

Ordinance No.: 16-49  
Zoning Text Amendment No.: 09-07  
Concerning: Life Sciences Center (LSC)  
Zone - Revisions  
Draft No. & Date: 7 - 4/27/10  
Introduced: July 28, 2009  
Public Hearing: September 15&17, 2009  
Adopted: April 27, 2010  
Effective: May 17, 2010

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

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

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

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

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

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

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

Research, development and related activities;

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

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

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

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

**Section 59-C-5.3. Development standards.**

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

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

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

## 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 with the following revisions:

- 1) general office use was limited to 40% of a project's floor area;
- 2) the minimum life science use was increased to 40%;
- 3) a hospital's accessory uses were excluded from the floor area required to have a minimum percentage of life science uses;
- 4) non-life science educational facilities and life sciences uses exceeding 50% of the floor area were excluded from the requirement to purchase BLTs; and
- 5) require life sciences uses between 40% and 50% of a project's floor area to purchase BLT easements at half the rate required for other uses.

The Council believed that Life Science uses should be more significant in the zone and that development beyond the minimum amount of life science use should have a reduced requirement for the purchase of BLT easements.

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.

42

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

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

	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		
<b>II. Uses of a heavy industrial nature.</b>						
Alcoholic beverage manufacturing.	SE	P				
Automobile recycling facility.		P				
Distillation of coal, tar, or wood.		P				
Central mixing plants for asphalt, concrete, or other paving materials.		P				
Chemicals, except sulfuric, nitric, hydrochloric acid or other corrosive or offensive chemicals.		P				
Dye works.		P				
Fertilizer mixing plants.		SE				
Foundries or metal fabrication plants.		P				
Incinerators. <sup>6</sup>		SE <sup>27</sup>				
Manufacturing of brick, clay, terra cotta, and tile.		P				
Manufacturing of cinder blocks.		P				
Manufacturing of printing inks.		P				
Manufacturing of synthetic fabrics such as rayon.		P				
Manufacturing of cloth made from shoddy or other similar material.		P				
Off-loading and transfer sites for storage of sand, gravel, or rocks.	P <sup>7</sup>	P		P <sup>7</sup>		

	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. <sup>6</sup>		SE <sup>27</sup>				
Starch, glucose, and dextrin.		P				
Steam power plants.		P				
Stove polish.		P				
Sugar refineries.		P				
<b>(c) Transportation, communication, and utilities.</b>						
Amateur radio facility.	p35/ SE	p35/ SE	p35/ SE	p35/ SE	p35/ SE	[P <sup>35</sup> / SE] <u>p35/SE</u>
Cable communications system. <sup>5</sup>	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 <sup>33</sup> / 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. <sup>26</sup>	P	P	P	P	P	[P] <u>P</u>
Solid waste transfer station, private. <sup>6</sup>		SE <sup>27</sup>				
<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[[*]]
Telecommunications facility. <sup>4</sup>	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		
<b>(d) Commercial.</b>						
Adult entertainment business. <sup>22</sup>	P	P				
Aircraft parts, sales and services, including the sale of fuel for aircraft only.	P			P		
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 <sup>8</sup>			p <sup>8</sup>		
<u>Book stores.</u>						<u>P</u>
Building material and supply, wholesale and retail. <sup>20</sup>	P	P		P	p <sup>37</sup>	
Cafeteria, dining room, snack bar, or other such facilities as an accessory use in connection with the operation and primarily for employees of the zone in which the use is located. <sup>9</sup>	P	P	P	P	P	[P <sup>29</sup> ] <u>P</u>
Consignment store.		p <sup>31</sup>				
<u>Drug store.</u>						<u>P</u>
Eating and drinking establishments. <sup>9,10</sup>	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 <sup>29</sup> ]
Transitory use. <sup>25</sup>	P/SE	P/SE	P/SE	P/SE	P/SE	[P/SE]
<u>Variety and dry goods stores.</u>						<u>P</u>
Wholesale trades limited to sale or rental of products intended for industrial or commercial users.	P		p <sup>36</sup>	P		
<b>(e) Services.</b>						
Ambulance or rescue squads, publicly supported.	P		P	P	P	[P] <u>P</u>
Animal boarding places. <sup>11</sup>	P			P		
Automobile filling stations. <sup>21</sup>	SE	SE <sup>14</sup>		SE		<u>SE</u>
Automobile repair and services.	P			P		<u>SE</u>
Automobile, truck, and trailer rentals, outdoor.	P			P		
<u>Banks and financial institutions.</u>						<u>P</u>
<u>Barber or beauty shop.</u>						<u>P</u>
Chancery.	SE		p <sup>24</sup>			
Child day care facility. <sup>28</sup>						
-Family day care home.	P		P	P	P	[P] <u>P</u>
-Group day care home.	P		P	P	P	[P] <u>P</u>
-Child day care center.	P		P	P	P	[P] <u>P</u>
Clinics, medical or dental.	P		P	P	P	[P] <u>P</u>
Computer programming and software sales and 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	[p29] <u>P</u>
Educational institution, private.	p34					<u>P</u>
Fire station, publicly supported.	P		P	P	P	[P] <u>P</u>
General offices.	P	p12	P	SE	p13	[P13] <u>p13</u>
Highway fuel and food service.	SE					<u>SE</u>
<u>Home occupation, major.</u>						<u>SE</u>
<u>Home occupation, registered and no impact.</u>						<u>P</u>
Hospitals.	SE		SE	SE	SE	[P] <u>P</u>
Hospitals, veterinary, when in a soundproof building.	P			P		<u>P</u>
International organization, public.	SE		p24		p24	[P] <u>P</u>
Laboratories.	P		P	P	P	[P] <u>P</u>
Landscape contractor.	P					
<u>Laundromat, self-service.</u>						<u>P</u>
Meeting centers.	SE					
Nursing and care homes.						[P] <u>P</u>
Place of religious worship.	P		P	P	P	[P] <u>P</u>
Physical <u>and occupational</u> therapy facilities.						[P] <u>P</u>
Publicly owned or publicly operated uses.	P	P	P	P	P	[P] <u>P</u>
<u>Shoe repair shop.</u>						<u>P</u>
Storage, outdoor. <sup>15</sup>	P	P		P		
Trade, artistic, or technical schools.	P		p19	P	p19	[p19] <u>P</u>
Universities and colleges providing teaching and research facilities.	p32		P		P	[P] <u>P</u>
Warehousing and storage services:						
-Industrial and commercial users.	P	P	p16	P		
-Self-storage facilities.	P			P		
<b>(f) Cultural, entertainment, and recreational.</b>						
Art or cultural centers.			SE		SE	[SE] <u>P</u>
Health clubs.	P		P	P	P	[P] <u>P</u>
Libraries, scientific or technical.	P		P	P	P	[P] <u>P</u>
<u>Parks and playgrounds, publicly owned.</u>						<u>P</u>

	I-1	I-2	I-3	I-4	R&D	LSC[[±]]
<u>Parks and playgrounds, privately owned.</u>						<u>P</u>
Private clubs. <sup>17</sup>	SE		SE	SE	SE	<u>P</u>
Recreational facilities primarily for the use of employees. <sup>17</sup>	P	P	P	P	P	[P <sup>29</sup> ] <u>P</u>
Recreational or entertainment establishments, commercial.	SE	SE		SE		<u>SE</u>
Rifle or pistol ranges, indoor.	SE	SE		SE		
Service organizations.	SE			SE		<u>P</u>
Swimming pools, private.			p18			
<b>(g) Resource production and extraction.</b>						
Agricultural uses.	P	P		P		
Dairy products processing.	P			P		
Rock or stone quarries.		P				
Sand, gravel, or clay pits.		P				
Stockyards.	SE	SE				
<b>(h) Miscellaneous uses.</b>						
Accessory buildings and uses.	P	P	P	P	P	[P] <u>P</u>
Signs, in accordance with the provisions of article 59-F.	P	P	P	P	P	[P] <u>P</u>

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 13 In the R&D ~~[[and LSC zones]]~~ zone, no more than 50 percent of the  
53 gross floor area may be ~~[[utilized]]~~ for general office use. In the LSC  
54 zone, no more than 40 percent of the gross floor area may be for general  
55 office use.

56 17 When located in the I-1, I-2, I-3, I-4 and R&D zones, the use must ~~[[Must]]~~  
57 not adjoin any street ~~[[which]]~~ that provides the principal access to the  
58 principal use or uses served.

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

61 33 A radio and television broadcasting station without a broadcast tower is a  
62 permitted use. In the LSC zone, a radio and television broadcast tower is a  
63 permitted use, up to a height of 199 feet and a setback of one foot for every  
64 foot of height from all residential and agricultural zoned properties.

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

66 \* \* \*

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

68

69 **[[59-C-5.211. Allowable uses in the LSC Zone.**

70 The following uses are permitted in the LSC Zone:

71 (1) health care services;

72 (2) domiciliary care homes;

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

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

96 \* \* \*

97 **59-C-5.23. Retail sales and personal services.**

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

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

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

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

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

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

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

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

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

121 \* \* \*

122 **Sec. 59-C-5.3. Development standards.**

	I-1	I-2	I-3	I-4	R&D	LSC
<b>59-C-5.31 Building height.</b>						
No building shall exceed the following height limits:						
(a) Normally:						
-In stories	3	5		3		
-In feet	42	70	100	42	50	[100] [[150 <sup>1</sup> 200
(b) In the I-1 zone, this height may be increased [in accordance with the requirements of section] <u>under Section 59-C-5.41.</u>						
<b>59-C-5.32. Coverage limitations. (Percent of gross tract area)</b>						
- <u>Minimum green</u> [Green] area [shall be provided for not less than]	10	10	35	20 <sup>3</sup>	30	[25]
- <u>Minimum public use space in the LSC zone; however, such space may be provided in part or entirely off-site on a separate lot or parcel in the same zone. A payment instead of all or some of the required public use space may be made at the time of site plan review, if approved under the applicable provisions of Section 59-D-2.31.</u>						20
-Off-street parking is not allowed to occupy more than			45 <sup>1</sup>			
<b>59-C-5.321. Maximum density of development.</b> <sup>2</sup> The maximum density of development must not exceed the following floor area ratio, which is to be based on and may be averaged over the gross tract area.					0.30	



	I-1	I-2	I-3	I-4	R&D	LSC
<p>In the I-3 and LSC zones, the maximum density of development must not exceed the following floor area ratio, based on gross tract area, which may be averaged over 2 or more lots created by the same subdivision plan if the density is recorded by covenant in the land records for all affected lots. When averaging is used for previously approved subdivision plans, the total development density must not exceed the density for which Facility approval was previously granted, unless a new Adequate Public Facility test is applied. In such situations, the shift of density must be recorded in the land records for all affected lots. [Adequate Public Facility approval was previously granted, unless a new Adequate Public Facility test is applied. In such situations, the shift of density must be recorded in the land records for all affected lots.]</p> <p><u>In the LSC Zone, if an applicant for a preliminary plan or site plan; [[the property is under common ownership or control,]]</u></p> <ol style="list-style-type: none"> <li><u>1) owns more that one tract of land; or</u></li> <li><u>2) owns a tract of land, controls the total gross floor area on another tract of land not owned by the applicant, and the density transfer is consistent with the applicable master or sector plan's recommendations,</u></li> </ol> <p><u>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.</u></p> <p><u>The [[densities]] maximum floor area for [[all portions of the property]] each lot and parcel comprising the subject tracts must be shown in documents, including an easement and appropriate releases, in a recordable form approved by the Planning Board. [[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]] documents when a site plan application is before it. The documents must be recorded in the land records before a building permit is approved.</u></p> <p><u>In the LSC zone, [[12.5% of]] any density above a floor area ratio of 0.50 must be supported through the purchase of a BLT easement under Section 59-C-5.473.</u></p>			0.50			[0.30]2.0**
<p>In the I-3 zone, the maximum density may be increased up to a maximum floor area ratio of 0.60, provided that the applicant for development obtains approval of a traffic mitigation agreement at the time of site plan review[,] that will result in traffic generation equal to or less than a project with a floor area ratio of 0.50.</p>						
<p>[In the LSC zone, the maximum density may be increased to a maximum floor area ratio of 0.50 provided the applicant for development obtains approval of a traffic mitigation agreement in accordance with Section 59-C-5.475.]</p>						
<p><b>59-C-5.322. Requirement for landscape plan.</b> In the R&amp;D zone, the preliminary plan of subdivision must include a landscape plan and a plan for the preservation of natural features.</p>						

124 1 In unusual circumstances, may be waived by the [planning board] Planning  
125 Board at the time of site plan approval upon a finding that a more  
126 compatible arrangement of uses would result.

127 \* \* \*

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

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

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

141 Life sciences – 40 percent minimum of the gross floor area  
142 proposed; the proposed gross floor area used for the purpose of  
143 calculating the minimum percentage of life science uses excludes: (1)  
144 hospitals and the hospital’s accessory uses; and (2) educational facilities.

145 All retail uses – 10 percent maximum of the gross floor area

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

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

152 \* \* \*

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

154 \* \* \*

155 **59-C-5.47. Special regulations LSC zone.**

156 **59-C-5.471. Purpose.**

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

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

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

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

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

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

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

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

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

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

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

202 **[59-C-5.473. Development standards.**

203 (a) **Building setbacks.**

- 204 (1) Building setback from the rights-of-way of interior roads is 25  
205 feet Building setback from the rights-of-way of perimeter roads  
206 is 50 feet.
- 207 (2) Building setback from the right-of-way line at entry gateways is  
208 50 feet.
- 209 (3) Building setback from an interior lot line is 20 feet.]
- 210 [(b) **Building height.** Maximum building height is 100 feet, except 125  
211 feet in the health services core of the Shady Grove Life Sciences  
212 Center as defined in the 1986 Shady Grove Life Sciences Center  
213 Development Plan, as amended.]
- 214 [(c) **Building coverage.** Maximum building coverage is 25 percent of the  
215 lot area except that increased coverage up to 50 percent may be  
216 approved when the applicant proposes to construct structured or  
217 underground parking.]
- 218 [(d) **Floor area ratio.** The maximum floor area ratio may be increased to  
219 0.50 if special trip reduction is implemented in accordance with the  
220 guidelines in Section 59-C-5.475.]
- 221 [(e) **Green area.** The minimum green area on the site is 25 percent of the  
222 lot area. Roofs or below grade parking may be counted as green space  
223 if developed for passive or recreational use.]

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

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

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

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

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

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

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

239 (3) The number of parking spaces provided, and the overall design  
240 and layout of parking lots must be in accordance with Article  
241 59-E.

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

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

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

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

- 260 (1) All sides of the building are to be built with finish materials.
- 261 (2) Recommended finish materials include:
- 262 (A) Architectural masonry units (excluding standard concrete  
263 and cinder block);



- 264 (B) Natural stone;
- 265 (C) Precast concrete
- 266 (D) Aluminum and architectural metals
- 267 (E) Porcelain covered metal panels; and
- 268 (F) Glass
- 269 (3) Mechanical equipment should be located within the building or
- 270 within a mechanical equipment penthouse. If mechanical
- 271 equipment is located on the roof or is free-standing on the site,
- 272 it must be effectively screened from view by means fully
- 273 compatible with the architecture. Mechanical equipment must
- 274 be screened from view from all roads and immediately adjacent
- 275 structures (existing or future) four stories in height or less.
- 276 Required flues or vents must be compatible in design with the
- 277 architecture and preferably incorporated into that design.
- 278 (4) Outdoor storage must not be permitted except when effectively
- 279 screened within a court or a wall made of substantial materials
- 280 compatible with those of the building skin.
- 281 (5) All trash containers, transformers, meters, telephone junction
- 282 boxes etc., must be integrated architecturally or effectively

283 screened with screen walls and/or landscaping materials.

284 Locations must be compatible with building and site design.

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

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

290 (1) Site lighting must be provided to maintain a minimum level of  
291 illumination within the parking areas (ft. candle minimum  
292 maintained).

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

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

300 **[59-C-5.474. Landscaping guidelines.**

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

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

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

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

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

318 **[59-C-5.475. Special trip reduction guidelines.** Where the approved  
319 subdivision plan of the life sciences center allows a development density  
320 exceeding 0.3 FAR, it is the intent of the special trip reduction guidelines to  
321 achieve as a goal a reduction in auto trips for projects of 10 percent below  
322 the peak hour trip generation rates adopted by the Planning Board for the

323 administration of the Adequate Public Facilities Ordinance. To help achieve  
324 the trip reduction goal, design measures should be incorporated in the  
325 project to meet trip reduction objectives established in this section, as well as  
326 non-design measures for the purpose of reducing dependence on single-  
327 occupant automobiles. The Planning Board may establish a schedule for  
328 achieving the goal and time periods during which the trip reduction  
329 measures will be in effect. Any or all of the following trip reduction  
330 guidelines or other measures proposed by an applicant are to be considered  
331 as appropriate on a case-by-case basis taking into consideration specific  
332 circumstances of the project.]

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

- 334 (1) Buildings clustered near internal streets to minimize walking  
335 distance to available transit and to promote an attractive, active  
336 and safe pedestrian-oriented streetscape, to accommodate bus  
337 service, carpooling and vanpooling within a project.
- 338 (2) An uninterrupted pedestrian circulation system linking the  
339 various uses within a project. The pedestrian system should  
340 provide convenient connections to transit service and employee  
341 convenience services to reduce dependence on single-occupant  
342 automobiles and to promote an active streetscape.

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

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

347 (1) Trip reduction programs such as limiting off-street parking after  
348 consideration of market demand, flex time, the provision of or  
349 participation in share-a-ride programs, transit/vanpool fare  
350 discounts, bus shelters, emergency ride-home programs,  
351 reserved HOV spaces, or other acceptable measures that may be  
352 proposed; provided that a limitation on off-street parking below  
353 the applicable standards of Article 59-E shall not be required in  
354 order to achieve trip reduction goals.

355 (2) Development phased in accordance with public or private  
356 transit availability.]

357 [(c) **Implementation.**

358 (1) The Planning Board may establish a schedule for achieving the  
359 requirements and time periods during which the trip reduction  
360 measures will be in effect. The Planning Board may also  
361 require the applicant to enter into an agreement providing for  
362 the monitoring, enforcement, and other terms of the trip

363 reduction program. Provision must be made in the agreement  
364 to allow for the inclusion of a maximum cost for the  
365 implementation of substitute components of the trip reduction  
366 measures in the event initial components do not achieve the  
367 requirements.

368 (2) Results of on-site trip reduction programs implemented by the  
369 applicant to satisfy other traffic mitigation conditions of  
370 development approvals may be credited toward achieving the  
371 trip reduction requirement. All traffic mitigation requirements  
372 otherwise applicable remain in effect. The Planning Board may  
373 phase implementation of some or all of the trip reduction in  
374 accordance with the build-out of the project and/or availability  
375 of transit so that the measures are feasible and effective,  
376 except the Planning Board must not defer such implementation  
377 for more than 10 years from the issuance of any use-and-  
378 occupancy permit for a building in the project.]

379 **59-C-5.473. Special regulations for use of a Building Lot Termination (BLT)**

380 **Development Right.**

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

- 383           (1) workforce housing units under Section 59-C-5.474(b) [[and except  
384           for]];
- 385           (2) moderately priced dwelling units under Section 59-C-5.474(a);
- 386           (3) [[health care services:]] hospitals, including the hospital’s accessory  
387           uses, other than medical office buildings;
- 388           (4) educational facilities for non-life sciences; and
- 389           (5) life sciences in excess of 50% of the project’s floor area under Section  
390           59-C-5.321.

391   [[a) 12.5 percent of]] any floor area above an FAR of 0.50 must be supported  
392   through the purchase by the applicant of a BLT easement or through a contribution  
393   to the Agricultural Land Preservation Fund, under Chapter 2B, for purchase of a  
394   BLT easement on real property to preserve agricultural land in the County. One  
395   [[buildable RDT zoned lot must be extinguished]] BLT easement must be  
396   purchased for each [[9,000]] 72,000 gross square feet of residential [[space]] floor  
397   area, or for each [[7,500]] 60,000 gross square feet of non-residential [[space]]  
398   floor area. If the floor area of life science uses is greater than 40% but less than  
399   50% under Section 59-C-5.321, then one BLT easement must be purchased for  
400   every 120,000 square feet of the Life Sciences uses.

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

406 **59-C-5.474 MPDUs and Workforce Housing.**

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

411 **(b) Workforce Housing.**

412 (1) [[Notwithstanding Section 59-A-6.18 and Chapter 25B, this zone  
413 requires that any site plan containing residential units at a density of  
414 20 dwelling units per acre or higher, or containing 100 dwelling units  
415 or more, include an amount of workforce housing units that is not less  
416 than 5 percent of the total number of proposed market rate dwellings,  
417 not including any MPDUs or resulting bonus density units, or  
418 dwelling units excluded under Chapter 25B.]] Workforce housing  
419 units are allowed at the option of the applicant under Chapter 25B.

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

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



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

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

435 **59-C-5.475. Parking.** Off-street parking must satisfy Article 59-E.

436 **59-C-5.476. Procedure for application and approval.**

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

449 types, facades, and architecture, except when the site plan is proposed for  
450 amendment through a limited plan amendment, a consent agenda  
451 amendment, or a Director level amendment. Site plans also must be  
452 substantially consistent with the general design principles recommended by  
453 the applicable master or sector plan and design guidelines adopted by the  
454 Planning Board to implement the applicable master or sector plan.]]

455 (b) For site plan or subdivision plan approvals before May 17, 2010, [The] the  
456 following regulations apply [in the LSC zone]:

457 (1) In the Shady Grove Life Sciences Center, except as provided below,  
458 an applicant for site plan or subdivision plan approval must comply  
459 with the requirements of the Amended and Restated Declaration of  
460 Covenants and Easements dated March 9, 1990 and recorded May 25,  
461 1990 in Liber 9332 at folio 591, or as the Declaration may be later  
462 amended, that governs the development of the Shady Grove Life  
463 Sciences Center. Any project that receives site plan or subdivision  
464 plan approval on property identified as University Sites in the 1995  
465 Shady Grove Life Sciences Center Development Plan is not required  
466 to comply with the Declaration.

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

469 (A) [[.]] an approved subdivision plan, which may restrict the  
470 maximum density allowed [[,]]; and

471            ~~(B)~~ the 1986 Shady Grove Life Sciences Center  
472            Development Plan, as amended. This subparagraph does not  
473            apply to any project on the property identified as the University  
474            Sites in the 1995 Shady Grove Life Sciences Development  
475            Plan. Any application of the 1986 Shady Grove Life Sciences  
476            Center Development Plan to such University Sites arises by  
477            private agreement only.

478            (3) Any proposed development shown on a site plan or plan of  
479            development approved prior to June 11, 1996 may be constructed in  
480            accordance with the approved plan, regardless of whether said  
481            development is built in one or more phases. Such development is not  
482            subject to the provisions of Section 59-G-4.1 and 59-G-4.25, and may  
483            be continued, repaired, reconstructed, or structurally altered in  
484            accordance with the approved site plan or plan of development. In  
485            cases where detailed review of subsequent phases of an approved plan  
486            is anticipated, such reviews will continue to be required under the  
487            provisions of Division 59-D-3.

488            **59-C-5.477. Existing approved buildings, building permits, or uses.**

489            (a) Any existing building or structure for which a lawful building permit was  
490            issued, and any lawful use ~~[[which]]~~ that was instituted on property within

491 the Shady Grove Life Sciences Center and subject to the provisions of the  
492 1986 Shady Grove Life Sciences Center Development Plan, as amended,  
493 prior to a sectional zoning map amendment approved on June 11, 1996,  
494 where such lot was rezoned to the ~~[[life sciences center]]~~ Life Sciences  
495 Center zone by sectional or local map amendment, will not be regarded as a  
496 non-conforming use. Such building or use may be structurally altered,  
497 replaced, or repaired, or may be changed in conformance with the  
498 requirements of the previous lease agreement or memorandum of  
499 understanding with the County entered into prior to June 30, 1984, so long  
500 as it remains an otherwise lawful use. Properties ~~[[which]]~~ that are subject  
501 to a lease agreement or memorandum of understanding with the County  
502 entered into prior to June 30, 1984 may be developed [in accordance with]  
503 under agreements and procedures applicable prior to June 11, 1996. Any  
504 lawful uses or ~~[[development which]]~~ developments that were approved in a  
505 plan of development approved by the District Council may be instituted on  
506 the Shady Grove Life Sciences Center properties.

507 (b) Construction underway in the Shady Grove Life Sciences Center [pursuant  
508 to] under a building permit validly issued and existing at the time of  
509 reclassification to the ~~[[life sciences center]]~~ Life Sciences Center zone [shall

510 be] are permitted, and buildings and structures so constructed [shall] must  
511 not be considered nonconforming.

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

519 (d) Any preliminary plan or site plan approved before the date the LSC zone  
520 was applied to the property remains valid, and construction may proceed  
521 subject to applicable approvals. A preliminary plan approved before the  
522 date the LSC zone was applied to the property may be amended under the  
523 standards of the previous zone or under the LSC zone standards.

524 (e) When a lot or parcel is located in the LSC zone on May 17, 2010, any  
525 approved preliminary plan or site plan in effect remains valid, and  
526 construction may proceed subject to applicable approvals under the previous  
527 standards of the LSC zone. At the option of the applicant, the preliminary  
528 plan or site plan may be amended, or necessary site plans for implementation  
529 may be submitted, under the previous standards of the zone or the standards  
530 that exist at the time of filing. Any building or use constructed under the  
531 previous standards of the LSC zone under 59-C-5.477(e) is a conforming

532 structure or use and may be continued, structurally altered, reconstructed,  
533 repaired, renovated, or enlarged under the previous standards of the LSC  
534 zone.

535 (f) Any lawful structure, building, or use that was constructed or instituted on a  
536 lot or parcel zoned LSC before May 17, 2010, which is not subject to  
537 Section 59-C-5.477(a), is conforming and may be continued, structurally  
538 altered, reconstructed, repaired, renovated, or enlarged under the previous  
539 standards of the LSC zone.

540 **[[59-C-5.478.Definitions.**

541 In the Life Sciences Center zone, the following words and phrases have the  
542 meanings indicated:

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

547 **Communications facilities or structures:** Facilities or structures that support or  
548 facilitate communications by radio, television, or telephone. Such facilities or  
549 structures include amateur radio facility, cable communications system, radio and  
550 television broadcasting studio, radio and television stations, telephone office or  
551 communications center, and rooftop mounted antennas and related equipment.

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

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

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

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

571 **Transportation facilities or structures:** Facilities or structures that support or  
572 facilitate transportation of people. Such facilities or structures include bus  
573 terminals, bus stops, transit stations, transit stops, taxi stands, heliports, helistops,  
574 and off-street parking of motor vehicles, in connection with any use permitted.  
575 **Utilities:** Buildings and structures that provide services such as telephone, electric  
576 power, natural gas, water, and sewage removal.]]

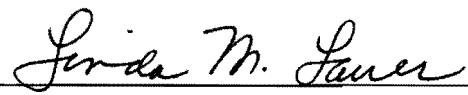
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578 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the date of  
579 Council adoption.

580

581 This is a correct copy of Council action.

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583   
584 Linda M. Lauer, Clerk of the Council