

Ordinance No.: 20-15
Zoning Text Amendment No.: 24-03
Concerning: Overlay Zones –
Great Seneca Life
Sciences (GSLs) Overlay
Zone
Revised: 2/4/2025 Draft No.: 4
Introduced: June 11, 2024
Public Hearing: July 16, 2024
Adopted: February 4, 2025
Effective: February 23, 2025

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

Lead Sponsor: Council President Friedson at the Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) establish the Great Seneca Life Sciences (GSLs) Overlay Zone; and
- (2) generally amend the provisions for overlay zones.

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

Division 4.9.	“Overlay Zones”
Section 4.9.13.	“Montgomery Village (MV) Overlay Zone”
Section 4.9.14.	“Regional Shopping Center (RSC) Overlay Zone”
Section 4.9.15.	“Rural Village Center (RVC) Overlay Zone”
Section 4.9.16.	“Sandy Spring/Ashton Rural Village (SSA) Overlay Zone”
Section 4.9.17.	“Takoma Park/East Silver Spring Commercial Revitalization (TPSS) Overlay Zone”
Section 4.9.18.	“Transferable Development Rights (TDR) Overlay Zone”
Section 4.9.19.	“Twinbrook (TB) Overlay Zone”
Section 4.9.20.	“Upper Paint Branch (UPB) Overlay Zone”
Section 4.9.21.	“Upper Rock Creek (URC) Overlay Zone”
Section 4.9.22.	“White Flint 2-Parklawn (WF-P) Overlay Zone”

And adding the following Section:

Division 4.9.	“Overlay Zones”
[[Section 4.9.13.]]	<u>Section 4.9.12.</u> “Great Seneca Life Sciences (GSLs)”

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 text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-4.9 is amended as follows:

Division 4.9. Overlay Zones

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[[Section 4.9.12. RESERVED]]

[[Section 4.9.13]] Section 4.9.12. Great Seneca Life Sciences (GSLs) Overlay Zone

A. Purpose

The Purpose of the GSLs Overlay Zone is to:

1. Attract and retain the life sciences industry.
2. Incentivize the production of housing.
3. Achieve a community that includes a range of land uses, jobs, diverse housing options, services, and amenities that meet the needs of people within a 15-minute walk, bike ride, roll, or other trip through safe, accessible, and reliable transportation infrastructure.
4. Implement recommendations of the Great Seneca Plan: Connecting Life and Science, including land uses, densities, building heights, parking, and public benefits.

B. Land Uses

All land uses as allowed in the CR Zone are allowed regardless of the underlying zoning, with the following exceptions.

1. The following uses are allowed:
 - a. Life Sciences
 - b. Animal Research Facility
2. The following uses are not allowed except as protected by Section 7.7.2., Nonconforming Use:
 - a. Single-Unit Living
 - b. Retail/Service Establishment (85,001 SF and Over)

- c. Drive-Thru
 - d. Self-Storage
 - e. Storage Facility, excluding incidental storage for a Medical/Scientific Manufacturing and Production use
3. The following uses are allowed only by site plan:
- a. Two-Unit Living
 - b. Townhouse Living
 - c. Surface Parking for Use Allowed in the Zone
 - d. Retail/Service Establishment (50,001 - 85,000 SF)

C. Development Standards

1. Building Height

Developments in the GSLS Overlay Zone may exceed their mapped height if necessary to achieve the additional density allowed by Section [[4.9.13.C.2.a]] 4.9.12.C.2.a, not to exceed 200 feet total.

2. Density

- a. Developments in the GSLS Overlay Zone may exceed their mapped FAR not to exceed 200 percent on a site if the Planning Board approves a sketch or site plan under Section 7.3.3. or 7.3.4., or a Bio-Health Priority Campus Plan under Section 7.3.6. Developments must use all gross floor area allowed by the mapped commercial or residential FAR of the underlying zone before receiving additional density under this provision. Public benefits as described in Section [[4.9.13.C.3]] 4.9.12.C.3 must be provided for any additional density received.
- b. The limits in the GSLS zone that cap residential uses at 30 percent of gross floor area and retail at 15 percent of gross floor area do not apply.

3. Public Benefits

All optional method development applications within the GSLS Overlay Zone must earn incentive density for any requested density above 0.5 FAR subject to the provisions of Section [[4.9.13.C.2.a.]] 4.9.12.C.2.a. and are not responsible for providing public benefits under Section 4.7, Optional Method Public Benefits. Incentive density is the term used to describe any density above 0.5 FAR including any mapped density or additional density allowed by the GSLS Overlay Zone.

a. General Provisions

- i. In determining how much incentive density a development application must achieve, applications must round up to the next nearest 0.25 FAR increment.
- ii. Incentive density must be earned by providing public benefits. The public benefits are divided into one of four tiers in Sections [[4.9.13.C.3.b.]] 4.9.12.C.3.b. through [[4.9.13.C.3.e.]] 4.9.12.C.3.e, based on how much FAR of incentive density an applicant is permitted for providing that public benefit.
- iii. Development applications may provide any combination of public benefits to achieve the necessary incentive density for their project.
- iv. If an application provides a Tier 4 benefit, no other public benefits are required for that application.
- v. If a specific public benefit is recommended for a property in the master plan, the applicant must provide that specific public benefit, unless the Planning Board finds that

providing or maintaining the recommended benefit is infeasible or that the benefit is no longer in the public interest.

b. Tier 1 Benefits

The following public benefits are worth 0.25 FAR of incentive density:

- i. Provide 20 percent GFA as a Residential use when the underlying zone is LSC.
- ii. Provide the minimum required number of MPDUs plus 2.5 percent.
- iii. Design and construct offsite pedestrian and bicycle facilities for a minimum of 750 linear feet.
- iv. Contribute funding for offsite portions of one of the following, at a rate of \$0.30 per GFA of the subject development application:
 - (a) Key West Avenue Promenade
 - (b) Great Seneca Greenway
 - (c) Life Sciences Center Loop Trail
 - (d) Streetscape improvements along a public street within the overlay zone
- v. Construct an offsite portion of the Life Sciences Center Loop Trail for a minimum length of 2,500 linear feet.
- vi. Provide offsite streetscape improvements along a public street within the overlay zone including seating, paving, street tree planting, landscaping, and lighting, for at least 5,000 linear feet based on the applicable streetscape standards of the master plan.

- vii. Provide a minimum of 10,000 square feet of flexible, step-up space for life science startups.
- viii. Achieve a minimum 10 percent mixed-use development, ensuring uses from at least two different use groups are provided, each comprising a minimum of 10 percent of the total GFA, as determined at the time of sketch plan.
- ix. Improve a minimum of 0.25 acres of an existing park or public open space within the GSLS Overlay Zone area with amenities designed to encourage use by people of all ages, cultural backgrounds, and abilities such as, but not limited to, color contrast applications on poles and pavement, accessible bathrooms, mobility device accessible play equipment, sensory playground equipment, movable seating, and art, displays, statues, and signs that recognize local history and community members.
- x. Implement at least 3 of the following design excellence strategies or achieve the International WELL Building Institute's WELL Core Bronze certification for the project:
- (a) Designing a building with a clear architectural base, middle, and top. The base is defined as the first one or two floors of the building; the top is defined as the uppermost one or two floors of the building; and the middle is everything between the base and the top.

- (b) Providing human-scaled architectural elements at the building's base fronting all streets and public open spaces. Human-scaled architectural elements include clearly marked entryways into ground-floor uses, awnings, canopies, transparency, storefronts, façade lighting, signage, and decorative enhancements.
- (c) Providing direct entry to all ground floor residential units fronting a street or public open space.
- (d) Adjusting the building massing and façade design to create street-oriented development. The building massing should parallel the street, with the building base creating a continuous frontage with a minimum of 60 percent transparency. The building middle and top façade must be designed with windows, balconies, and terraces on any elevation along a street.
- (e) Lining at least 75 percent of the ground floor long all streets and public open spaces with active uses such as retail, residential units, offices, lobbies, and amenity spaces. Ground floor entrances into the building must be no further than every 100 feet.
- (f) Placing all onsite parking below ground grade or wrapping all structured parking with leasable GFA like residential or commercial floor spaces.
- (g) Designing the footprint, massing, and building façades to respond to solar orientation and local

climate to minimize energy use, maximize daylight exposure and incorporate passive heating, cooling, and ventilation.

(h) Reducing the floor plate for the top 2 floors by at least 20 percent to create terraces and an interesting skyline.

(i) Designing all structured parking to be adaptable for alternative uses in the future by creating flat plate parking floors with a minimum floor to ceiling clearance of 10 feet, accessed through a speed-ramp.

xi. Exceed current county code energy efficiency standards (IgCC and IECC) by a minimum of 10 percent as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

xii. Generate one-third of renewable energy onsite or utilize renewable energy from the regional catchment area as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

xiii. Meet Alternative Compliance Path for Green Code and achieve LEED Silver + 21 points as determined by the Department of Permitting Services Division of Commercial Building Construction by the final use and occupancy permit.

xiv. Design a site that includes 2 of the following sustainable elements:

(a) Two principles of biophilic design from the following list of strategies:

(1) Incorporate environmental features such as sunlight, fresh air, plants, animals, water, native landscapes, natural colors, and natural materials such as wood and stone.

(2) Utilize elements in building design to simulate and mimic shapes and forms found in nature. Examples include using tree-like columns in a building interior to support a roof that projects the feeling of a forest canopy; building shapes that simulate the appearance of bird wings; ornamentation suggestive of a natural shape like a crystal or geological feature, or others as approved by the Planning Board.

(3) Use building and site design to stimulate a variety of senses, simulate the qualities of organic growth, or reflect the processes of aging and the passage of time.

(4) Use spatial and lighting features that evoke the sense of being in a natural setting considering lighting placement, fixture design, and color temperature.

(5) Incorporate place-based relationships between buildings and the distinctive geographical, ecological, and cultural characteristics of particular places and localities by incorporating reference to geological and landscape features, the use of local and indigenous materials, and connections to particular historic and cultural traditions.

(6) Provide an outdoor respite space, part of a garden, or green area that offers restoration through the inclusion of natural sensory experiences and opportunities for quiet reflection and stillness.

(b) Enhanced green roof with a minimum coverage of 10 percent of the roof (minimum 6 inches in depth).

(c) Two categories of bird-friendly design as defined in the Bethesda Downtown Plan Design Guidelines.

(d) Pervious pavement for 10 percent of all paved surfaces as determined by the Department of Permitting Services.

xv. Adaptively reuse at least 10,000 square feet of floor area of an existing building on site.

c. Tier 2 Benefits

The following public benefits are worth 0.50 FAR of incentive density:

- i. Provide 30 percent GFA as a Residential use when the underlying zone is LSC.
- ii. Provide the minimum required number of MPDUs plus 5 percent.
- iii. Design and construct offsite streetscape improvements along a public street, including any required pedestrian and bicycle facilities, for a minimum of 1,000 linear feet.
- iv. Contribute funding for offsite portions of one of the following, at a rate of \$0.60 per square foot of GFA of the subject development application:
 - (a) Key West Avenue Promenade
 - (b) Great Seneca Greenway
 - (c) Life Sciences Center Loop Trail
- v. Construct an offsite portion of the Life Sciences Center Loop Trail for a minimum length of 3,500 linear feet.
- vi. Provide a minimum of 20,000 square feet of flexible step-up space for life science startups.
- vii. Achieve a minimum of 15 percent mixed-use development, ensuring uses from at least two different use groups are provided, each comprising a minimum of 15 percent of the total GFA, as determined at the time of sketch plan.
- viii. Exceed the minimum required amount of Public Open Space on site by at least 50 percent.
- ix. Implement at least 5 of the design excellence strategies identified in Section [[4.9.13.C.3.b.x]] 4.9.12.C.3.b.x

above or achieve the International WELL Building Institute's WELL Core Silver certification for the project.

x. Exceed current county code energy efficiency standards (IgCC and IECC) by a minimum of 17.5 percent as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

xi. Generate two-thirds of renewable energy onsite or utilize renewable energy from the regional catchment area as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

xii. Meet Alternative Compliance Path for Green Code and achieve LEED Gold as determined by the Department of Permitting Services Division of Commercial Building Construction by the final use and occupancy permit.

xiii. Design a site that includes three of the following sustainable elements:

(a) 4 principles of biophilic design as defined in Section [[4.9.13.C.3.b.xiv]] 4.9.12.C.3.b.xiv.

(b) Enhanced green roof with a minimum coverage of 15 percent of the roof (a minimum of 7 inches in depth).

(c) 3 categories of bird friendly design as defined in the Bethesda Downtown Plan Design Guidelines.

(d) Pervious pavement for 25 percent of all paved surfaces as determined by the Department of Permitting Services.

xiv. Adaptively reuse at least 25,000 square feet of floor area of an existing building on site.

d. Tier 3 Benefits

The following public benefits are worth 1.0 FAR of incentive density:

i. Provide the minimum required number of MPDUs plus 7.5 percent.

ii. Design and construct offsite streetscape improvements along a public street, including any required pedestrian and bicycle facilities, for a minimum of 2,000 linear feet.

iii. Contribute funding for offsite portions of one of the following, at a rate of \$1.00 per GFA of the subject development application:

(a) Key West Avenue Promenade

(b) Great Seneca Greenway

(c) Life Sciences Center Loop Trail

iv. Construct an offsite portion of the Life Sciences Center Loop Trail for a minimum length of 5,000 linear feet.

v. Provide a minimum of 30,000 square feet of flexible, step-up space for life science startups.

vi. Provide a minimum 1.5-acre Major Public Open Space recommended per the master plan as a Privately Owned Public Open Space, with approval on the location and design determined by the Planning Board. The Public

Open Space should comply with the elements listed in the Energizing Public Space Design Guidelines for “Civic Green / Plaza.”

vii. Implement at least 7 of the design excellence strategies identified in Section [[4.9.13.C.3.b.x]] 4.9.12.C.3.b.x above or achieve the International WELL Building Institute’s WELL Core Gold certification for the project.

viii. Exceed current county code energy efficiency standards (IgCC and IECC) by a minimum of 25 percent as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

ix. Generate three-fourths of renewable energy onsite or utilize renewable energy from the regional catchment area as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

x. Meet Alternative Compliance Path for Green Code and achieve LEED Gold, and one of the following as determined by the Department of Permitting Services Division of Commercial Building Construction by the final use and occupancy permit:

(a) Full electrification

(b) Mass Timber construction

xi. Design a site that includes four of the following sustainable elements:

- (a) Six principles of biophilic design as defined in Section [[4.9.13.C.3.b.xiv]] 4.9.12.C.3.b.xiv.
- (b) Enhanced green roof with a minimum coverage of 25 percent of the roof (a minimum of 11 inches in depth).
- (c) Four categories of bird friendly design as defined in the Bethesda Downtown Plan Design Guidelines.
- (d) Pervious pavement for 40 percent of all paved surfaces as determined by the Department of Permitting Services.

xii. Adaptively reuse at least 75,000 square feet of floor area of an existing building on site.

e. Tier 4 Benefits

If an applicant provides any one Tier 4 Benefit listed below, no additional public benefits are necessary to achieve all allowed incentive density:

- i. Provide greater than 25 percent MPDUs at an average of 60 percent area median income.
- ii. Design and construct offsite streetscape improvements along a public street, including any required pedestrian and bicycle facilities, for a minimum of 5,000 linear feet within the overlay zone area.
- iii. Contribute funding for offsite portions of one of the following, at a rate of \$2.00 per GFA of the subject development application:
 - (a) Key West Avenue Promenade
 - (b) Great Seneca Greenway

(c) Life Sciences Center Loop Trail

iv. Provide one of the following transportation connections identified as greatly enhancing the transportation network by the Master Plan:

(a) The street connection, including the LSC Loop Trail, connecting Belward Campus Drive to Decoverly Drive, at the intersection with Great Seneca Highway.

(b) A trail connecting Darnestown Road and Medical Center Drive, located between Shady Grove Road and Great Seneca Highway.

(c) The street connection of Road Z between Broschart Road and Dalmatian Street.

v. Provide a minimum of 40,000 square feet of flexible step-up space for life science startups.

vi. Construct and dedicate or convey to Montgomery Parks a minimum 3-acre park recommended in the Master Plan. Approval of the location and design to be determined by the Planning Board. The park must comply with the elements listed in the Energized Public Spaces Design Guidelines for “Urban Recreational Park.”

vii. Implement all 9 of the design excellence strategies identified in Section [[4.9.13.C.3.b.x]] 4.9.12.C.3.b.x above or achieve the International WELL Building Institute’s WELL Core Platinum certification for the project.

- viii. Construct an energy efficient building with a net-zero rating as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan
- ix. Generate 100 percent of renewable energy onsite or utilize renewable energy from the regional catchment area as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.
- x. Meet the Alternative Compliance Path for Green Code and achieve LEED Platinum as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.
- xi. Design a site that includes the four following sustainable elements:
 - (a) Six principles of biophilic design as defined in Section [[4.9.13.C.3.b.xiv]] 4.9.12.C.3.b.xiv.
 - (b) Enhanced green roof with a minimum coverage of 35 percent of the roof (a minimum of 16 inches in depth).
 - (c) Five categories of bird friendly design as defined in the Bethesda Downtown Plan Design Guidelines.
 - (d) Pervious pavement for 50 percent of all paved surfaces as determined by the Department of Permitting Services.
- xii. Adaptively reuse at least 100,000 square feet of floor area of an existing building on site.

- xiii. Underground all existing overhead utilities along the site frontage of the subject property, or at another offsite location within the GSLS Overlay Zone, with an estimated cost of at least \$1,000,000.

D. Development Procedures

1. Except as modified in this subsection, the development procedures of the underlying zone apply.
2. In the GSLS Overlay zone, any development at or over 0.5 FAR is considered optional method of development.
3. Except as provided under Section 4.7.3.F.1.b.ii, all ~~[[All]]~~ optional method developments in the GSLS zone must require the purchase of Building Lot Termination (BLT) easements or make a payment into the Agricultural Land Preservation Fund (ALPF) in an amount equal to 7.5 percent of the incentive density floor area in lieu of the procedures of Section 4.7.3.F.1.b. One BLT is equivalent to 31,500 square feet of incentive density floor area. Private BLT easements must be purchased in whole units. Fractions of BLT easements must be purchased through the ALPF, based on the amount established by Executive Regulation under Chapter 2B.
4. Development is not subject to the parking minimums established in the vehicle parking spaces table under Section 6.2.4.B.
5. Surface vehicle parking is prohibited between a building and a public or private street, unless prior to February 24, 2025, the parking lot existed or was included in an approved site plan.

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Section ~~[5.9.13]~~ ~~[[5.9.14]]~~ 4.9.13. Montgomery Village (MV) Overlay Zone

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Section [5.9.14] ~~[[5.9.15]]~~ 4.9.14. Regional Shopping Center (RSC) Overlay Zone

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Section [5.9.15] ~~[[5.9.16]]~~ 4.9.15. Rural Village Center (RVC) Overlay Zone

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Section [5.9.16] ~~[[5.9.17]]~~ 4.9.16. Sandy Spring/Ashton Rural Village (SSA) Overlay Zone

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Section [5.9.17] ~~[[5.9.18]]~~ 4.9.17. Takoma Park/East Silver Spring Commercial Revitalization (TPRESS) Overlay Zone

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Section [5.9.18] ~~[[5.9.19]]~~ 4.9.18. Transferable Development Rights (TDR) Overlay Zone

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Section [5.9.19] ~~[[5.9.20]]~~ 4.9.19. Twinbrook (TB) Overlay Zone

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Section [5.9.20] ~~[[5.9.21]]~~ 4.9.20. Upper Paint Branch (UPB) Overlay Zone

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Section [5.9.21] ~~[[5.9.22]]~~ 4.9.21. Upper Rock Creek (URC) Overlay Zone

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Section [5.9.22] ~~[[5.9.23]]~~ 4.9.22. White Flint 2-Parklawn (WF-P) Overlay Zone

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read 'Sara', is written above a horizontal line.

Sara R. Tenenbaum
Clerk of the Council