-way of 70 feet
103 or more, unless the street is internal to the industrially zoned area. Such use,
104 however, must not front on or abut any street with an existing or master
105 planned right-of-way of 100 feet or more. All access to such use must be
106 from interior streets within the industrially zoned area.
- 107 (d) The display of a sign must [comply with the requirements established in]
108 satisfy Article 59-F [of this chapter].
- 109 (e) In the I-3 and R&D zones, such use may be located within any building as
110 [a] an incidental use [in accordance with] under the following requirements:
- 111 (1) Such incidental use must not be located above the first floor;
- 112 (2) Such incidental use must satisfy [the requirements of] subsections (a),
113 (b), and (d)[,] above.
- 114 The provisions of this section shall not apply to any land or building lawfully
115 existing, under construction, or for which a building permit has been issued [prior
116 to] before August 19, 1987.

117 * * *

118 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]1 50[1*]
(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	
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.]			0.50			[0.30] 2.0**
<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>						
<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>						

	I-1	I-2	I-3	I-4	R&D	LSC
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.						

119

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

123 * * *

124 [[* In approving height limits, the Planning Board must consider factors such
 125 as: the size of the lot or parcel; the relationship of existing and proposed
 126 buildings and structures to surrounding uses; and the need to preserve light
 127 and air for the occupants of the development and occupants of surrounding
 128 properties.]]

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

132 Non-residential uses. In order to maintain an appropriate emphasis on
 133 the purpose of the LSC Zone, the following minimum and maximum
 134 percentages of the total non-residential gross floor area proposed in a

135 concept plan, preliminary plan, or site plan are required for tracts under
136 common ownership larger than 5 acres:

137 Life sciences – 30 percent minimum of the gross floor area
138 proposed; the proposed gross floor area used for the purpose of
139 calculating the minimum percentage of life science uses excludes: (1)
140 hospitals; and (2) educational facilities.

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

146 Residential uses - The maximum residential density, excluding
147 dormitories, must not exceed 30 percent of the permitted FAR.

148 * * *

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

150 * * *

151 **59-C-5.47. Special regulations LSC zone.**

152 **59-C-5.471. Purpose.**

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

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

- 157 (1) To provide a unique reinforcing focus for the life sciences
158 industry to promote the successful expansion of the industry in
159 Montgomery County;
- 160 (2) To expand the educational and research resources available for
161 Montgomery County residents, employers and work force; and
- 162 (3) A life sciences center may serve the health care needs of the
163 region.]

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

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

196 must be [[substantially]] consistent with the recommendations of the
197 applicable master or sector plan.

198 **[59-C-5.473. Development standards.**

199 **(a) Building setbacks.**

200 (1) Building setback from the rights-of-way of interior roads is 25
201 feet Building setback from the rights-of-way of perimeter roads
202 is 50 feet.

203 (2) Building setback from the right-of-way line at entry gateways is
204 50 feet.

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

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

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

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

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

235 (3) The number of parking spaces provided, and the overall design
236 and layout of parking lots must be in accordance with Article
237 59-E.

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

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

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

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

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

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

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

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

257 (2) Recommended finish materials include:

258 (A) Architectural masonry units (excluding standard concrete
259 and cinder block);

260 (B) Natural stone;

261 (C) Precast concrete

262 (D) Aluminum and architectural metals

263 (E) Porcelain covered metal panels; and

264 (F) Glass

265 (3) Mechanical equipment should be located within the building or
266 within a mechanical equipment penthouse. If mechanical
267 equipment is located on the roof or is free-standing on the site,
268 it must be effectively screened from view by means fully
269 compatible with the architecture. Mechanical equipment must
270 be screened from view from all roads and immediately adjacent
271 structures (existing or future) four stories in height or less.

272 Required flues or vents must be compatible in design with the
273 architecture and preferably incorporated into that design.

274 (4) Outdoor storage must not be permitted except when effectively
275 screened within a court or a wall made of substantial materials
276 compatible with those of the building skin.

277 (5) All trash containers, transformers, meters, telephone junction
278 boxes etc., must be integrated architecturally or effectively
279 screened with screen walls and/or landscaping materials.

280 Locations must be compatible with building and site design.

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

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

286 (1) Site lighting must be provided to maintain a minimum level of
287 illumination within the parking areas (ft. candle minimum
288 maintained).

289 (2) Maximum pole heights for drives and parking lots must be
290 approximately 24 feet with “cut off” type luminaries. Poles and

291 luminaries must be compatible with established lighting in the
292 existing core area.

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

296 **[59-C-5.474. Landscaping guidelines.**

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

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

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

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

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

314 **[59-C-5.475. Special trip reduction guidelines.** Where the approved
315 subdivision plan of the life sciences center allows a development density
316 exceeding 0.3 FAR, it is the intent of the special trip reduction guidelines to
317 achieve as a goal a reduction in auto trips for projects of 10 percent below
318 the peak hour trip generation rates adopted by the Planning Board for the
319 administration of the Adequate Public Facilities Ordinance. To help achieve
320 the trip reduction goal, design measures should be incorporated in the
321 project to meet trip reduction objectives established in this section, as well as
322 non-design measures for the purpose of reducing dependence on single-
323 occupant automobiles. The Planning Board may establish a schedule for
324 achieving the goal and time periods during which the trip reduction
325 measures will be in effect. Any or all of the following trip reduction
326 guidelines or other measures proposed by an applicant are to be considered
327 as appropriate on a case-by-case basis taking into consideration specific
328 circumstances of the project.]

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

- 330 (1) Buildings clustered near internal streets to minimize walking
331 distance to available transit and to promote an attractive, active
332 and safe pedestrian-oriented streetscape, to accommodate bus
333 service, carpooling and vanpooling within a project.
- 334 (2) An uninterrupted pedestrian circulation system linking the
335 various uses within a project . The pedestrian system should
336 provide convenient connections to transit service and employee
337 convenience services to reduce dependence on single-occupant
338 automobiles and to promote an active streetscape.
- 339 (3) If convenience services are provided, space on the ground floor
340 of a building for such services to reduce the need for private
341 vehicle trips during the day.]

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

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

349 the applicable standards of Article 59-E shall not be required in
350 order to achieve trip reduction goals.

351 (2) Development phased in accordance with public or private
352 transit availability.]

353 [(c) **Implementation.**

354 (1) The Planning Board may establish a schedule for achieving the
355 requirements and time periods during which the trip reduction
356 measures will be in effect. The Planning Board may also
357 require the applicant to enter into an agreement providing for
358 the monitoring, enforcement, and other terms of the trip
359 reduction program. Provision must be made in the agreement
360 to allow for the inclusion of a maximum cost for the
361 implementation of substitute components of the trip reduction
362 measures in the event initial components do not achieve the
363 requirements.

364 (2) Results of on-site trip reduction programs implemented by the
365 applicant to satisfy other traffic mitigation conditions of
366 development approvals may be credited toward achieving the
367 trip reduction requirement. All traffic mitigation requirements
368 otherwise applicable remain in effect. The Planning Board may

369 phase implementation of some or all of the trip reduction in
370 accordance with the build-out of the project and/or availability
371 of transmit so that the measures are feasible and effective,
372 except the Planning Board must not defer such implementation
373 for more than 10 years from the issuance of any use-and-
374 occupancy permit for a building in the project.]

375

376 **59-C-5.473. Special regulations for use of a Building Lot Termination (BLT)**
377 **Development Right.**

378 (a) Except for [[residential development subject to the requirement of]] the
379 floor area restricted to:

380 (1) workforce housing units under Section 59-C-5.474(b) [[and except
381 for]];

382 (2) moderately priced dwelling units under Section 59-C-5.474(a);

383 (3) [[health care services:]] hospitals, including the hospital's accessory
384 uses; and

385 (4) educational facilities,

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

387 through the purchase by the applicant of a BLT easement or through a

388 contribution to the Agricultural Land Preservation Fund, under Chapter 2B,

389 for purchase of a BLT easement on real property to preserve agricultural
390 land in the County. One buildable RDT zoned lot must be extinguished for
391 each ~~[[9,000]] 72,000 gross square feet of residential [[space]] floor area, or~~
392 for each ~~[[7,500]] 60,000 gross square feet of non-residential [[space]] floor~~
393 area.

394 (b) If the applicant for development under the LSC zone cannot purchase an
395 easement, or if the amount of density to be attributed to BLT easement is a
396 fraction of the applicable floor area equivalent, the Planning Board must
397 require the applicant to pay the Agricultural Land Preservation Fund an
398 amount set annually by Executive Regulation.

399 **59-C-5.474 MPDUs and Workforce Housing.**

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

404 (b) **Workforce Housing.**

405 (1) [[Notwithstanding Section 59-A-6.18 and Chapter 25B, this zone
406 requires that any site plan containing residential units at a density of
407 20 dwelling units per acre or higher, or containing 100 dwelling units
408 or more, include an amount of workforce housing units that is not less

409 than 5 percent of the total number of proposed market rate dwellings,
410 not including any MPDUs or resulting bonus density units, or
411 dwelling units excluded under Chapter 25B.]] Workforce housing
412 units are allowed at the option of the applicant under Chapter 25B.

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

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

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

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

428 **59-C-5.475. Parking.** Off-street parking must satisfy Article 59-E.

429 **59-C-5.476. Procedure for application and approval.**

430 (a) [The procedure for site plan approval in the LSC zone is set forth in] Site
431 plan approval in the LSC Zone must satisfy Division 59-D-3. The site plan
432 must be [[substantially]] consistent with the recommendations of the
433 applicable master or sector plan, including general design principles
434 recommended by the applicable master or sector plan and design guidelines
435 adopted by the Planning Board to implement the applicable master or sector
436 plan. As part of its site plan, the applicant must submit for approval
437 comprehensive design standards that address building types and facades,
438 except when the site plan is proposed for amendment through a limited plan
439 amendment, a consent agenda amendment, or a Director level amendment.
440 [[In addition to the site plan submission requirements, the applicant must
441 submit for approval comprehensive design standards that address building
442 types, facades, and architecture, except when the site plan is proposed for
443 amendment through a limited plan amendment, a consent agenda
444 amendment, or a Director level amendment. Site plans also must be
445 substantially consistent with the general design principles recommended by
446 the applicable master or sector plan and design guidelines adopted by the
447 Planning Board to implement the applicable master or sector plan.]]

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

450 (1) In the Shady Grove Life Sciences Center, except as provided below,
451 an applicant for site plan or subdivision plan approval must comply
452 with the requirements of the Amended and Restated Declaration of
453 Covenants and Easements dated March 9, 1990 and recorded May 25,

454 1990 in Liber 9332 at folio 591, or as the Declaration may be later
455 amended, that governs the development of the Shady Grove Life
456 Sciences Center. Any project that receives site plan or subdivision
457 plan approval on property identified as University Sites in the 1995
458 Shady Grove Life Sciences Center Development Plan is not required
459 to comply with the Declaration.

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

462 (A) an approved subdivision plan, which may restrict the
463 maximum density allowed; and

464 (B) the 1986 Shady Grove Life Sciences Center
465 Development Plan, as amended. This subparagraph does not
466 apply to any project on the property identified as the University
467 Sites in the 1995 Shady Grove Life Sciences Development
468 Plan. Any application of the 1986 Shady Grove Life Sciences
469 Center Development Plan to such University Sites arises by
470 private agreement only.

471 (3) Any proposed development shown on a site plan or plan of
472 development approved prior to June 11, 1996 may be constructed in
473 accordance with the approved plan, regardless of whether said

474 development is built in one or more phases. Such development is not
475 subject to the provisions of Section 59-G-4.1 and 59-G-4.25, and may
476 be continued, repaired, reconstructed, or structurally altered in
477 accordance with the approved site plan or plan of development. In
478 cases where detailed review of subsequent phases of an approved plan
479 is anticipated, such reviews will continue to be required under the
480 provisions of Division 59-D-3.

481 **59-C-5.477. Existing approved buildings, building permits, or uses.**

482 (a) Any existing building or structure for which a lawful building permit was
483 issued, and any lawful use ~~[[which]]~~ that was instituted on property within
484 the Shady Grove Life Sciences Center and subject to the provisions of the
485 1986 Shady Grove Life Sciences Center Development Plan, as amended,
486 prior to a sectional zoning map amendment approved on June 11, 1996,
487 where such lot was rezoned to the ~~[[life sciences center]]~~ Life Sciences
488 Center zone by sectional or local map amendment, will not be regarded as a
489 non-conforming use. Such building or use may be structurally altered,
490 replaced, or repaired, or may be changed in conformance with the
491 requirements of the previous lease agreement or memorandum of
492 understanding with the County entered into prior to June 30, 1984, so long
493 as it remains an otherwise lawful use. Properties ~~[[which]]~~ that are subject

494 to a lease agreement or memorandum of understanding with the County
 495 entered into prior to June 30, 1984 may be developed [in accordance with]
 496 under agreements and procedures applicable prior to June 11, 1996. Any
 497 lawful uses or [[development which]] developments that were approved in a
 498 plan of development approved by the District Council may be instituted on
 499 the Shady Grove Life Sciences Center properties.

500 (b) Construction underway in the Shady Grove Life Sciences Center [pursuant
 501 to] under a building permit validly issued and existing at the time of
 502 reclassification to the [life sciences center] Life Sciences Center zone [shall
 503 be] are permitted, and buildings and structures so constructed [shall] must
 504 not be considered nonconforming.

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

512 (d) Any preliminary plan or site plan approved before the date the LSC zone
 513 was applied to the property remains valid, and construction may proceed

514 subject to applicable approvals. A preliminary plan approved before the
515 date the LSC zone was applied to the property may be amended under the
516 standards of the previous zone or under the LSC zone standards.

517 (e) When a lot or parcel is located in the LSC zone on {effective date}, any
518 approved preliminary plan or site plan in effect remains valid and
519 construction may proceed subject to applicable approvals under the previous
520 standards of the LSC zone. At the option of the applicant, the preliminary
521 plan or site plan may be amended, or necessary site plans for implementation
522 may be submitted, under the previous standards of the zone or the standards
523 that exist at the time of filing. Any building or use constructed under the
524 previous standards of the LSC zone under 59-C-5.477(e) is a conforming
525 structure or use and may be continued, structurally altered, reconstructed,
526 repaired, renovated, or enlarged under the previous standards of the LSC
527 zone.

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

533 **[[59-C-5.478.Definitions.**

534 In the Life Sciences Center zone, the following words and phrases have the
535 meanings indicated:

536 **Cultural, entertainment, and recreation:** Establishments that operate facilities or
537 provide services to meet cultural, entertainment, and recreational interests of their

538 patrons. Such establishments include art/cultural centers, health clubs, libraries,
539 private clubs, and theaters.

540 **Communications facilities or structures:** Facilities or structures that support or
541 facilitate communications by radio, television, or telephone. Such facilities or
542 structures include amateur radio facility, cable communications system, radio and
543 television broadcasting studio, radio and television stations, telephone office or
544 communications center, and rooftop mounted antennas and related equipment.

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

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

552 **Personal services:** Establishments that provide services to individuals,
553 households, and businesses. These establishments include self-service
554 laundromats, dry cleaning and laundry establishments of no more than 3,000
555 square feet of gross floor area, dry cleaning and laundry pick-up stations, beauty
556 and barber shops, shoe repair, photo studios and photo finishing services, data

557 services, appliance repair shops, duplicating services, tailor or dress making shops,
558 and pet grooming services.

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

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

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

570

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

573

574 This is a correct copy of Council action.

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576 _____

577 Linda Lauer, Clerk of the Council