

Ordinance No.: 18-27  
Zoning Text Amendment No.: 16-19  
Concerning: Gross Floor Area –  
Mechanical Equipment  
Draft No. & Date: 1 – 12/1/16  
Introduced: December 6, 2016  
Public Hearing: January 17, 2017  
Adopted: February 7, 2017  
Effective: February 27, 2017

**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: Councilmember Floreen  
Co-sponsor: Councilmember Rice

---

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

- exclude from the calculation of gross floor area floor space exclusively used for mechanical equipment for any Medical/Scientific Manufacturing and Production use; and
- generally amend provisions concerning the calculation of gross floor area

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 1.4.2. “Specific Terms and Phrases Defined”

**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.*

## OPINION

Zoning Text Amendment No. 16-19 was introduced on December 6, 2016. The lead sponsor was Councilmember Floreen. It was co-sponsored by Councilmember Rice.

As introduced, ZTA 16-19 would exclude from the calculation of gross floor area floor space exclusively used for mechanical equipment for any Medical/Scientific Manufacturing and Production use.

Currently, the floor area used for mechanical equipment is excluded from the calculation of gross floor area in the LSC and Industrial zones. This exclusion applies to any use in those zones. Councilmember Floreen was made aware that Medical/Scientific Manufacturing and Production may also include an inordinate amount of mechanical equipment space within a building. A Medical/Scientific Manufacturing and Production use is allowed in CR, LSC, EOF, and Industrial zones. ZTA 16-19 would exclude the floor area used for mechanical equipment needed for Medical/Scientific Manufacturing and Production in any zone in which the use is allowed.

In its report to the Council, the Montgomery County Planning Board had no objections to the approval of the text amendment. Planning Staff recommended approval.

The Council conducted a public hearing on January 17, 2017. The Planning Board Chair spoke in favor of the ZTA as introduced. He noted that mechanical space did not contribute to any transportation or school capacity deficits and that building height limits and site plan provisions would be unchanged. A representative of United Therapeutics Corporation also spoke in favor of ZTA 16-19, noting the company's interest in building a facility to manufacture an "orphan" drug in Silver Spring. Testimony noted that drug manufacturing was unique in the amount of mechanical equipment space required relative to the amount of space occupied by human activity.

The Council referred the matter to the Planning, Housing, and Economic Development Committee.

On January 30, 2017, the Committee (3-0) recommended approval of ZTA 16-19 as introduced.

The District Council reviewed Zoning Text Amendment No. 16-19 on February 7, 2017. The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 16-19 will be approved as introduced.

## 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**

**\* \* \***

**Gross Floor Area (GFA):** The sum of the gross horizontal areas of all floors of all buildings on a tract, measured from exterior faces of exterior walls and from the center line of walls separating buildings. Gross floor area includes:

1. basements;
2. elevator shafts and stairwells at each floor;
3. floor space used for mechanical equipment with structural headroom of 6 feet, 6 inches or more, except as exempted in the LSC and Industrial zones;
4. floor space in an attic with structural headroom of 6 feet, 6 inches or more (regardless of whether a floor has been installed); and
5. interior balconies and mezzanines.

Gross floor area does not include:

1. mechanical equipment on rooftops;
2. cellars;
3. unenclosed steps, balconies, and porches;
4. parking;
5. floor area for publicly owned or operated uses or arts and entertainment uses provided as a public benefit under the optional method of development;
6. interior balconies and mezzanines for common, non-leasable area in a regional shopping center; [and]


27           7.     in the LSC and Industrial zones, floor space used for mechanical  
28                   equipment[.]; and

29           8.     any floor space exclusively used for mechanical equipment for any  
30                   Medical/Scientific Manufacturing and Production use.

31     \*    \*    \*

32           **Sec. 2. Effective date.** This ordinance becomes effective 20 days after  
33     approval.

34  
35     This is a correct copy of Council action.

36  
37     

38     Linda M. Lauer, Clerk of the Council