

Clerk's Note: Removed "O-" from the Ordinance No. Replaced "Zoning Text Amendment No.: 21-09" with "Ordinance No.: 19-27" in the header of pages 4-27.

Ordinance No.: 19-27

Zoning Text Amendment No.: 21-09

Concerning: Office and Professional –
Biohealth Priority
Campus

Draft No. & Date: 4 – 2/7/2022

Introduced: October 19, 2021

Public Hearing: November 30, 2021

Adopted: February 15, 2022

Effective: March 7, 2022

**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 Friedson

Co-Sponsors: Councilmember Riemer, then-Council President Hucker, Council President
Albornoz, Councilmembers Navarro, Katz, Glass, Jawando, Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- create a Biohealth Priority Campus use; and
- provide a process for approval of a Biohealth Priority Campus.

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

DIVISION 1.4.	"DEFINED TERMS"
Section 1.4.2.	"Specific Terms and Phrases Defined"
DIVISION 3.1.	"USE TABLE"
Section 3.1.6.	"Use Table"
DIVISION 3.5.	"COMMERCIAL USES"
Section 3.5.8.	"Office and Professional"
DIVISION 4.5.	"COMMERCIAL/RESIDENTIAL ZONES"
Section 4.5.2.	"Density and Height Allocation"
Section 4.5.4.	"Optional Method Development"
DIVISION 4.6.	"EMPLOYMENT ZONES"
Section 4.6.2.	"Density and Height Allocation"
Section 4.6.4.	"Optional Method Development"
DIVISION 7.3.	"REGULATORY APPROVALS"

Section 7.3.3. “Sketch Plan”
DIVISION 7.5. “NOTICE STANDARDS”
Section 7.5.1. “Noticed Required”

And by adding the following section:

Section 7.3.6. “Biohealth Priority Campus Plan”

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.*

OPINION

Zoning Text Amendment (ZTA) 21-09, Office and Professional – Biohealth Priority Campus was introduced on October 19, 2021 by lead sponsor Councilmember Friedson, co-sponsors Councilmember Riemer, then-Council President Hucker, Council President Albornoz, Councilmembers Navarro, Katz, Glass, Jawando, and Rice.

ZTA 21-09 will create a definition for a Biohealth Priority Campus, which will include Life Sciences under Section 3.5.8, Research and Development under Section 3.5.8, or Medical/Scientific Manufacturing and Production under Section 3.6.4.D. This new use will provide a speedier regulatory process for biohealth facilities of 150,000 square feet or more or existing biohealth facilities already located in the County that are expanding by 50,000 square feet or more. It will be a limited use in the Commercial/Residential, Employment Office, and Life Sciences Center zones. It will apply to developments within or adjacent to a red policy area, within an opportunity zone, or within ½ mile of a planned or existing Bus Rapid Transit route including the Corridor Cities Transitway.

In its November 29, 2021 report to the Council, the Montgomery County Planning Board supported the intent of ZTA 21-09. However, the Planning Board asked the Council to keep in mind that additional resources for dedicated staff should be commensurate with the expedited approval process. The Planning Board also noted that deadlines should be appropriate and manageable, with opportunity for extensions; that pre-submission meetings are critical; and asked that the Planning Department be given lead-agency authority.

The Office of Legislative Oversight (OLO) submitted a Racial Equity and Social Justice (RESJ) impact statement on December 2, 2021. The RESJ impact statement found that ZTA 21-09 could

negatively impact racial equity and social justice as its benefits would disproportionately accrue to White business owners and employees. OLO recommended policy options to improve racial equity and social justice, such as: entering into community benefit agreements; investing in biohealth workforce development opportunities for BIPOC residents; investing in underrepresented BIPOC small businesses; and locating biohealth campuses in BIPOC communities.

A public hearing was held on November 30, 2021. Twelve speakers testified in support of ZTA 21-09.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation. The PHED Committee held a worksession on January 31, 2022. The PHED Committee unanimously recommended approval of ZTA with several amendments. Major substantive amendments included: adding the Corridor Cities Transitway; adding the Life Sciences Center zone; adding a vicinity map and the footprints and height of off-site buildings as application requirements; requiring the public hearing be scheduled 60 to 65 days after acceptance of the application; revoking the approved plans if the applicant misses a deadline, with the opportunity to request reinstatement and an extension for good cause; and reducing the allowable increased density to qualify as a minor amendment.

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. 21-09 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:

Sec. 1. DIVISION 59-1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

* * *

Biohealth Priority Campus: See Section 3.5.8.E

* * *

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

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

15

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	IH
* * *																												
COMMERCIAL																												
* * *																												
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								
<u>Biohealth Priority Campus</u>	<u>3.5.8.E.</u>																			<u>L</u>			<u>L</u>	<u>L</u>				
* * *																												

16

Sec. 3. Division 3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.8. Office and Professional

* * *

E. Biohealth Priority Campus

1. Defined

Biohealth Priority Campus means the headquarters or other primary place of business of a single commercial or industrial organization, including ancillary uses, that includes at least 150,000 square feet of new space to be constructed or 50,000 square feet of new space to be added to an existing building or group of buildings:

- a. that qualifies as a Life Sciences or Research and Development Use under Section 3.5.8 or as a Medical/Scientific Manufacturing and Production Use under Section 3.6.4.D; and
- b. is located on property:
 - i. within [[or adjacent to]]a red policy area including contiguous properties separated from a red policy area only by a public right-of-way;
 - ii. within an opportunity zone including contiguous properties separated from an opportunity zone only by a public right-of-way[[,]]; or
 - iii. within ½ mile of a planned or existing Bus Rapid Transit route including the Corridor Cities Transitway.

2. Exemptions

- a. A sketch plan and a site plan are not required for a Biohealth Priority Campus if the Planning Board approves a Biohealth Priority Campus plan under Section 7.3.6.
- b. Development of a Biohealth Priority Campus should proceed under the standards of Chapter 50 and the underlying zone, including any overlay zones, [and Chapter 50,]except as modified by Section 3.5.8.E. and in conformance with the hearing and review schedule in Sections 7.3.6.C and 7.3.6.D.
- c. After a Biohealth Priority Campus Plan is approved, subsequent additions or expansions of the Biohealth Priority Campus, in any size or amount, will be processed under Section 7.3.6 as amendments.

3. Use Standards

- a. [[Commercial and residential]]Residential FAR limits on the subject property may be reallocated to commercial FAR if the total FAR does not exceed the maximum total mapped FAR of the property and the building height does not exceed the maximum mapped height, including any increases in each allowed by this Chapter.
- b. A mechanical penthouse, and the roof structures listed in Section 4.1.7.C.3, may occupy a maximum of 50% of the roof area of any individual building.
- c. The subject property may utilize FAR averaging under Sections 4.5.2.B. and 4.6.2.B.

* * *

Sec. 4. DIVISION 59-4.5 is amended as follows:

Division 4.5. Commercial/Residential Zones

69 * * *

70 **Section 4.5.2. Density and Height Allocation**

71 * * *

72 **B. FAR Averaging**

- 73 1. Only standard method development projects that require site plan
 74 approval or optional method development projects can average FAR
 75 between properties.
- 76 2. FAR may be averaged over 2 or more directly abutting or confronting
 77 properties in one or more Commercial/Residential zones[,] if:
- 78 a. the properties are under the same site plan, sketch plan, [or]
 79 Signature Business Headquarters plan, or Biohealth Priority
 80 Campus plan; however, if a sketch plan, [or] Signature Business
 81 Headquarters plan, or Biohealth Priority Campus plan is
 82 required, density averaging must be shown on the applicable
 83 plan;
- 84 b. the resulting properties are created by the same preliminary
 85 subdivision plan or satisfy a phasing plan established by an
 86 approved sketch plan, [or] Signature Business Headquarters
 87 plan, or Biohealth Priority Campus plan;
- 88 c. the maximum total, nonresidential, and residential FAR limits
 89 apply to the entire development, not to individual properties;
- 90 d. the total allowed maximum density on a resulting property that
 91 is abutting or confronting a property in an Agricultural, Rural
 92 Residential, or Residential Detached zone that is vacant or
 93 improved with an agricultural or residential use does not exceed
 94 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, or Biohealth Priority Campus plan.

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

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

b. [The] the properties are within ¼ mile of each other, located in a designated master-planned density transfer area, or are part of a Signature Business Headquarters plan or Biohealth Priority Campus plan;

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

d. [The] 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, or Biohealth Priority Campus 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 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, or Biohealth Priority Campus 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 zones 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 or a Biohealth Priority Campus plan is approved under Section 7.3.6.

A site plan must be approved under Section 7.3.4 for any development on a property with an approved sketch plan.

* * *

Sec. 5. DIVISION 59-4.6 is amended as follows:

Division 4.6. Employment Zones

* * *

Section 4.6.2. Density and Height Allocation

* * *

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 Employment zones[,] if:
 - a. the properties are under the same site plan, [or] sketch plan, or Biohealth Priority Campus plan; however, if a sketch plan or Biohealth Priority Campus plan is required, density averaging must be shown on the [sketch] applicable plan;

- 148 b. the resulting properties are created by the same preliminary
 149 subdivision plan or satisfy a phasing plan established by an
 150 approved sketch plan or Biohealth Priority Campus plan;
- 151 * * *
- 152 e. public benefits are required to be provided under the phasing
 153 element of an approved sketch plan or Biohealth Priority
 154 Campus plan.
- 155 3. Density may be averaged over 2 or more non-contiguous properties in
 156 one or more LSC or EOF zones[,] if:
- 157 a. [Each] each provision under Section 4.6.2.B.2 is satisfied;
- 158 b. [The] the properties are within ¼ mile of each other or in a
 159 designated master-planned density transfer area or part of a
 160 Biohealth Priority Campus plan;
- 161 c. [The] the minimum public benefit points required under Section
 162 4.6.4.A.2 [must be] are exceeded by at least 50%; and
- 163 d. [The] the applicable master plan does not specifically prohibit
 164 the averaging of density between non-contiguous properties.
- 165 4. If the Planning Board approves a site plan or Biohealth Priority
 166 Campus plan for a development project using FAR averaging across
 167 two or more lots, the maximum density on certain lots in the
 168 development project will be less than or greater than the zone allows,
 169 as indicated in the [site]applicable plan. To provide additional notice
 170 of the FAR averaging, before the Planning Board approves a certified
 171 site plan or certified Biohealth Priority campus plan for such a project
 172 or, if plat approval is required, before plat approval, the applicant
 173 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 4.6.4. Optional Method Development

The LSC and EOF [zone]zones allow development under the optional method.

A. General Requirements

1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3 or a Biohealth
Priority Campus plan must be approved under Section 7.3.6. A site
plan must be approved under Section 7.3.4 for any development on a
property with an approved sketch plan.

* * *

Sec. 6. DIVISION 59-7.3 is amended as follows:

Division 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]unless the development is
approved as a Signature Business Headquarters plan[.]]under Section
7.3.5 or Biohealth Priority Campus plan under Section 7.3.6.

* * *

Section 7.3.6. Biohealth Priority Campus Plan

A. Applicability and Description

1. A Biohealth Priority Campus plan provides a detailed overview of a
proposed Biohealth Priority Campus. A Biohealth Priority Campus
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 Biohealth Priority Campus plan may be phased, with each phase approved separately under this section.

3. A Biohealth Priority Campus plan may encompass all or part of any property on which the Biohealth Priority Campus will be located and must demonstrate its relation to and coordination with other applicable approvals or submittals. Any amendment to a previously approved plan may follow the timeframe for review under Section 7.3.6.B.3 through Section 7.3.6.B.6, Section 7.3.6.C, and Section 7.3.6.D.

B. Application Requirements

1. Ownership

a. An applicant must own the subject property or be authorized by the owner to file the application.

b. If any land or right-of-way encompassed by a Biohealth Priority Campus plan application is owned or controlled by the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the Biohealth Priority Campus plan application.

2. A Biohealth Priority Campus plan application must include:

a. a legally binding commitment or other evidence accepted by the Planning Director that the Biohealth Priority Campus will meet the requirements of Section 3.5.8.E.1[.];

b. an application form and fees required by the Planning Director;

- c. a vicinity map at 1" = 200", and a site map showing existing buildings, structures, circulation routes, significant natural features, historic resources, and zoning and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
- d. a list of abutting and confronting property owners in the [[County]] State tax records;
- e. a 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 property interest in the proposed development site under Section 7.3.6.B.1 and, if applicant is not the property owner, documentation from the property owner authorizing the application;
- g. a 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, notified affected properties, and held a pre-submittal community meeting that followed the Planning Department's Administrative Procedures for Development Review process;
- i. a 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. a 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, building footprints, massing, and heights of all on-site buildings and structures, and approximate footprints and height for buildings located on abutting and confronting lots;
 - 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 business 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 business days after receipt.

- 280 5. [[After]]Once the Planning Director verifies that the application is
281 complete, the applicant must file the final application with the
282 Planning Director, who will accept the application and establish a
283 hearing date under Section 7.3.6.C.
- 284 6. Public notice is required under Division 7.5.

285 **C. Hearing Date**

286 The Planning Board must schedule a public hearing to begin [[within]]60 to
287 65 days after the date an application is accepted. If the next regularly
288 scheduled hearing date would fall after the 60- or 65-day period due to a
289 holiday or recess, then the next regularly scheduled hearing date should be
290 used. The applicant may request an extension with Planning Director
291 approval. Any extension of the public hearing must be noticed on the
292 hearing agenda with the new public hearing date indicated.

293 **D. Review and Recommendation**

294 1. State and County Agencies

- 295 a. Reviewing State and County agencies and utilities must submit
296 comments within 15 days after the date an application is
297 accepted. If no comments are submitted within that time, the
298 reviewing agency or utility's portion of the application is
299 deemed approved.

- 300 b. The applicant must submit revised drawings to address the
301 comments a minimum of [[20]]25 days before the date of the
302 hearing. The Planning Director may extend the deadline if the
303 applicant submits a written request within 5 days after the
304 revised drawings were due.

305 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 Biohealth Priority Campus 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 Biohealth Priority Campus 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.E.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, existing and approved or pending adjacent development, the requirements of this chapter, and any guidelines approved by the Planning Board that implement the applicable plan;

[[f. will be located within or adjacent to a red policy area, within an opportunity zone, or within ½ mile of a planned or existing Bus Rapid Transit route]]

[[g.]]f. if 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]]Transportation Demand Management plan 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.]]g. 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.
2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within 30 days after the Planning Board's action[[to the Circuit Court and thereafter to the Court of Special Appeals.]]

3. Within 30 days of submission, the final Biohealth Priority Campus plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval. If the certified plans do not address or comply with the Planning Board's approval, the plans will be rejected with comments for the applicant to address. If no action is taken by the Planning Director within 30 days, the plan is deemed approved and certified.

G. Conforming Permits

For any development requiring a Biohealth Priority Campus plan, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless the Planning Board has approved a Biohealth Priority Campus plan and a bond has been approved under Section 7.3.6.K.4.

H. Duration of Approval

1. A Biohealth Priority Campus plan expires unless a certified Biohealth Priority Campus plan is approved by the Planning Director within 24 months after the date the resolution is mailed.
2. A Biohealth Priority Campus plan does not become effective until a record plat, [[if otherwise needed]]if required, is recorded that satisfies any approved subdivision plan for the subject property. If no record plat is [[needed]]required, then the Biohealth Priority Campus plan becomes effective upon certification under Section 7.3.6.F.3.
3. Development activities under Section 7.3.6 must satisfy the certified Biohealth Priority Campus plan and any conditions of approval.
4. If the Planning Board approves a Biohealth Priority Campus plan, the applicant must have a building permit application, accepted by [[the Department of Permitting Services]] DPS, that includes the core and

shell of the principal building within two years of the date of the Planning Board's resolution. Within two years after [[the Department of Permitting Services]] DPS accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit.

5. The deadlines under Section 7.3.6.H may be extended with approval of the Planning Board by up to [[12]]18 months.

6. If an applicant fails to comply with any of the deadlines within this section, the Biohealth Priority Campus plan approval shall be revoked. The applicant may request reinstatement of a revoked approval within 30 days of revocation. After holding a hearing on the reinstatement, the Planning Board may reinstate the approval and extend the deadline for good cause shown.

I. Recording Procedures

The certified Biohealth Priority Campus 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 Biohealth Priority Campus plan amendment to change a certified Biohealth Priority Campus plan. There are two types of amendments: a major and a minor amendment.

1. Major Amendment

a. A major amendment includes any request to:

i. increase density or height by more than that allowed under a minor amendment (Section 7.3.6.J.2);

ii. decrease open space;

iii. deviate from a condition of approval; or

iv. 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 Biohealth Priority Campus plan.

2. Minor Amendment

- a. A minor amendment includes any request to:
 - i. increase density by up to ~~[[25%]]10%~~ or 15,000 square feet, provided the increase is less than or equal to the total mapped density, including any density increases or bonuses;
 - ii. increase height by up to 10%, provided the height is less than or equal to the height and any increases allowed under Section 3.5.8.D; or
 - iii. 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 Biohealth Priority Campus 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 the non-compliant portion of the Biohealth Priority Campus plan approval;
 - c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified Biohealth Priority Campus plan;
 - d. allow the applicant to propose modifications to the certified Biohealth Priority Campus 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 7.3.6.K.1.c, the Planning Board may, without holding any further hearing, take any of the actions identified in Section 7.3.6.K.1.a through Section 7.3.6.K.1.e.
3. If the Planning Board suspends or revokes all or any portion of a Biohealth Priority Campus 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 applicable portion of the Biohealth
Priority Campus 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 Biohealth Priority
Campus 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.

* * *

Sec. 7. DIVISION 59-7.5 is amended as follows:

Division 7.5. Notice Standards

Section 7.5.1. Notice Required

Notice is required for each application according to the following table:

Application	Newspaper	Pre-Submittal Meeting	Application Sign	Application Notice	Hearing Notice	Resolution Notice	Building Permit Sign Notice	Website Posting
* * *								
Regulatory Approvals								
* * *								
Site Plan		x	x	x	x	x		x
Signature Business Headquarters Plan		x	x	x	x	x		x
<u>Biohealth Priority Campus Plan</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>
* * *								
Amendments to Approvals								
* * *								
Minor Site Plan Amendment				x				x
Major Signature Business Headquarters Plan Amendment			x	x	x	x		x

Minor Signature Business Headquarters Plan Amendment				x				
<u>Major Biohealth Priority Campus Plan</u>			<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>
<u>Minor Biohealth Priority Campus Plan</u>				<u>x</u>				

480 **KEY:** x = Required

481 * * *

482 **Sec. ~~[[7]]~~8. Effective date.** This ordinance becomes effective 20 days after
483 the date of Council adoption.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read "Sm Singleton", is written over a horizontal line.

Selena Mendy Singleton, Esq.
Clerk of the Council