

Zoning Text Amendment No.: 18-05  
Concerning: Uses, Use Standards,  
and Regulatory  
Approvals – Signature  
Business Headquarters  
Draft No. & Date: 1 – 4/6/18  
Introduced: April 10, 2018  
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**

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By: The District Council at the request of the County Executive

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

- create a new use for a Signature Business Headquarters, and
- provide a process for approval of a Signature Business Headquarters plan.

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

DIVISION 59-1.4.	“DEFINED TERMS”
Section 59-1.4.2.	“Specific Terms and Phrases Defined”
DIVISION 59-3.1.	“USE TABLE”
Section 59-3.5.8.	“Office and Professional”
Section 59-3.5.8.D.	“Signature Business Headquarters”
DIVISION 59-4.5.	“COMMERCIAL/RESIDENTIAL ZONES”
Section 59-4.5.2.	“Density and Height Allocation”

Section 59-4.5.4.	“Optional Method Development”
DIVISION 59-7.3.	“REGULATORY APPROVALS”
Section 59-7.3.3	“Sketch Plan”
Section 59-7.3.5.	“Signature Business Headquarters Plan”
DIVISION 59-7.5	“NOTICE STANDARDS”
Section 7.5.1.	“Noticed Required”

***EXPLANATION:***

***Boldface indicates a Heading or a defined term.***

*Underlining indicates text that is added to existing law by the original text amendment or by ZTA 14-09.*

*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*

*Double underlining indicates text that is added to the text amendment by amendment or text added by this amendment in addition to ZTA 14-09.*

*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment or indicates a change from ZTA 14-09.*

*\* \* \* 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 59-1.4. is amended as follows:**

**Division 1.4. Defined Terms**

\* \* \*

**Section 1.4.2 Specific Terms and Phrases Defined**

\* \* \*

Signature Business Headquarters: See Section 3.5.8.D.

**Sec. 2. DIVISION 59-3.1. is amended as follows:**

**Division 59-3.1. Use Table**

\* \* \*

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential				Residential											Commercial / Residential			Employment				Industrial		
							Residential Detached							Residential Townhouse			Residential Multi-Unit										
		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM
Lodging	3.5.6																										
Bed and Breakfast	3.5.6.B	L	L	L	L	L	L	L	L	C	C								L	L		L	L				
Hotel, Motel	3.5.6.C																		P	P		P		P			
Medical and Dental	3.5.7																										
Clinic (Up to 4 Medical Practitioners)	3.5.7.A									C	C	C							P	P	P	P	P	P	P	P	
Clinic (More than 4 Medical Practitioners)	3.5.7.B																		L	P	P	P	C	P	P	P	
Medical, Dental Laboratory	3.5.7.C																			P	P	P		P	P	P	
Office and Professional	3.5.8																										
Life Sciences	3.5.8.A																							P			
Office	3.5.8.B									C	C	C							P	P	P	P	P	L	P	L	L
Research and Development	3.5.8.C																			P	P			P	L	P	P
Signature Business Headquarters	3.5.8.D																				L						
Parking	3.5.9																										
Structured Parking	3.5.9.B																			P	P	P		P	P	P	
Surface Parking for Use Allowed in the Zone	3.5.9.C					L	L	L	L	L	L	L					L	L	L	L	L	L	L	L	L	L	L
Surface Parking for Commercial Uses in an Historic District	3.5.9.D	L	L			L	L	L	L		C	C					C	C	C								

## Section 3.5.8. Office and Professional

\* \* \*

### Section 3.5.8.D

#### **D. Signature Business Headquarters**

##### **1. Defined**

Signature Business Headquarters means the headquarters or other primary place of business of a single commercial or industrial organization, including ancillary uses, that includes at least 25,000 employees located within a single Metro Station Policy Area.

##### **2. Exemptions**

- a. A sketch plan and a site plan are not required for a Signature Business Headquarters if the Planning Board approves a Signature Business Headquarters plan under Section 7.3.5.
- b. A Signature Business Headquarters plan is exempt from the binding elements and conditions of a development plan approved before [date of adoption].

##### **3. Use Standards**

- a. Commercial and residential FAR limits on the subject property may be reallocated, as long as total FAR does not exceed the maximum total mapped FAR of the property.
- b. If the subject property has a mapped height of 150 feet or more, height may be exceeded by up to 100 feet, but no greater than a total height of 300 feet, if the Planning Board finds that the additional height is compatible with abutting and confronting development.
- c. The subject property may utilize FAR averaging under Section 4.5.2.B.

\* \* \*

**Sec. 3. DIVISION 59-4.5. is amended as follows:**

**Division 59-4.5. Commercial/Residential Zones**

\* \* \*

**Section 4.5.2. Density and Height Allocation**

**A. Density and Height Limits**

1. Density is calculated as an allowed floor area ratio (FAR).
2. Each CRN, CRT, and CR zone classification is followed by a number and a sequence of 3 additional symbols: C, R, and H, each followed by another number where:
  - a. The number following the classification is the maximum total FAR allowed unless additional FAR is allowed under Section 4.5.2.C or Section 4.7.3.D.6.c;
  - b. The number following the C is the maximum nonresidential FAR allowed unless additional FAR is allowed under Section 3.5.8.D;
  - c. The number following the R is the maximum residential FAR allowed unless additional residential FAR is allowed under Section 3.5.8.D, Section 4.5.2.C or Section 4.7.3.D.6.c; and
  - d. The number following the H is the maximum building height in feet allowed unless additional height is allowed under Section 3.5.8.D, Section 4.5.2.C, Section 4.7.3.D.6.c, or Section 4.5.2.A.2.e.

**B. FAR Averaging**

1. Only standard method development projects that require site plan approval or optional method development projects can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Commercial/Residential zones, if:
  - a. the properties are under the same site plan, [or] sketch plan, or Signature Business Headquarters plan; however, if a sketch plan or Signature Business Headquarters plan is required, density averaging must be shown on the [sketch] applicable plan;

b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan or Signature Business Headquarters plan;

c. the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;

d. the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and

e. public benefits are required to be provided under any phasing element of an approved sketch plan or Signature Business Headquarters plan.

3. Density may be averaged over 2 or more non-contiguous properties in one or more CRT or CR zones, if:

a. Each provision under Section 4.5.2.B.2 is satisfied;

b. The properties are within 1/4 mile of each other, [or] located in a designated master planned density transfer area, or are part of a Signature Business Headquarters plan;

c. The minimum public benefit points required under Section 4.5.4.A.2 must be exceeded by at least 50%; and

d. The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

4. If the Planning Board approves a site plan or Signature Business Headquarters plan for a development project using FAR averaging across two or more lots, the maximum density on certain lots in the development project will be less than or greater than the zone allows, as indicated in the [site]applicable plan. To provide additional notice of the FAR averaging, before the Planning Board approves a certified site plan or certified Signature Business Headquarters plan for such a project or, if plat approval is required, before plat approval, the applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the Planning Board and must record the instrument in the Montgomery County land records.

\* \* \*

#### Section 4.5.4. Optional Method Development

The CRT and CR zone allow development under the optional method.

##### A. General Requirements

###### 1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3, unless a Signature Business Headquarters plan is approved under Section 7.3.5. A site plan must be approved under Section 7.3.4. for any development on a property with an approved sketch plan.

\* \* \*

#### Sec. 4. DIVISION 59-7.3 is amended as follows:

##### Division 59-7.3. Regulatory Approvals

\* \* \*

##### Section 7.3.3. Sketch Plan

###### A. Applicability and Description

1. Development under optional method in the CRT, CR, EOF, or LSC zone requires approval of a sketch plan, or Signature Business Headquarters plan.

\* \* \*

##### Section 7.3.5 Signature Business Headquarters Plan

###### A. Applicability and Description

1. A Signature Business Headquarters plan provides a detailed overview of a proposed Signature Business Headquarters. A Signature Business Headquarters plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.
2. A Signature Business Headquarters plan may be phased, with each phase approved separately under this section.



- 134 3. A Signature Business Headquarters plan may encompass all or part of  
135 any property on which the Signature Business Headquarters will be  
136 located and must demonstrate its relation to and coordination with other  
137 applicable approvals or submittals. Any amendment to a previously  
138 approved plan may follow the timeframe for review under Section  
139 7.3.5.B.3 through Section 7.3.5.B.6, Section 7.3.5.C. and Section 7.3.5.D.

140 **B. Application Requirements**

141 1. Ownership

- 142 a. An applicant must own the subject property or be authorized by the  
143 owner to file the application.  
144 b. If any land or right-of-way encompassed by a Signature Business  
145 Headquarters plan application is owned or controlled by the State,  
146 County, or any other entity or agency, a written agreement or  
147 authorization from that entity or agency must be submitted with the  
148 Signature Business Headquarters plan application.

149 2. A Signature Business Headquarters plan application must include:

- 150 a. a legally binding commitment or other evidence accepted by the  
151 Planning Director that the Signature Business Headquarters will  
152 employ at least 25,000 individuals within a single Metro Station  
153 Policy Area;  
154 b. application form and fees required by the Planning Director;  
155 c. site map showing existing buildings, structures, circulation routes,  
156 significant natural features, historic resources, zoning and legal  
157 descriptions on the proposed development site and within 500 feet  
158 of the perimeter boundary;  
159 d. list of abutting and confronting property owners in the County tax  
160 records;

- e. list of any civic, homeowners, and renters associations that are registered with the Planning Department and located within ½ mile of the site;
- f. documentation of interest in the proposed development site under Section 7.3.5.B.1;
- g. statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application;
- h. verification that the applicant has posted notice on the property and notified affected properties;
- i. Traffic Statement or Study accepted by the Planning Director, if not submitted with a previous or concurrent application;
- j. environmental documentation or exemption for:
  - i. an approved Natural Resources Inventory/Forest Stand Delineation;
  - ii. Stormwater Management Concept Application or, if required, a Water Quality Plan Application; and
  - iii. a final Forest Conservation Plan application;
- k. existing and proposed dry and wet utility plan;
- l. plans of proposed development showing:
  - i. use, footprints, ground-floor layout, and heights of all buildings and structures;
  - ii. required open spaces and recreational amenities;
  - iii. detailed layout and dimensions for all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
  - iv. grading;
  - v. landscaping and lighting; and

m. a development program and inspection schedule detailing the construction schedule for the project.

3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 3 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 2 days after receipt.
5. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.5.C.
6. Public notice is required under Division 7.5.

### **C. Hearing Date**

The Planning Board must schedule a public hearing to begin within 60 days after the date an application is accepted. The applicant may request an extension with Planning Board approval. Any extension of the public hearing must be noticed on the hearing agenda with the new public hearing date indicated.

### **D. Review and Recommendation**

1. **State and County Agencies**
  - a. Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted.

b. The applicant must submit revised drawings to address the comments a minimum of 20 days before the date of the hearing. The Planning Director may extend the deadline if the applicant submits a written request within 5 days after the revised drawings were due.

2. **Planning Director**

The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.

3. **Withdrawal of an Application**

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a headquarters plan.

**E. Necessary Findings**

1. When reviewing an application, the approval findings apply only to the site covered by the application.
2. To approve a Signature Business Headquarters plan, the Planning Board must find that the proposed development:
  - a. satisfies any previous approval that applies to the site, unless exempt under Section 3.5.8.D.2 or amended;
  - b. satisfies the applicable use and development standards and general requirements of this Chapter;
  - c. satisfies the applicable requirements of Chapter 19 and Chapter 22A;
  - d. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;

- e. substantially conforms with the intent of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;
- f. will be located within the same Metro Station Policy Area as all other phases of the Signature Business Headquarters;
- g. on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:
- i. the applicant agrees to enter into a traffic mitigation agreement that provides an action plan for substantial achievement of the applicable NADMS goal,
  - ii. parking below the minimum required under Section 6.2.4 is provided, and
  - iii. transit, bicycle and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and,
- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

## **F. Decision**

1. The Planning Board must act upon the close of the record of the public hearing by majority vote of those present at the public hearing to approve, approve with modifications or conditions, or deny the application. The Planning Board must issue a resolution reflecting its decision within 7 days of the Planning Board vote.

- 267           2. Any party aggrieved by a decision of the Planning Board may file a  
268           petition for judicial review of the decision within 30 days after the  
269           Planning Board's action to the Circuit Court and thereafter to the  
270           Court of Special Appeals.
- 271           3. Final headquarters plans must be certified by the Planning Director to  
272           confirm that the drawings reflect the Planning Board's approval.

### 273 **G. Conforming Permits**

274           For any development requiring a Signature Business Headquarters plan,  
275           DPS must not issue a sediment control permit, building permit, or use-and-  
276           occupancy permit for any building, structure, or improvement unless the  
277           Planning Board has approved a Signature Business Headquarters plan and a  
278           bond has been approved under Section 7.3.5.K.3.

### 279 **H. Duration of Approval**

- 280           1. A Signature Business Headquarters plan expires unless a certified  
281           Signature Business Headquarters plan is approved by the Planning  
282           Director within 24 months after the date the resolution is mailed.
- 283           2. A Signature Business Headquarters plan does not become effective  
284           until a record plat is recorded that satisfies any approved subdivision  
285           plan for the subject property.
- 286           3. Development activities under Section 7.3.5 must satisfy the certified  
287           Signature Business Headquarters plan and any conditions of approval.
- 288           4. If the Planning Board approves a Signature Business Headquarters  
289           plan, the applicant must have a building permit application, accepted  
290           by the Department of Permitting Services, that includes the core and  
291           shell of the principal building within two years of the date of the  
292           Planning Board's resolution. Within two years after the Department  
293           of Permitting Services accepts the building permit application that

includes the core and shell of the principal building, the applicant must obtain that building permit. The deadlines under this section may not be extended. If an applicant fails to comply with any of the deadlines under this section, the applicable phase of the Signature Business Headquarters plan approval is revoked.

#### **I. Recording Procedures**

The certified Signature Business Headquarters plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.

#### **J. Amendments**

Any property owner may apply for a Signature Business Headquarters plan amendment to change a certified Signature Business Headquarters plan.

There are two types of amendments: a major and a minor amendment.

##### **1. Major Amendment**

a. A major amendment includes any request to increase density or height by more than that allowed under a minor amendment (Section 7.3.5.J.2); decrease open space; deviate from a condition of approval; or alter a basic element of the plan.

b. Public notice is required under Division 7.5.

c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original Signature Business Headquarters plan.

##### **2. Minor Amendment**

a. A minor amendment includes any request to increase density by up to 10% or 30,000 square feet whichever is less, provided the increase is less than or equal to the total mapped

density; increase height by up to 10% provided the height is less than or equal to the height allowed under Section 3.5.8.D; change an ancillary use, a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan. A minor amendment also includes a reduction in approved parking to satisfy Article 59-6. A minor amendment does not include any change that prevents circulation on any street or path.

b. Public notice is required under Division 7.5.

c. A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing is required. A public hearing must be held under the same procedures as an original application.

## **K. Compliance and Enforcement**

1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified Signature Business Headquarters plan, it may:

a. impose a civil fine or administrative civil penalty authorized by Chapter 50 (Section 50-10.6.D);



b. suspend or revoke Signature Business Headquarters plan approval;

c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified Signature Business Headquarters plan;

d. allow the applicant to propose modifications to the certified Signature Business Headquarters plan; or

e. take any combination of these actions.

2. If the Planning Board or its designee finds that the applicant has failed to comply with a compliance program approved under Section 7.3.5.K.1.c, the Planning Board may, without holding any further hearing, take any of the actions identified in Section 7.3.5.K.1.a. through Section 7.3.5.K.1.e.

3. If the Planning Board suspends or revokes a Signature Business Headquarters plan, DPS must immediately suspend any applicable building permit under which construction has not been completed or withhold any applicable use-and-occupancy permit, until the Planning Board reinstates the Signature Business Headquarters plan or approves a new plan for the development.

4. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified Signature Business Headquarters plan in an amount set by the Planning Board. If such surety is required, DPS must not issue a building permit or use-and-occupancy permit until such surety is accepted.

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375           **Sec. 5. DIVISION 59-7.5 is amended as follows:**

376   **Division 59-7.5. Notice Standards**

377   **Section 7.5.1. Notice Required**

Application	News- paper	Pre- Submittal Meeting	Applica- tion Sign	Applica- tion Notice	Hear- ing Notice	Resolu- -tion Notice	Building Permit Sign Notice	Website Posting
* * *								
Regulatory Approvals								
* * *								
Site Plan		X	X	X	X	X		X
<u>Signature</u> <u>Business</u> <u>Headquarters</u> <u>Plan</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>
Amendments to Approvals								
* * *								
Minor Site Plan Amendment				X				
<u>Major Signature</u> <u>Business</u> <u>Headquarters</u> <u>Plan</u> <u>Amendment</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>
<u>Minor</u> <u>Signature</u>				<u>X</u>				

<u>Business</u> <u>Headquarters</u> <u>Plan</u> <u>Amendment</u>								
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