

Ordinance No.:
Zoning Text Amendment No.: 22-02
Concerning: Density and Height
Limits, Parking –
Biohealth
Draft No. & Date: 1 – 3/4/2022
Introduced: March 15, 2022
Public Hearing:
Adopted:
Effective:

**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: Councilmembers Hucker, Katz, Navarro, Council President Albornoz,
Councilmember Glass

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow additional height for certain scientific uses;
- allow greater flexibility in density for certain scientific uses;
- amend the use standards for Biohealth Priority Campuses; and
- generally amend the provisions for certain scientific uses.

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

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”
Division 4.6.	“Employment Zones “
Section 4.6.2.	“Density and Height Allocation”
Division 6.2.	“Parking, Queuing, and Loading”
Section 6.2.4.	“Parking Requirements”

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:

1 **Sec. 1. Division 3.5 is amended as follows:**

2 **Division 3.5. Commercial Uses**

3 * * *

4 **Section 3.5.8. Office and Professional**

5 * * *

6 **E. Biohealth Priority Campus**

7 * * *

8 **3. Use Standards**

- 9 a. Residential FAR limits on the subject property may be
10 reallocated to commercial FAR if the total FAR does not
11 exceed the maximum total mapped FAR of the property and the
12 building height does not exceed the maximum mapped height,
13 including any increases in each allowed by this Chapter.
- 14 b. A mechanical penthouse, and the roof structures listed in
15 Section 4.1.7.C.3, may occupy a maximum of 50% of the roof
16 area of any individual building.
- 17 c. The subject property may utilize FAR averaging under Sections
18 4.5.2.B. and 4.6.2.B.
- 19 d. Facilities serving a Biohealth Priority Campus may be
20 consolidated and located on one or more properties inside the
21 area subject to the Biohealth Priority Campus plan. Such
22 facilities may include utilities, open space, and parking.

23 **4. Parking**

- 24 a. In a Parking Lot District, an applicant may provide fewer
25 parking spaces than required, after all adjustments are made
26 under Section 6.2.3.I, only if a parking waiver under Section
27 3.5.8.E.4.c is approved.

- 28 b. In a Parking Lot District, an applicant may provide more than
- 29 the maximum number of parking spaces allowed provided the
- 30 excess parking spaces are made available to the public and are
- 31 not reserved, or if a parking waiver under Section 3.5.8.E.4.c is
- 32 approved.
- 33 c. The deciding body may waive any requirement of Section 6.2.5
- 34 if the alternative design satisfies Section 6.2.1.

35 * * *

36 **Sec. 2. DIVISION 59-4 is amended as follows:**

37 **Division 4.5. Commercial/Residential Zones**

38 * * *

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

40 **A. Density and Height Limits**

- 41 1. Density is calculated as an allowed floor area ratio (FAR).
- 42 2. Each CRN, CRT, and CR zone classification is followed by a number
- 43 and a sequence of 3 additional symbols: C, R, and H, each followed
- 44 by another number where:
 - 45 a. The number following the classification is the maximum total
 - 46 FAR allowed unless additional FAR is allowed under
 - 47 Section 4.5.2.C or Section 4.5.2.D;
 - 48 b. The number following the C is the maximum nonresidential
 - 49 FAR allowed, unless additional FAR is allowed under Section
 - 50 3.5.8.D;
 - 51 c. The number following the R is the maximum residential FAR
 - 52 allowed, unless additional residential FAR is allowed under
 - 53 Section 3.5.8.D, Section 4.5.2.C, or Section 4.5.2.D; and

- 54 d. The number following the H is the maximum building height in
 55 feet allowed unless additional height is allowed under Section
 56 3.5.8.D, Section 4.5.2.C, Section 4.5.2.D, or Section
 57 4.5.2.A.2.e.
- 58 e. With Planning Board approval any Optional Method project in
 59 a CR zone that includes the provision of a major public facility
 60 under Section 4.7.3.A may add the height of any floor mostly
 61 used for above grade parking to the maximum height otherwise
 62 allowed, when the major public facility diminishes the ability of
 63 the applicant to provide parking at or below grade.
- 64 3. The following limits apply unless additional total FAR, residential
 65 FAR, or height are allowed under Section 4.5.2.C, Section 4.5.2.D, or
 66 Section 4.5.2.A.2.e:
 67

Zone	Total FAR (max)	C FAR (max)	R FAR (max)	Height (max)
CRN	0.25 to 1.5	0.00 to 1.5	0.00 to 1.5	25' to 65'
CRT	0.25 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

- 68 4. Zones are established at density increments of 0.25 FAR and height
 69 increments of 5 feet up to the maximums in Section 4.5.2.A.3.
- 70 5. For a Life Sciences or Research and Development Use under Section
 71 3.5.8 or a Medical/Scientific Manufacturing and Production Use under
 72 Section 3.6.4.D in the CR zone that is within a red policy area or
 73 opportunity zone, including contiguous properties separated from the
 74 red policy area or opportunity zone only by a public right-of-way; or
 75 within ½ mile of a planned or existing Bus Rapid Transit route
 76 including the Corridor Cities Transitway:

- 77 a. with Planning Board approval, a property with a maximum
78 building height of 100 feet or less may exceed the maximum
79 building height allowed in the mapped zone by 2.0 times, and a
80 property with a maximum building height of 100 to 200 feet
81 may exceed the maximum building height allowed in the
82 mapped zone by 1.5 times; and
- 83 b. nonresidential FAR may be increased above the number
84 following the C on the zoning map if the total FAR does not
85 exceed the maximum total mapped FAR of the property,
86 including any increases allowed under this Chapter, and the
87 building height does not exceed the height allowed under
88 Section 4.5.2.A.5.a.
- 89 c. Where the provisions of any Overlay zone are contrary or more
90 restrictive, Section 4.5.2.A.5. applies.

91 * * *

92 **Sec. 3. DIVISION 59-4.6 is amended as follows:**

93 **Division 4.6. Employment Zones**

94 * * *

95 **Section 4.6.2. Density and Height Allocation**

96 **A. Density and Height Limits**

- 97 1. Density is calculated as an allowed floor area ratio (FAR).
98 2. Each GR, NR, LSC, and EOF zone classification is followed by a
99 number and symbol: H, which is followed by another number where:
100 a. The number following the classification is the maximum total
101 FAR allowed unless additional FAR is allowed under Section
102 4.6.2.C and Section 4.6.2.D; and

- 103 b. The number following the H is the maximum building height in
 104 feet allowed unless additional height is allowed under Section
 105 4.6.2.D or Section 4.6.2.A.5.
- 106 3. The following limits apply unless additional total FAR, residential
 107 FAR, or height are allowed under Section 4.6.2.A.5, Section 4.6.2.C,
 108 and Section 4.6.2.D.

Zone	Total FAR (max)	Height (max)
GR	0.5 to 2.5	25' to 120'
NR	0.25 to 1.5	25' to 50'
LSC	0.5 to 2.5	35' to 200'
EOF	0.5 to 4.0	35' to 200'

- 110 4. Zones are established at density increments of 0.25 FAR and height
 111 increments of 5 feet up to the maximums in Section 4.6.2.A.3.
- 112 5. For a Life Sciences or Research and Development Use under Section
 113 3.5.8 or a Medical/Scientific Manufacturing and Production Use under
 114 Section 3.6.4.D in the LSC or EOF zone that is within a red policy
 115 area or opportunity zone, including contiguous properties separated
 116 from the red policy area or opportunity zone only by a public right-of-
 117 way; or within ½ mile of a planned or existing Bus Rapid Transit
 118 route including the Corridor Cities Transitway:
- 119 a. with Planning Board approval, a property with a maximum
 120 building height of 100 feet or less may exceed the maximum
 121 building height allowed in the mapped zone by 2.0 times, and a
 122 property with a maximum building height of 100 to 200 feet
 123 may exceed the maximum building height allowed in the
 124 mapped zone by 1.5 times; and

125 b. nonresidential FAR may be increased above the number
126 following the C on the zoning map if the total FAR does not
127 exceed the maximum total mapped FAR of the property,
128 including any increases allowed under this Chapter, and the
129 building height does not exceed the height allowed under
130 Section 4.6.2.A.5.a.

131 c. Where the provisions of any Overlay zone are contrary or more
132 restrictive, Section 4.6.2.A.5. applies.

133 * * *

134 **Sec. 4. DIVISION 59-6.2 is amended as follows:**

135 **Division 6.2. Parking, Queuing, and Loading**

136 * * *

137 **Section 6.2.4. Parking Requirements**

138 * * *

139 **B. Vehicle Parking Spaces**

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USE or USE GROUP	Metric	Agricultural, Rural Residential, Residential, and Industrial Zones	Commercial/Residential and Employment Zones		
			Within a Parking Lot District or Reduced Parking Area	Outside a Parking Lot District or Reduced Parking Area	
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum
* * *					
Office and Professional					
Office	1,000 SF of GFA	2.80	2.00	3.00	2.25
Life Sciences Research and Development	1,000 SF of GFA	1.50	1.00	3.00	1.50
<u>Biohealth Priority Campus</u>	<u>1,000 SF of GFA</u>	--	<u>1.00</u>	<u>3.00</u>	<u>1.50</u>

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142 **Sec. 5. Effective date.** This ordinance becomes effective 20 days after the
143 date of Council adoption.

This is a correct copy of Council action.

Selena M. Singleton, Esq.
Clerk of the Council