



May 22, 2009

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief, Vision Division *GK*
Sue Edwards, Team Leader, North Central Transit Corridor, Vision Division *Sue*

FROM: Nancy Sturgeon, Planner Coordinator, Vision Division (301-495-1308) *Nancy S*

SUBJECT: Public Hearing Draft Gaithersburg West Master Plan: Planning Board
Worksession #4 – LSC North District, LSC West, LSC Zone, and the
Environment

STAFF RECOMMENDATION: Review Environmental Analysis and Recommendations;
Life Sciences Center (LSC) Districts: LSC North and LSC
West (Public Safety Training Academy); LSC Zone

The following issues will be presented and discussed at the May 28 Worksession:

- Environmental Analysis and Recommendations
- LSC North (follow-up from May 14)
- LSC West (PSTA)
- LSC Zone

Attachment A is a memorandum from Environmental Planning that reviews the staff recommendations for modifications to the Master Plan text as well as the Environmental Resources Analysis that will be included in the Appendix. Staff is preparing the Carbon Footprint Analysis and will provide the Board with initial results on May 28.

I. SCHEDULE FOR FUTURE WORKSESSIONS

Worksession #5	June 11	Transportation Issues, Economic Analysis, Staging, and Implementation
Worksession #6	June 25	Wrap-up of Issues, if needed (Tentative)
Worksession #7	July 9	Draft Planning Board Draft for Review and Comment (Tentative)
Worksession #8	July 23	Final Planning Board Draft for Approval to Transmit (Tentative)

II. SUMMARY OF WORKSESSION #2: MAY 14, 2009

At the Worksession on May 14, staff presented and discussed with the Board the Urban Design Guidelines, the revised Life Sciences Center (LSC) Zone, and the LSC Districts. Specific properties were discussed by District, with a summary of LSC South and LSC Central provided below. Issues in LSC North that were discussed but not resolved on May 14 will be discussed on May 28, as outlined in Section IV below.

LSC South: Rickman Property 13 acres Existing Zone: R&D (0.3-0.5 FAR)
Proposed Zone: PD Option

Planning Board Decision: The Board supported the property owner's request to retain the R&D Zone and provide for a Planned Development option at a density of 22 dwelling units per acre. As a floating zone, the property owner will be required to initiate the rezoning by filing a Local Map Amendment for review and approval by the Planning Board and County Council. A Development Plan and Site Plan are required in the PD Zone.

LSC South: The Universities at Shady Grove (USG) request a CCT station on the campus.

Planning Board Decision: The Board agreed with staff that altering the proposed realignment of the CCT further south is not feasible. The Draft Master Plan addresses connectivity between the LSC South and areas to the north and language will be added to the Plan regarding enhanced use of the Traville Transit Center, including shuttle bus service (i.e., reinstating the campus connector) to the transit stations.

LSC Central: LSC Central District: 226 acres Existing Zones: LSC, R&D, O-M, R-200
Proposed Zone: LSC

Property owners in LSC Central support the Plan's recommendations for this District, including the realignment of the CCT, the revised LSC Zone, and the proposed density and height. Johns Hopkins University requested that the 143-foot height that is recommended near the CCT station be extended north one block to include the southeast corner of Broschart Road and Key West Avenue. Staff is not opposed to this request and the Planning Board did not indicate any concerns.

Planning Board Discussion: Board members discussed Adventist Hospital's need for increased density (1.5 FAR) and the hospital's representative explained the long-range plans for expansion and responded that this density will accommodate growth for the medical center for the foreseeable future (beyond 30 years).

III. SUMMARY OF WORKSESSION #3: MAY 18, 2009

The Planning Board heard from residents who are concerned about the scale and density of the draft Plan's recommendations for the Life Sciences Center. Residents proposed alternate plans that would essentially maintain commercial densities in the LSC at the levels in the 1990 *Shady Grove Study Area Master Plan*, with the exception of additional housing.

LSC Belward

JHU-Belward: 107 acres Existing Zone: R&D Proposed Zone: LSC

Determine the appropriate density and height on LSC Belward. The property owner requested additional density (1.25 FAR) and height above the draft Plan recommendation on Belward.

Planning Board Decision: The Planning Board decided to support the draft Plan recommendation for 1.0 FAR on Belward and allow height up to 143 feet at the proposed CCT station.

The Plan's recommendations for LSC Belward will include:

- Rezone the property to the LSC Zone and allow up to 1.0 FAR.
- Allow heights up to 143 feet near the proposed CCT station.
- Limit heights near the perimeter of the property to 50 feet.
- Preserve the historic farmstead with an environmental setting of 10-12 acres; limit height adjacent to the farm to 60 feet.
- Create a 300-foot buffer along Muddy Branch Road, a 200-foot buffer adjacent to Mission Hills, and a 60-foot buffer along Darnestown Road.
- Provide two rectangular fields for active recreation, with programming and permitting by the Parks Department.

IV. ISSUES TO BE COVERED AT WORKSESSION #4: MAY 28, 2009

Issue #1: LSC North

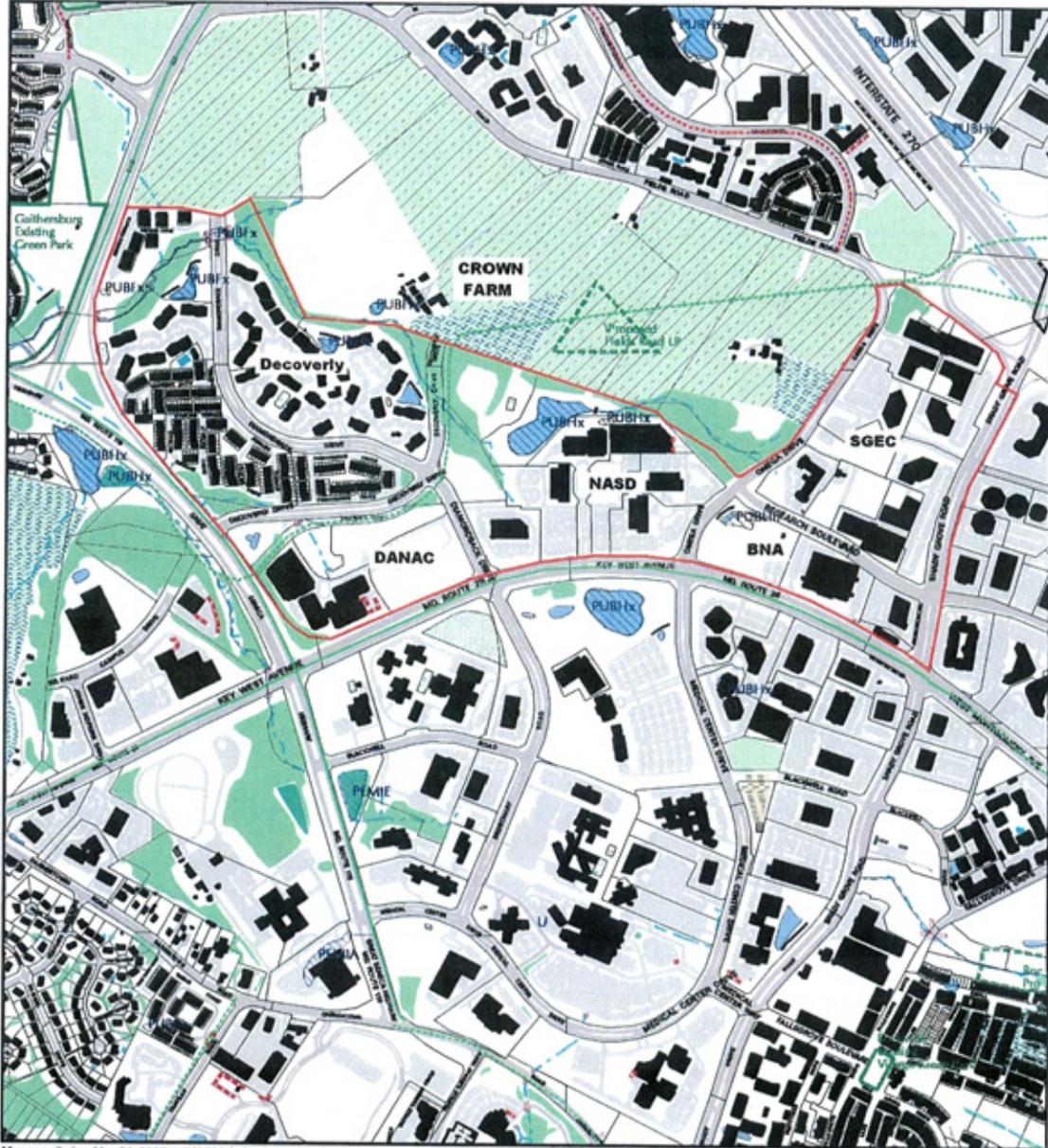
Shady Grove Executive Center: 6.9 acres Existing Zone: C-2

Bureau of National Affairs (BNA): 10.5 acres Existing Zone: O-M

Proposed Zone Option: Planned Development

Shady Grove Executive Center (SGEC) and the Bureau of National Affairs (BNA) are adjacent sites in LSC North. (See map on page 4.) The two property owners agree with the staff recommendation (presented in the May 8 staff report) to maintain the underlying zoning (C-2 and O-M) and allow for possible residential development through the Planned Development (PD) Zone option. Staff recommends a PD density of 28-44 dwelling units per acre. The property owners would like a PD-60 recommendation.

LSC NORTH



Map compiled on May 04, 2009 at 2:11 PM | Site located on base sheet no - 220N/W50

NOTICE

The planimetric, property and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:4400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map other than for general planning purposes, is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 2327 George Avenue - Silver Spring, Maryland 20910-3700

Key Map



At the Planning Board worksession on May 14, the Board supported the PD option for these sites and requested that the property owners prepare concepts for potential development that show the higher density that they are seeking and provide further rationale in support of this density. At the May 28 worksession, the property owners will present additional information and justification in support of their request for PD-60. Should the Planning Board decide to support the PD option, staff recommends that language be added to the Plan to encourage pedestrian-oriented local retail facilities that are compatible with and provide convenience for the residents. An application for PD zoning should provide for community-serving amenities such as constructing part of the proposed LSC Loop trail to enhance connectivity.

Issue #2: LSC North

DANAC: 23 acres Existing Zone: I-3 (0.5 FAR)
Proposed Zone: New Mixed-Use (CR) Zone

DANAC is located in LSC North, as shown on the map on page 7. The property owner is seeking to retain the CCT station on DANAC and has requested a mixed-use zone and a 1.2 FAR. Staff recommended that the density be retained at 0.5 FAR pending a decision from MTA about the CCT alignment. Staff noted that higher density on this site was not factored into the transportation modeling because the property owner's request was made after staff completed the traffic analysis. (It was also noted that the total LSC density that was modeled exceeds what the draft Plan proposes.) Staff also noted that the Decoverly residential community north of DANAC is likely to be unaware of the owner's requests to increase density on the site. DANAC has been encouraged to initiate meetings with the residential communities in Decoverly to discuss this issue.

Planning Board Discussion: There is agreement that the CCT station could be retained on the DANAC site on either the north or east side, pending the MTA's assessment of the existing and proposed CCT alignments. There appears to be Board support for rezoning the site from I-3 to a mixed-use zone, possibly the new CR Zone. The Board is interested in the effect on CCT ridership if the DANAC site is developed as mixed-use at a higher density.

The Transportation Appendix for the Master Plan includes information from a Transit Cooperative Research Program (TCRP) Report 128 – Effects of TOD on Housing, Parking and Travel. (The Transportation Appendix was provided to the Board as part of the Worksession packet on April 23 and some of the TCRP information is on pages 15-18.) This report includes a series of case studies and other recent research that provides a starting point for developing rough estimates of the potential ridership at a station located at or near transit-oriented development. An informal methodology used for estimating ridership at a specific station would not be used to assess the impact (i.e., loss of ridership due to the additional stop and distance) on the entire alignment. Staff will report on its findings at the May 28 worksession.

Issue #3: LSC West

LSC West/Public Safety Training Academy (PSTA): 76 acres

Existing Zones: R-90/TDR, LSC, O-M, C-3, RT-8

Proposed Zones: CR, RT-8, C-T

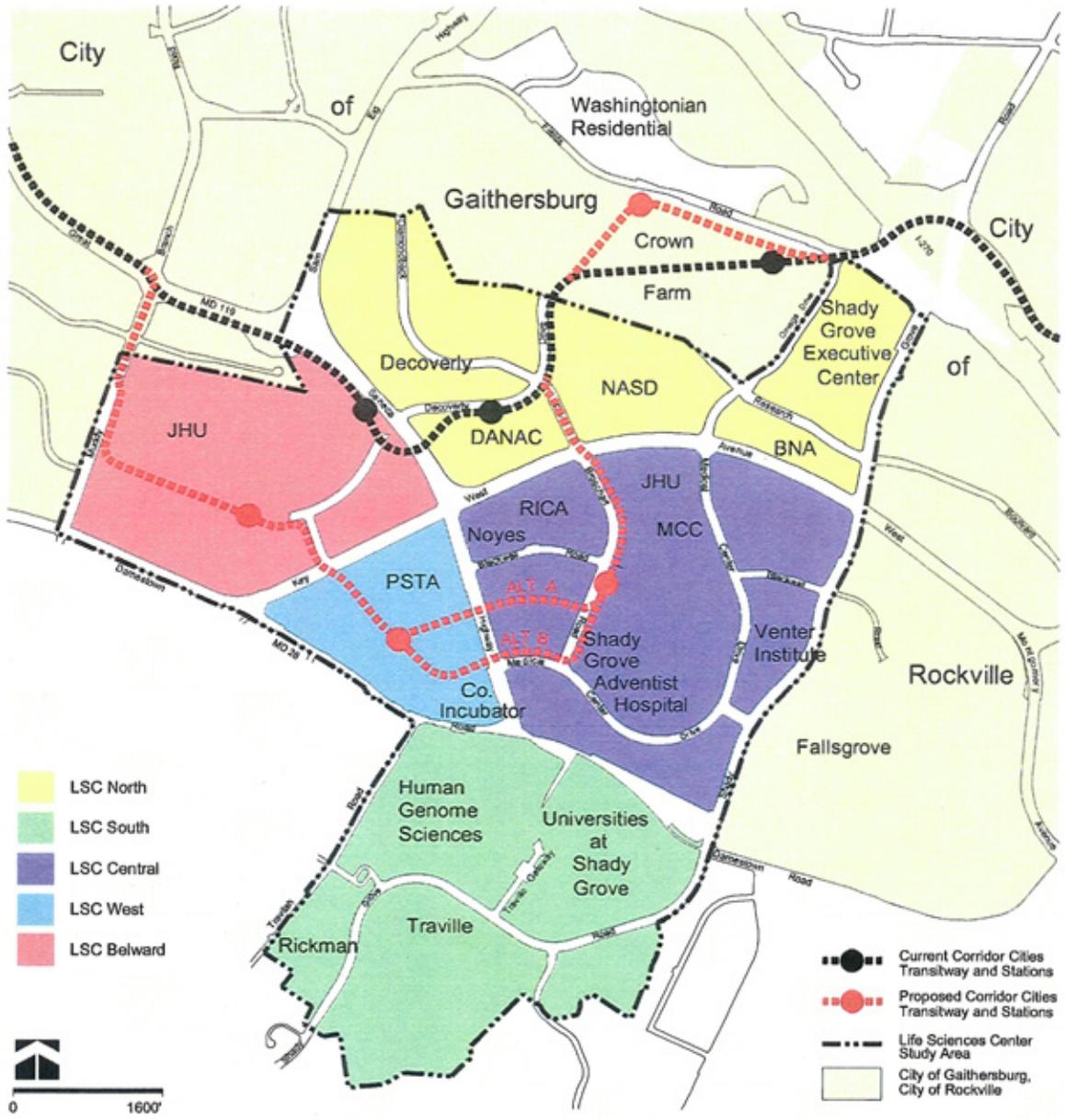
Staff recommends that the new mixed-use zone (CR) be applied to the majority of property in LSC West rather than the TMX-2 Zone recommended in the Public Hearing Draft.

Public Hearing Draft Recommendations

The Plan's recommendations for LSC West include:

- Relocate the PSTA and create a new residential community on this site.
- Provide a CCT station on LSC West.
- Place the greatest densities and building heights at the transit station.
- Allow up to 2,000 dwelling units with supporting retail.
- Allow up to 143-foot height near the transit station.
- Provide a site for a new fire station and a new public elementary school with a park.

LSC DISTRICTS AND CCT ALIGNMENTS



Public Hearing Testimony

The limited testimony related to the LSC West District (PSTA site) was generally supportive of relocating the PSTA and redeveloping the site as a new residential neighborhood. There was concern that residential development proposed in the Plan, including on the PSTA site, is not included in the staging element in the Plan. Staff will consider whether to add housing to the staging plan and will discuss this issue along with other proposed modifications to the staging text at a subsequent worksession.

The owner of the Academy Child Development Center (10109 Darnestown Road) requested that the property be rezoned from R-90/TDR to C-T (Commercial-Transition).

LSC West Zoning

The 76-acre LSC West District is bordered by Key West Avenue, Great Seneca Highway, and Darnestown Road. (See the map on page 8.) Commercial properties at the corner of Key West Avenue and Darnestown Road are currently zoned C-3 and O-M. A local map amendment was approved by the County Council on March 17, 2009 that rezoned 4.92 acres along Darnestown Road from R-90/TDR to RT-8 (residential, townhouse). The 52-acre PSTA site is currently zoned R-90/TDR and the adjacent 6-acre County Innovation Center (business incubator) is in the LSC Zone.

The Public Hearing Draft Plan recommended that two parcels, the PSTA and the Innovation Center, be rezoned to the TMX-2 Zone. Since the Plan was released, a new mixed-use zone – the Commercial/Residential (CR) District – has been developed by the Department. Staff recommends that the new mixed-use zone be applied to the PSTA, the Incubator site, the PEPCO substation, and the C-3 and O-M properties (total of 70 acres). The new CR Zone provides for “bundles” of amenities that address sustainability, connectivity, diversity, and design. A property owner can achieve the maximum allowable density on a site by focusing development near public transit and providing amenities consistent with the priorities in the Master Plan; the potential FAR incentivizes the provision of public amenities and the design envisioned in the Plan.

The Proposed Zoning map in the draft Plan should be changed to reflect the recent rezoning (of 4.92 acres along Darnestown Road) from R-90/TDR to RT-8. The remaining parcels with R-90/TDR zoning along Darnestown Road are two special exception uses, Academy Child Development Center and a dance studio. As mentioned above, the day care center has requested the C-T Zone. Staff supports this request and also recommends that the adjacent dance studio be rezoned from R-90/TDR to C-T. The map on page 9 reflects the staff recommendations for LSC West zoning, including the CR, C-T, and RT-8 zones.

Staff Recommendations

- Amend the draft Plan to recommend the CR Zone on the PSTA, Incubator, and PEPCO sites as well as the C-3 and O-M parcels.
- Modify the Proposed Zoning map to show the CR Zone, the C-T Zone, and the recently approved RT-8 Zone.

LSC WEST



Map compiled on May 04, 2009 at 2:18 PM | Site located on base sheet no - 220N/W10

NOTICE

The planimetric, property and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from MNCPPC.

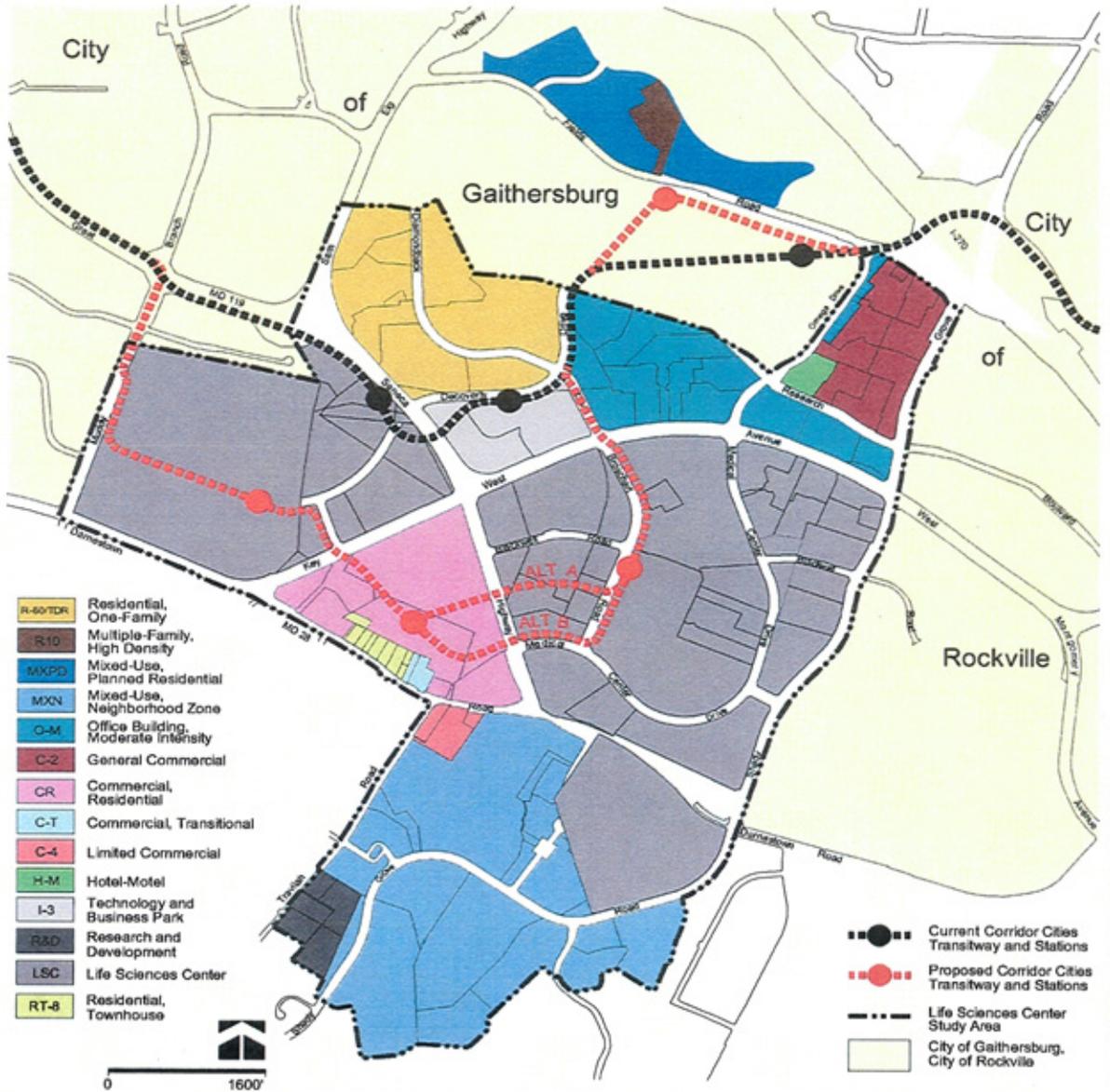
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map other than for general planning purposes, is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8707 Georgia Avenue - Silver Spring, Maryland 20910-2700



LSC: Proposed Zoning



X:\GIS\BUP\PHD\2009\GW\LSC\proposedzoning\5-18-09\fig (08-es zoning).es

Issue #4: The LSC Zone

At the May 14 worksession, staff presented the revised Life Sciences Center (LSC) Zone to the Planning Board and the discussion of this Zone will continue on May 28. The revised LSC Zone is a major zoning text amendment; it is not a new zone and it is not part of the ongoing Zoning Ordinance re-write. The revised LSC Zone and a memorandum from zoning staff summarizing the Zone and the proposed modifications is attached. (Attachment B).

The revised LSC Zone will:

- 1) Implement the vision in the Gaithersburg West Master Plan to expand the medical center, research facilities, and academic institutions and provide an array of services and amenities for residents, workers, and visitors.
- 2) Maintain the integrity of the Life Sciences Center for its primary purposes.
- 3) Introduce additional uses that are supportive and complementary to the principal uses.
- 4) Facilitate the potential use of the Zone in other areas where recommended in the Master Plan.

Staff has worked with property owners on the proposed revisions to the LSC Zone, which are intended to:

- Promote the growth and advancement of life sciences and applied technology.
- Distinguish this use from generic commercial uses.
- Increase uses, strategically and cautiously, to allow more of mix of uses to create a vibrant, multi-dimensional, transit-served center.
- Update the development standards.
- Increase the height and density; the revised zone establishes the maximum density and height, which may be—and in the case of this Plan is—reduced by the Master Plan.

The LSC is unique – it is the County’s largest concentration and premier location for biotechnology. The LSC Zone (applied to the area 1996) helped to create this center by preserving and protecting land for specialized purposes. The moniker itself – LSC Zone – is not only an effective marketing tool but a type of “branding” that the existing property owners particularly like. A generalized mixed-use zone would dilute the integrity of the LSC.

With the revised zone, staff has attempted to strike a balance between preserving the primary purpose of the zone (and the properties it is applied to) for life sciences while introducing some additional uses to help transform the LSC from a single-use research park into a more vibrant center. The primary purpose of the zone will continue to be life sciences and health care. Under the revised LSC Zone, applicants must provide green area, public use space, MPDUs, workforce housing, and purchase BLTs. These are requirements rather than incentives (to earn increments of density) as is the case in the proposed CR Zone.

Dwellings and dormitories (if substantially consistent with the Master Plan) are added to the LSC Zone to provide housing near the LSC jobs. To allow housing, but prevent it from becoming the predominant use, the Master Plan limits housing in LSC Central to 30 percent of the permitted floor area ratio (FAR). The revised LSC Zone would permit residential FAR to be exceeded to accommodate MPDUs and workforce housing on site.

The LSC Zone is currently applied to 226 acres in the greater LSC area, covering most of the Central District as well as the Universities at Shady Grove (USG). The R&D Zone is currently applied to about 167 acres, including the built and unbuilt portions of the Belward site, the Rickman property on Travilah Road (LSC South), and 16 acres in LSC Central. Since the LSC and R&D zones are very similar, staff recommends that the LSC Zone be revised and applied to more properties in the area. The Plan recommends that all of the LSC Central area, the USG site, and the Belward properties (built and unbuilt portions) be zoned LSC, a total of 410 acres. (See the map on page 9.)

NS:ha: M:\Gaithersburg\5-28-09 Worksession #4\Staff Report Worksession #4.doc

Attachments:

- A. Environmental Planning Memorandum
- B. Zoning Memorandum

ATTACHMENT A



MONTGOMERY COUNTY PLANNING DEPARTMENT THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

May 21, 2009

MEMORANDUM

TO: Nancy Sturgeon, Planner/Coordinator
Vision Division

VIA: Mark Pfefferle, Acting Chief *MP*
Mary Dolan, Environmental Supervisor *MD*
Green Division

FROM: Steve Findley, Planner Coordinator *SF*
Green Division

SUBJECT: Gaithersburg West Master Plan
Worksession # 4
Environmental Analysis and Sustainability Recommendations

STAFF RECOMMENDATION: Accept proposed environmental recommendations, including changes to the recommendations on sustainability.

Recommended New Language for Gaithersburg West Master Plan

The following language change is recommended to enhance the "Sustainability" section of the Gaithersburg West Master Plan (p.18):

Plan Recommendation:

~~"New development will incorporate environmentally sensitive design to conserve and generate energy and manage stormwater. Building and street design will respond to sun, shade, and topography, and make maximum use of renewable resources with minimal disruption of the natural environment."~~

Specific recommendations:

- ~~• Conservation and mitigation, such as green roofs~~***
- ~~• Energy generation, such as wind turbines and solar panels~~***
- ~~• Recycling and reuse through building design, construction, demolition, and operation~~***

- **Sustainability**

New development will follow the principles of Smart Growth, featuring building, site and street designs that respect natural systems, respond to sun, shade and topography, and make maximum use of renewable resources with minimal disruption of the natural environment.

Development design will be compact and feature a diversity of land uses, making more efficient use of land, energy and building materials, and enabling people to live, work and shop in one area. Provision of the CCT, trails and attractively designed sidewalks will connect the planning area internally and externally, further enabling and encouraging people to walk instead of driving cars. Trail systems within developed areas will connect with trails in the surrounding Green Infrastructure system.

We recommend inserting the following language on areawide concerns on page 39 of the Public Hearing Draft Plan. The *Urban Design Guidelines* accompanying this Plan provide additional guidance for implementation of the environmental recommendations. Terms shown in bold refer to sections in the guidelines.

- **Climate Protection**

Montgomery County law directs that planning efforts focus on reducing automobile use and carbon emissions. In addition to Smart Growth, this Plan recommends reinforcing and expanding the use of **Green Buildings**, to emphasize green site design, and energy conservation practices. Development should incorporate approaches and technology to maximize conservation of energy and increase use of renewable energy such as solar, wind and geothermal. Environmental Site Design and similar innovative **Stormwater Management** approaches should be used to improve water conservation, reducing the energy required for water treatment and distribution. Building re-use, deconstruction and recycling should be employed to further reduce energy associated with development. Reductions in **Imperviousness** will be necessary to reduce construction energy costs, but also reduce urban heat island effect and improve water conservation. Improving **Connectivity** through the provision of trails, transit and sidewalks will reduce automobile use. **Forestation** approaches are recommended, including preserving existing forest, providing urban tree canopy and landscaping to reduce atmospheric carbon concentrations.

- **Air quality protection**

The Washington Metropolitan region, including the Gaithersburg West study area, has been identified as a non-attainment area for ground-level ozone and fine particulate matter. The same recommendations this Plan makes for creating a sustainable community and improving climate protection, including **Forestation**, use of **Green Buildings**, reducing **Imperviousness**, and improving **Connectivity**, will also help address this issue, as well as providing overall air quality benefits.

- **Water quality protection**

Numerous County, State and Federal regulations establish goals for protection of water quality. To help achieve these goals, this Plan recommends **Stream Protection** approaches, including protection of existing streams and wetlands and their buffers in site design, use of innovative **Stormwater Management** approaches such as Environmental Site Design, reducing **Imperviousness**, and **Forestation** approaches including preservation of existing forest resources, restoring forest in stream buffers, and improved street tree and landscaping plantings in developing and redeveloping areas. Included are techniques that capture stormwater for re-use in non-potable water applications.

- **Human health**

All of the environmental recommendations in this Plan will facilitate maintenance of the physical and mental well-being of the residents, employers and their employees in Gaithersburg West. Besides the direct health benefits of protecting the climate, air quality and water quality, the Smart Growth design will encourage walking and bicycle riding, increasing physical fitness, which also is known to reduce stress and promote better mental health. In addition, a green environment is known to help reduce stress and promote healing.

Environmental Recommendations and Benefits¹

Benefit	Green Buildings	Forestation/ Tree Canopy	Reduce Imperviousness	Connectivity	Stream Protection	Stormwater Management
Sustainability	X	X	X	X	X	X
Climate Protection	X	X	X	X	I	X
Air Quality Protection	X	X	I	X	I	I
Water Quality Protection	X	X	X	I	X	X
Human Health	X	X	X	X	X	X

¹ X = Provides Direct Benefits, I = Provides Indirect Benefits

APPENDIX MATERIAL

The following background information is proposed to be added to the Appendix.

Sustainable Communities

The overarching goal of the environmental recommendations for Gaithersburg West is to “create a sustainable neighborhood that will attract nationwide interest for design and materials that minimize carbon emissions, maximize energy conservation, and preserve water and air quality.” Sustainability is defined as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.” The concept of sustainability integrates the broad categories of water quality, air quality, wildlife habitat and biological diversity, human health and quality of life, and climate protection. In many cases, recommendations intended to accomplish one environmental goal will also help accomplish other goals. This should only serve to underscore the importance of implementing recommendations that address multiple sustainability goals. Of particular importance are recommendations for energy conservation and renewable energy use. These recommendations are in response to recent County legislation requiring that the County reduce its carbon footprint substantially over the next 40 years. Our recommendations include an endorsement of the Smart Growth recommendations for development in Gaithersburg West in the sector plan. The Smart Growth principles of creating compact, walkable communities with a mixture of land uses, served by public transit, provide the planning framework necessary to enable the long-term behavior changes required to reduce carbon emissions.

Sustainable communities fit comfortably within their natural settings and have a compact development pattern that allows residents, workers, and visitors to accomplish daily activities via short commutes offering alternatives to a private car. While new development itself means adding to the carbon footprint, it can be achieved more sustainably than in the past. New development and redevelopment should use operational, technical, and physical means from design through construction and operation to improve the sustainability of both buildings and the communities.

Designing and constructing sustainable communities begins with an awareness of existing resources.

Through careful and sensitive environmental site design, existing natural resources can be identified and incorporated into the planning phase of development. In this way, a development can preserve as many of the existing resources as possible, take advantage of the inherent benefits of the resources, protect the resources through clustering, sensitive road design and application of appropriate buffers, and enhance the resources where appropriate through forest planting and creative landscaping.

Water Quality

Discussion: Water Quality in Gaithersburg West

The Gaithersburg West study area includes parts of three watersheds: Watts Branch, Muddy Branch, and Seneca Creek. A small area of the Oakmont area drains to Rock Creek, but it is so small as to be inconsequential for purposes of this plan. Because water quality responds to the unique combination of land use conditions in each watershed, each watershed will be addressed separately.

All the Plan area's watersheds, except Rock Creek, empty into the Potomac River above the intake for the Potomac Water Treatment Plant that provides most of the County's drinking water.

Watts Branch

The southern portion of the Life Sciences Center area, largely south of Darnestown Road, drains to Watts Branch via the Piney Branch. Concern about development impacts to water quality in the Piney Branch led to the establishment of the Piney Branch Special Protection Area in 1995. The 1998 Countywide Stream Protection Strategy indicated *good* stream conditions in the Upper Piney Branch and *fair* stream conditions in the rest of the Piney Branch.

Since then, monitoring has documented declining stream conditions as development has proceeded in the Upper Piney Branch portion of the Special Protection Area. Over the past several years the Upper Piney Branch streams were rated *fair* to *poor*. The decrease in water quality is due in part to the immediate impacts of construction and land use change.

Development results in both short-term and long-term impacts to water quality. Vegetation removal and land disturbance through cut and fill activities to bring a parcel to "grade" results in delivery of sediment and altered runoff volumes to the streams. This affects hydrology, stream channel shape, water quality and biological communities during the construction process. Forest loss, land use changes, and increased impervious surfaces continue the change in the hydrologic regime of the watershed over the long-term. It is unclear as to what degree the biological community will recover once the development is complete and stormwater management is in place.

Muddy Branch

Most of the Gaithersburg West study area drains to the Muddy Branch, with the exception of the Quince Orchard/McGown enclave and the northern portion of the NIST/Londonderry enclave, which drain to Seneca Creek. Water quality in the upper Life Sciences Center drainage area varies between *good* and *fair*. Most of this area has been stable for a number of years, so construction impacts are limited. Master Plan proposals for this area anticipate significant new development in the Life Sciences Center. This development carries the potential for the short-term and long-term water quality impacts noted above.

The greatest damage will occur in headwater stream areas where groundwater hydrology will change through land disturbance and land use changes. Undisturbed land filters and store groundwater for release over time through springs and seeps at a stream headwaters. If this ground is disturbed through the cut and fill activities stream flow from groundwater will be

reduced and stormwater runoff into the headwater stream increases. Essentially the stream will have a less of a steady flow between storms and a flashier storm runoff rate. These long-term impacts should be reduced through the use of Environmental Site Design (ESD), including techniques that maximize groundwater recharge and minimize runoff. ESD applies multiple approaches designed to control runoff as close to the source of generation as possible, rather than collecting and concentrating runoff into large ponds or other stormwater management facilities.

Water quality in the Oakmont and Rosemont enclaves has been in the *poor* range for the past couple of monitoring cycles. Streams in both of these areas have been substantially altered, including sections that have been channelized and/or piped. Some of these streams receive runoff from highly impervious commercial areas. Any new development or redevelopment in these areas should employ ESD to the maximum extent possible. The upper Muddy Branch mainstem here has been identified as a priority for stream restoration in the Great Seneca and Muddy Branch Watershed Study and any improvements resulting from redevelopment will aid the stream restoration process.

Great Seneca Creek

The northern portion of the NIST/Londonderry enclave has also demonstrated *poor* water quality in recent monitoring. The stream channel has been significantly altered with portions of the stream piped. Multi-family developments and light industrial and commercial areas drain to the stream. There is potential for some limited new development in the Londonderry area.

The Quince Orchard/McGown enclave benefits from having large areas of stable residential neighborhoods as well as substantial portions of the enclave within the boundaries of Seneca Creek State Park. Stream conditions were *good* in the 1998 CSPA and evaluated as between *fair* and *good* in more recent studies. The McGown property occupies about 70 mostly wooded acres near Seneca Creek State Park. The topography here includes some significant steep slope areas. Large scale development in this area will have the high potential for significant negative impacts to stream conditions unless the development is carefully designed to maintain the natural topography, infiltration and runoff rate of the existing landscape. Extreme care, as well as ESD techniques must be employed to minimize any negative water quality impacts, but negative impacts will occur. The degree of recovery of the stream will depend on the extent to which ESD design is successfully applied to the area. Tributary streams draining the northern and southern portions of the McGown property have been identified as priorities for stream restoration in the Great Seneca and Muddy Branch Watershed Study.

Two land use factors have been identified as having a major influence on stream water quality: imperviousness and forest cover.

Imperviousness

Increasing levels of imperviousness have been linked to declines in water quality. Studies indicate that stream water quality indicators will begin to decline when watershed imperviousness exceeds about 10 percent. Watershed imperviousness levels above 25 percent

are associated with severe levels of stream water quality degradation. Existing levels of imperviousness were analyzed within the boundaries of the Life Sciences Center and Enclaves of the Gaithersburg West Planning Area (Table 1). In most of these areas, growth projected in the master plan is not expected to change impervious levels significantly. The exceptions are in the Life Sciences Center and on the McGown property.

Forest Cover

Though not as strongly correlated with water quality as percent impervious cover, the amount of a watershed maintained in forest has also been shown to have an effect on stream water quality. In a study in Montgomery County, Maryland, found the following associations between stream water quality (based on biological monitoring) and average forest cover:

<u>Water Quality</u>	<u>Average Forest Cover (%)</u>
Excellent	51%
Good	45%
Fair	37%
Poor	30%

Source: Goetz *et al.*, 2003

Most of the increase in imperviousness in the Life Sciences Center will occur in the areas of the Belward Campus of Johns Hopkins University (the Banks farm site) and on the property currently occupied by the Public Safety Training Academy. These two properties drain to two subwatersheds of the Muddy Branch. The McGown property drains to a subwatershed of the Great Seneca mainstem. The most critical consideration in these subwatersheds is the extent to which land use changes will increase the total imperviousness within the subwatersheds. Table 1 shows existing forest cover and imperviousness, and projected changes in imperviousness for these subwatersheds. See Figure 1 for subwatershed locations and existing forest cover.

Table 1. Imperviousness and Forest Cover in Key Gaithersburg West Subwatersheds

CSPS Subwatershed Station #	Current Imperviousness	Projected Imperviousness	Existing Forest Cover	CSPS Water Quality Rating
MBMB207	32%	45%	9%	Fair
MBMB305	31.5%	34.5%	7%	Fair
GSMS415	17.5%	25%	39%	Good

New development is also anticipated for the Hoyle’s Addition area of the Londonderry/NIST enclave. The area of new development is so small, however, that no discernable change in total watershed imperviousness is projected.

The above results highlight the need to incorporate all available Environmental Site Design approaches for new and redevelopment in the Life Sciences Center and McGown areas of Gaithersburg West to prevent further degradation of water quality.

Environmental Site Design (ESD) is an approach to new development and redevelopment that incorporates a variety of practices that can be used where applicable to minimize adverse environmental impacts from development, and increase overall sustainability. The purpose of ESD is to reduce the stormwater runoff generated by development, slow the delivery of runoff to stream systems, and reduce pollution and thermal impacts to receiving waterways. The basic principle behind ESD is to control stormwater runoff as close to its point of generation as possible rather than collecting, transporting, and concentrating it in large stormwater management (SWM) facilities. Use of ESD practices can ultimately reduce SWM costs by reducing the infrastructure necessary for collecting and transporting stormwater.

Environmental Site Design (ESD):

- incorporates SWM at the earliest stages of site design
- limits land disturbance and grading
- maximizes conservation of natural features
- minimizes impervious surfaces
- utilizes innovative and effective stormwater control and treatment and non-structural Best Management Practices (BMPs) that minimize stormwater runoff, and maximize runoff treatment and infiltration

ESD BMPs include:

- bioretention facilities or rain gardens
- grass swales and channels
- vegetated rooftops
- rain barrels and cisterns
- vegetated filter strips
- permeable pavements
- pollution prevention

The Maryland Stormwater Management Act of 2007 requires local jurisdictions to implement ESD to the Maximum Extent Practicable (MEP) and to amend their codes, regulations, and ordinances to remove impediments to implementing ESD.

Climate Protection

Concern over Global Climate Change, including adoption in April 2008 of several Montgomery County laws requiring Montgomery County to stop increasing greenhouse gas emissions by the year 2010, and to reduce emissions by at least 10% each decade thereafter, reaching the ultimate goal of reducing emissions to 20% of 2005 levels by the year 2050. Accomplishing this will require new development and redevelopment to incorporate both energy reduction measures and on-site renewable energy production into building and site designs. Among the measures that may be required:

- Use green roofs and/or low-reflectance roof surfaces
- Employ urban storm water practices that feature use of stormwater for non-potable water uses
- Plant native species requiring little maintenance
- Consider planting wild grasses vs. grass requiring constant cutting
- Orient buildings to maximize passive solar energy and for photovoltaic cell orientation
- Use solar collectors to power county infrastructure like signage
- Reduce heat island effect through forest preservation and street tree planting.
- Use geothermal heating and cooling systems

Reducing imperviousness, improving stormwater management, and other Environmental Site Design and green building techniques will reduce the negative impact on global climate change as well.

Carbon Footprint Modeling

The Montgomery County Climate Protection Act requires Montgomery County to stop increasing greenhouse gas emissions by the year 2010, and to reduce emissions to 20% of 2005 levels by the year 2050. Montgomery County law (Bill No. 34-07) requires the Planning Board to model the carbon footprint of planning areas being master planned and describe ways to reduce carbon emissions. The results of the carbon modeling and the steps taken to reduce carbon emissions will be presented at a later worksession.

Approaches for reducing automobile traffic and reducing carbon emissions include Smart Growth design green building techniques and the application of LEED or equivalent rating systems for new and redevelopment. Leadership in Energy and Environmental Design (LEED) Certification for new construction, as well as similar rating systems is required by Montgomery County Code. It includes some of the elements of ESD, but focus mostly on techniques for building materials, design and construction to reduce carbon emissions, improve energy efficiency, and improve air and water quality. Together these approaches contribute to the overall goal of developing sustainable communities. LEED Certification awards points for the use of specific approaches in each of six areas, two of which have some overlap with stormwater management or ESD:

- sustainable sites (includes points for stormwater quality and quantity control)
- water efficiency (include points for water efficient landscapes)
- energy and atmosphere
- materials and resources
- indoor environmental quality
- innovation and design process

Air Quality

The Environmental Protection Agency (EPA) has identified the Washington Metropolitan region, including all of Montgomery County, as failing to meet minimum air quality standards. The land use and transportation recommendations in this Plan are intended to encourage transit use and discourage automobile use resulting in improved air quality.

Green Infrastructure and Open Space System

Green infrastructure is a network of waterways, wetlands, woodlands, wildlife habitats, and other natural areas that supports native species and contributes to clean air and water. The Green Infrastructure network is formally identified and mapped at a countywide scale according to criteria established in Montgomery County's Green Infrastructure Functional Master Plan. As an interconnected system, green infrastructure enhances environmental viability, value, and function.

Portions of the Green Infrastructure network as identified in the draft Green Infrastructure Functional Master Plan are incorporated into the proposed Open Space system for Gaithersburg West. The proposed Open Space system goes beyond the mapped Green Infrastructure network, seeking to extend the functions and connections of the Green Infrastructure network into and through the planning area. The Open Space system also seeks to connect the planning area to the greater Green Infrastructure network beyond the boundaries of the planning area.

The design of the Open Space system in Gaithersburg West attempts to incorporate as many functions as possible to achieve multiple objectives:

- intercepting, filtering, and infiltrating stormwater
- producing oxygen, filtering air and sequestering carbon
- reducing energy consumption by reducing urban heat-island effect
- providing wildlife habitat
- providing transportation connections for bicyclists and pedestrians
- providing aesthetic, recreation, and health benefits to the community

LANGUAGE TO BE RETAINED

The following recommendations are recommended to be retained in the Gaithersburg West Master Plan:

Specific Area Recommendations: The Life Science Center

- *Overall - "Create the LSC Loop as the organizing element of the open space plan to connect districts and destinations, incorporate natural features, and provide opportunities for recreation and non-motorized transportation." (pg. 1)*

The LSC Loop (pg. 19):

- *Will integrate the built and natural environments and passive and active spaces.*
- *Will integrate regulated green spaces such as wetlands, streams, and forest conservation easements to provide passive recreational experiences.*
- *Will connect public spaces at each CCT station, stream valley parks, and transitional green areas.*

- *PSTA (pg. 27) –*
 - *Preserve the forest at the corner of Key West Avenue and Great Seneca Highway*
 - *Integrate the following public open spaces:*
 - *LSC Loop*
 - *Stream buffers*
 - *Forest preserve along Great Seneca Highway and Key West Avenue*
 - *Civic green at the CCT Station*
 - *Urban promenade to connect between buildings and public spaces*
 - *Natural Resource Inventories here should survey for rare, threatened and endangered species that may be associated with serpentinite bedrock (pg. 25).*

- *LSC Belward (pg. 29-30) –*
 - *Create a 300-foot buffer along Muddy Branch Road and a 60-foot buffer along Darnestown Road*
 - *Provide a forested buffer along the property's northern boundary to create a transition to the existing single-family houses in Mission Hills*
 - *Preserve the 100-foot stream buffers along the tributaries of Muddy Branch*

- *LSC South (pg.32) - "LSC South is in the Watts Branch watershed and is part of the Piney Branch subwatershed, which is a Special Protection Area due to its fragile ecosystem, unusually good water quality, and susceptibility to development pressures. SPAs require approval of a water quality plan demonstrating a high level of stormwater control and treatment. Accordingly, this Plan recommends minimal additional development."*
 - *Protect the Piney Branch subwatershed and support the SPA by limiting development in LSC South to existing and approved projects, with the exception of the undeveloped Rickman parcels on Travilah Road (pg. 35).*

Specific Area Recommendations: The Enclaves

Quince Orchard (pg. 45)

- ***Promote planting street trees and neighborhood trees***

McGown Property (pg. 45)

The property contains mature forest, some of high quality. Tributary streams flow to Seneca Creek across the property and are priorities for restoration or retrofit. The 10-acre parcel features steep slopes, a mature oak-hickory forest with birds common to an interior woodland, as well as mature mountain laurel in the understory, with minimal presence of invasive species. The Plan recommends that this high quality forest on the 10-acre parcel be preserved.

- *Preserve the property's natural resources, particularly the high quality, mature forest on the 10-acre parcel.*

NIST (pg. 51)

- *Preserve mature trees and forest.*
- *Target stream buffer areas for forest planting and removal of invasive plants.*

Londonderry and Hoyle's Addition (pg. 51)

Any future development should provide appropriate transitions to the surrounding residential areas and protect the natural features.

- *Target stream buffer areas for forest planting and removal of invasive plants.*
- *Use low-impact development techniques to minimize runoff to streams.*

Rosemont, Oakmont, and Walnut Hill (pg. 54)

- *Improve stormwater management, reduce impervious surface, increase street tree planting, and incorporate other Environmental Site Design and green building techniques if the Walnut Hill Shopping Center redevelops.*

Washingtonian Light Industrial Park (pg. 54)

- *Reduce imperviousness, improve stormwater management, and implement other green building techniques if there is redevelopment in this area.*

References

Goetz, S.J., R.K. Wright, A.J. Smith, E. Zinecker, and E. Schaub. 2003. *IKONOS imagery for resource management: Tree cover, impervious surfaces, and riparian buffer analyses in the mid-Atlantic region.* Remote Sensing of Environment 88 (2003), p 195-208.



ATTACHMENT B

MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 10
05/28/09

DATE: May 21, 2009
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review
Ralph Wilson, Zoning Supervisor
FROM: Greg Russ, Zoning Coordinator
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the Zoning Ordinance language based on recommendations from the Draft Gaithersburg West Master Plan. Specifically, to make changes to 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

TEXT AMENDMENT:
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE:
PLANNING BOARD REVIEW: May 14, 2009; May 28, 2009
PUBLIC HEARING:

STAFF RECOMMENDATION: Transmit to County Council for introduction of revisions to the Life Sciences Center Zone implementing recommendations of the Draft Gaithersburg West Master Plan.

On May 14, 2009, the Planning Board held a worksession on the proposed changes to the LSC Zone concurrently with its discussions on the Public Hearing Draft Gaithersburg West Master Plan. On May 28, 2009, the Board will continue its review of the LSC Zone. Staff has attached a summary of the proposed changes to the zone to assist in the review. Also attached, is a clean copy of the proposed text amendment to provide a better read of the changes.

General Comments from the May 14, 2009 Planning Board Worksession

The Board questioned whether the incentive-based approach to mixed residential and commercial use projects— as proposed with the Commercial/Residential

(CR) District (beginning with the White Flint Sector Plan) has advantages for the LSC Zone. The existing LSC Zone maintains the central focus of this unique zone whose locations will probably be limited in the County. Although the LSC Zone modifications will allow mixed use opportunities, the primary focus will still remain on growth opportunities in the areas of research, medical, and bioscience interests, while also allowing housing options and amenities to support the life science and health care uses.

The proposed Commercial/Residential (CR) District establishes more flexibility in the mix of uses allowed in the zone. As with the proposed CR District, however, the proposed LSC Zone changes require consistency with the master or sector plan. In addition to a site plan requirement, an applicant will be required to submit comprehensive design standards for Planning Board approval that address building types, facades, and architectural features. The site plan must also be substantially consistent with general design principles recommended by the applicable master or sector plan and design guidelines adopted by the Planning Board.

Staff believes that the concepts proposed in the LSC Zone will assist the Gaithersburg West Master Plan goal of transforming the Life Sciences Center into a live/work community while ensuring growth opportunities in the areas of research, medical, and bioscience interests. As with the proposed CR District, the master or sector plan will determine the appropriate mix of uses to balance housing, employment and the provision of daily retail needs and services.

Attachments

1. Summary of Proposed Modifications to the LSC Zone
2. Proposed Zoning Text Amendment (Clean Copy)

**SUMMARY OF PROPOSED MODIFICATIONS TO THE LIFE SCIENCES CENTER
(LSC) ZONE**

Sec. 59-A-2.1. Definitions (*lines 5-50*)

- New definitions corresponding to new broad uses categories proposed in Section 59-C-5.211 (Allowable Uses in the LSC)
- Modification of the definition of Research, development and related activities to include the term “life sciences” as one of the scientific fields of research.

59-C-5.21. Allowable uses. (*lines 55-58*)

- Permitted and special exception uses in the LSC Zone eliminated from the land use table and consolidated into about nineteen broad use categories and placed in a new section (59-C-5.211. Allowable uses in the LSC Zone.)

New Section-59-C-5.211. Allowable uses in the LSC Zone. (*lines 61-82*)

- The fifty or so permitted and special exception land uses now identified for the LSC zone have been consolidated into about nineteen broad use categories
- By-right uses are expanded to include: (a) residential (b) retail trades, (c) food services, (d) hotel and motels, and (e) conference centers

59-C-5.23. Retail sales and personal services. (*lines 84-87*)

- Editorial modifications clarifying that this section would now apply to all industrial zones except for the LSC Zone

Sec. 59-C-5.3. Development standards. (Table) (*lines 90-109*)

- Building height is increased from a maximum of 100 feet to a maximum of 143 feet
- The 25% green area requirement is removed from the development standards table and the table references Subsection 59-C-5.473(a) of the Special Regulations for the LSC. The green area requirements are discussed there.
- Floor area ratio (Maximum density of development—Sec. 59-C-5.321) is increased from a maximum of 0.50 to a maximum of 2.0.
- Any density above a floor area ratio of 0.30 requires approval of a traffic mitigation agreement in accordance with “Special trip reduction guidelines” (Section 59-C-5.474)
- The FAR for the gross tract area may be averaged over 2 or more lots created by the same subdivision and recorded in the land records. Also, if the property is under common ownership or control, 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 it is balanced by a lesser floor area ratio elsewhere on the property.
- 12.5% of any density above a floor area ratio of 0.50 must be supported through the purchase of a BLT easement

- Footnotes 3&4-- master or sector plan recommendation may reduce the maximum height or density of the zone

Sec. 59-C-5.47. Special Regulations LSC zone. *(lines 114-338)*

- Modified the purpose clause (**Subsection 59-C-5.471**) to highlight the primary purpose of life sciences, health care services and applied technologies through the synergies of mixed-use, transit-oriented development. Also to provide opportunity for the development of uses supportive of a Life Science Center while maintaining the primary goal. *(lines 115-121)*
- Under **Subsection 59-C-5.472**. (“Where applicable.”) a statement is added that requires development under the LSC zone to be consistent with the recommendations of the applicable master or sector plan. *(lines 123-128)*
- Changed name of **Subsection 59-C-5.473**. from “Development standards” to “Special Development standards”. Eliminated redundant and unnecessary standards already addressed in the development standards table. *(line 129)*
- The revised zone allows the 25 percent green area requirement to be reduced by the Planning Board to not less than 15 percent of the lot area. The Board may also allow public facilities to be provided in lieu of the green area requirement under certain circumstances. *(lines 131-139)*
- The revised zone requires that 15 percent of any development be provided as public use space but may be reduced if the Planning Board finds the reduction consistent with master plan objectives for the area. *(lines 140-142)*
- Elimination of the existing design, lighting, and landscape guidelines in favor of guidelines to be established specific to each master or sector plan.
- Any density above a floor area ratio of 0.30 requires approval of a traffic mitigation agreement in accordance with “Special trip reduction guidelines” (**Subsection 59-C-5.474**). These special trip generation guidelines now exist in the LSC zone. **One possible option is to tie the guidelines to existing projects approved prior to the effective date of the subject text amendment.** *(lines 144-201)*
- **New Subsection 59-C-5.475**, “Special regulations for use of a Building Lot Termination (BLT) Development Right.” to require that 12.5% of any density above a 0.50 FAR be supported through the purchase of a BLT easement. *(lines 203-219)*
- **New Subsection 59-C-5.476**, MPDUs and Workforce Housing, requiring 5% workforce housing for any development containing residential dwellings at a density of 20 or more DUs per acre or containing a minimum of 100 dwelling units. MPDU requirements are in accordance with Chapter 25A. *(lines 221-252)*
- **New Subsection 59-C-5.477**, “Parking.” Off-street parking must be provided in accordance with the requirements of Article 59-E. *(lines 255-256)*
- **Subsection 59-C-5.478.**, “Procedure for application and approval.” In addition to the current site plan requirement, site plans must be substantially consistent with the

recommendations of the applicable master or sector plan. An applicant also will be required to submit, for Planning Board approval, comprehensive design standards that address building types, facades, and architectural features. The site plan must also be substantially consistent with general design principles recommended by the applicable master or sector plan and design guidelines adopted by the Planning Board. *(lines 258-302)*

- **Subsection 59-C-5.479,** "Existing approved buildings, building permits, or uses." includes existing grandfathering provisions as well as proposed new provisions that grandfather existing buildings, structures or uses and development under a preliminary plan or site plan approved before the LSC zone was applied to the property. *(lines 303-338)*

CLEAN COPY FOR PB REVIEW PURPOSES

Zoning Text Amendment No:
Concerning: Life Sciences Center
Zone
Draft No. & Date: 4/30/09
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No:

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

By: Councilmember _____

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- making changes to 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.

By adding or 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.

Arts, entertainment, and recreation;
Communication facilities or structures
Food services;
Health care services;
Personal services;
Research, development and related activities;
Retail trade;
Transportation facilities or structures; and
Utilities.

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.

EXPLANATION:

Boldface indicates a heading or a defined term.

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the 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 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 **Arts, entertainment, and recreation:** Establishments that operate facilities or provide
6 services to meet varied cultural, entertainment, and recreational interests of their patrons.
7 Such establishments include art/cultural centers, health clubs, libraries, private clubs, and
8 theaters.

9 * * *

10 **Communications facilities or structures:** Facilities or structures that support or
11 facilitate communications by radio, television, or telephone. Such facilities or structures
12 include amateur radio facility, cable communications system, radio and television
13 broadcasting studio, radio and television stations, telephone office or communications
14 center, and rooftop mounted antennas and related equipment.

15 * * *

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

18 * * *

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

22 * * *

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

29 * * *

30 **Research, development and related activities:** Study, research, and experimentation in
31 one or more scientific fields such as life sciences or biomedical research,
32 communications, chemistry, computer science, electronics, medicine and physics.

33 Research and development also includes the development of prototypes and the
34 marketing of resultant products. Related activities include the manufacturing, mixing,
35 fermentation, treatment, assembly, packaging and servicing of products. Supporting
36 services such as administrative offices, educational facilities, libraries, and data services
37 are other examples of related activities.

38 * * *

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

43 * * *

44 **Transportation facilities or structures:** Facilities or structures that support or facilitate
45 transportation of people. Such facilities or structures include bus terminals, bus stops,

46 transit stations, transit stops, taxi stands, heliports, helistops and off-street parking of
 47 motor vehicles, in connection with any use permitted.

48 * * *

49 Utilities: Buildings and structures that provide services such as telephone, electric power,
 50 natural gas, water, and sewage removal.

51

52 **Sec. 2. DIVISION 59-C-5. is amended as follows:**

53 **Sec. 59-C-5.2. Land uses.**

54 * * *

55 **59-C-5.21. Allowable uses.**

56 * * *

57

	I-1	I-2	I-3	I-4	R&D	LSC* ₂
(a) Residential.						
Dwellings.	SE		SE	SE		
Dwellings, for caretakers or watchkeepers and their families or for bona fide agricultural operations.	P	P	P	P	P	
Hotel or motel. ¹	SE		SE			
(b) Manufacturing and industrial.						
I. Uses of a light industrial nature.						
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	

	I-1	I-2	I-3	I-4	R&D	LSC*
Food production, packaging, packing and canning of.	P	P		P		
Fuel storage yards.	P	P				
Ice manufacturing and storage.	P	P		P		
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]
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		
Manufacturing and assembly of medical, scientific or technical instruments, devices and equipment.	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]
Paper products manufacturing.	P	P		P		
Printing and publishing.	P		P	P	P	
Research, development and related activities.	P		P	P	P	[P]
Sawmills.	P	P				
Sign making shop.	P	P		P		

	I-1	I-2	I-3	I-4	R&D	LSC* ₂
Stoneworks.	P	P				
Tinsmith and roofing services.	P	P		P		
Wood products manufacturing.	P	P		P		
II. Uses of a heavy industrial nature.						
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. ⁶		SE ²⁷				
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 ⁷	P		p ⁷		
Recycling facility.	p ³⁰	P		p ³⁰		
Rock crusher, washing and screening plants.		P				
Sanitary landfills. ⁶		SE ²⁷				
Starch, glucose and dextrin.		P				
Steam power plants.		P				
Stove polish.		P				
Sugar refineries.		P				
(c) Transportation, communication and utilities.						
Amateur radio facility.	p ³⁵ / SE	[p ³⁵ / SE]				

	I-1	I-2	I-3	I-4	R&D	LSC*
Cable communications system. ⁵	SE	SE	SE	SE	SE	[SE]
Electric power transmission and distribution lines, overhead, carrying more than 69,000 volts.	P	P	SE	SE	SE	[P]
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]
Heliports.	SE	SE	SE	SE	SE	[SE]
Helistops.	SE	SE	SE	SE	SE	[SE]
Parking of motor vehicle, off-street, in connection with any use permitted.	p ²	p ³	P	P	P	[P]
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]
Pipelines, underground.	P	P	P	P	P	[P]
Public utility buildings and structures.	SE	SE	SE	SE	SE	[SE]
Radio and television broadcasting stations and towers.	p ³³ / SE	P	p ³³ / SE	p ³³ / SE	p ³³ / SE	[p ³³ / SE]
Railroad tracks.	P	P	P	P	P	[P]
Railroad yards or roundhouses.		P				
Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. ²⁶	P	P	P	P	P	[P]
Solid waste transfer station, private. ⁶		SE ²⁷				
Telecommunications facility. ⁴	P	P	P	P	P	[P]
Telephone and telegraph lines.	P	P	P	P	P	[P]
Telephone offices, communication and telecommunication centers.	P		P	P	P	[P]
Trucking terminals.	P			P		
(d) Commercial.						
Adult entertainment business. ²²	P	P				
Aircraft parts, sales and services, including the sale of fuel for aircraft only.	P			P		
Animal research service facilities.						[P]

	I-1	I-2	I-3	I-4	R&D	LSC*
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 ⁸			p ⁸		
Building material and supply, wholesale and retail. ²⁰	P	P		P	p ³⁷	
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. ⁹	P	P	P	P	P	[P29]
Consignment store		p ³¹				
Eating and drinking establishments. ^{9,10}	SE		SE	SE	SE	[SE]
Lumberyards.	P	P		P		
Retail sales and personal services, dealing primarily with employees in the zone, in accordance with section 59-C-5.23.	P		P	P	P	[P29]
Transitory use. ²⁵	P/SE	P/SE	P/SE	P/SE	P/SE	[P/SE]
Wholesale trades limited to sale or rental of products intended for industrial or commercial users.	P		p ³⁶	P		
(e) Services.						
Ambulance or rescue squads, publicly supported.	P		P	P	P	[P]
Animal boarding places. ¹¹	P			P		
Automobile filling stations. ²¹	SE	SE ¹⁴		SE		
Automobile repair and services.	P			P		
Automobile, truck and trailer rentals, outdoor.	P			P		
Chancery.	SE		p ²⁴			
Child day care facility. ²⁸						
-Family day care home.	P		P	P	P	[P]
-Group day care home.	P		P	P	P	[P]
-Child day care center.	P		P	P	P	[P]
Clinics, medical or dental.	P		P	P	P	[P]
Computer programming and software services including data banks and data retrieval.	P		P	P	P	
Conference centers:						

	I-1	I-2	I-3	I-4	R&D	LSC*_
-With lodging facilities.			SE		SE	
-Without lodging facilities.			P		P	[P]
Corporate, administrative or business offices for companies principally engaged in health services, research and development or high technology industrial activities.					P	[P]
Day care facility for senior adults and persons with disabilities	P		P	P	P	[P]
Duplicating service.	P		P	P	P	[P ²⁹]
Educational institution, private	p ³⁴					
Fire stations, publicly supported.	P		P	P	P	[P]
General offices.	P	p ¹²	P	SE	p ¹³	[P ¹³]
Highway fuel and food service.	SE					
Hospitals.	SE		SE	SE	SE	[P]
Hospitals, veterinary, when in a soundproof building.	P			P		
International organization, public.	SE		p ²⁴		p ²⁴	[P]
Laboratories.	P		P	P	P	[P]
Landscape contractor.	P					
Meeting centers.	SE					
Nursing and care homes.						[P]
Place of religious worship.	P		P	P	P	[P]
Physical therapy facilities.						[P]
Publicly owned or publicly operated uses.	P	P	P	P	P	[P]
Storage, outdoor. ¹⁵	P	P		P		
Trade, artistic or technical schools.	P		p ¹⁹	P	p ¹⁹	[P ¹⁹]
Universities and colleges providing teaching and research facilities.	p ³²		P		P	[P]
Warehousing and storage services:						
-Industrial and commercial users.	P	P	p ¹⁶	P		
-Self-storage facilities.	P			P		
(f) Cultural, entertainment and recreational.						
Art or cultural centers.			SE		SE	[SE]
Health clubs.	P		P	P	P	[P]
Libraries, scientific or technical.	P		P	P	P	[P]

	I-1	I-2	I-3	I-4	R&D	LSC*
Private clubs. ¹⁷	SE		SE	SE	SE	
Recreational facilities primarily for the use of employees. ¹⁷	P	P	P	P	P	[P29]
Recreational or entertainment establishments, commercial.	SE	SE		SE		
Rifle or pistol ranges, indoor.	SE	SE		SE		
Service organizations.	SE			SE		
Swimming pools, private.			p18			
(g) Resource production and extraction.						
Agricultural uses.	P	P		P		
Dairy products processing.	P			P		
Rock or stone quarries.		P				
Sand gravel or clay pits.		P				
Stockyards.	SE	SE				
(h) Miscellaneous uses.						
Accessory buildings and uses.	P	P	P	P	P	[P]
Signs, in accordance with the provisions of article 59-F.	P	P	P	P	P	[P]

58

59 * See Section 59-C-5.211 for allowable uses in the LSC Zone.

60

61 **59-C-5.211. Allowable uses in the LSC Zone.**

62 The following uses are permitted in the LSC Zone:

63 (1) research, development and related activities;

64 (2) private educational institutions;

65 (3) health care services;

66 (4) general offices limited to no more than 50% of the gross floor area;

67 (5) conference centers;

68 (6) hotels, motels, and inns;

69 (7) dwellings and dormitories;

- 70 (8) housing and related facilities for senior adults or persons with
71 disabilities;
- 72 (9) domiciliary care homes;
- 73 (10) adult and child day care;
- 74 (11) food services, excluding drive-in restaurants;
- 75 (12) retail trade and personal services;
- 76 (13) arts, entertainment, and recreation;
- 77 (14) communications facilities or structures;
- 78 (15) publicly owned or operated uses;
- 79 (16) transportation facilities or structures;
- 80 (17) utilities;
- 81 (18) accessory buildings and uses; and
- 82 (19) signs in accordance with the provisions of Article 59-F.

83

84 **59-C-5.23. Retail sales and personal services.**

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

88 * * *

89

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

	I-1	I-2	I-3	I-4	R&D	LSC
59-C-5.31 Building height.						
No building shall exceed the following height limits:						
(a) Normally:						
-In stories	3	5		3		
-In feet	42	70	100	42	50	[100] 143 ¹
(b) In the I-1 zone this height may be increased in accordance with the requirements of section 59-C-5.41.						
59-C-5.32. Coverage limitations. (Percent of gross tract area)						
-Green area shall be provided for not less than	10	10	35	20	30	[25] See § 59- C- 5.473 (a)
-Off-street parking is not allowed to occupy more than			45 ¹			
<p>59-C-5.321. Maximum density of development.² The maximum density of development must not exceed the following floor area ratio for the gross tract area and 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.</p> <p><u>In the LSC Zone, if the property is under common ownership or control, 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 it is balanced by a lesser floor area ratio elsewhere on the property to the extent that the overall floor area ratio for the property does not exceed the maximum floor area ratio of the zone. The densities for all portions of the property must be shown in 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 at the time of site plan approval</u></p> <p><u>In the LSC zone, any density above a floor area ratio of 0.30 must obtain approval of a traffic mitigation agreement in accordance with Section 59-C-5.474. 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 in accordance with Section 59-C-5.475.</u></p>					0.30	2.0 ⁴

	I-1	I-2	I-3	I-4	R&D	LSC
In the I-3 zone, 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.			0.50			
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.						
59-C-5.322. Requirement for landscape plan. In the R&D zone, the preliminary plan of subdivision must include a landscape plan and a plan for the preservation of natural features.						

91

92 1 In unusual circumstances, may be waived by the Planning Board at the time of site plan approval
93 upon a finding that a more compatible arrangement of uses would result.

94 2 An entire floor or story or a portion of a floor or story used exclusively for mechanical equipment
95 is excluded from the maximum density of development calculation, and no portion of any floor or
96 story excluded from the maximum density calculation that exceeds the Floor Area Ratio of the
97 zone may be used for any other purpose. The aggregate area of any partial floors or stories
98 excluded from the maximum density of development calculation must not exceed the gross floor
99 area of any full floor of the building.

100 3 A master or sector plan recommendation may reduce the maximum height of the zone where
101 necessary for the orderly development of the surrounding area. In approving height limits, the
102 Planning Board must consider the size of the lot or parcel, the relationship of existing and
103 proposed buildings and structures to surrounding uses, the need to preserve light and air for the
104 residents of the development and residents of surrounding properties, and any other factors
105 relevant to the height of the building.

106 4 A master or sector plan recommendation may reduce the maximum density of the zone where
107 necessary for the orderly development of the surrounding area. In approving the proposed
108 densities, the Planning Board must consider the size of the parcel and the relationship of the
109 existing and proposed building and structures to surrounding uses.

110

111 * * *

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

113 * * *

114 **59-C-5.47. Special Regulations LSC zone.**

115 **59-C-5.471. Purpose.** It is the primary purpose of the Life Sciences Center
116 (LSC) Zone to promote research, academic, and clinical facilities that advance the
117 life sciences, health care services and applied technologies through the synergies
118 of mixed-use, transit-oriented development. It is also the purpose of the Life
119 Science Center Zone to provide opportunity for the development of uses
120 supportive of a Life Science Center, while retaining an environment conducive to
121 high technology research, development, and production.

122

123 **59-C-5.472. Where applicable.** No land may be classified in the LSC zone
124 unless the land is within an area for which there is an approved and adopted
125 master plan which recommends life sciences center development for the land
126 which is subject to the application of the zone. Development under the LSC zone
127 must be consistent with the recommendations of the applicable master of sector
128 plan.

129 **59-C-5.473. Special Development standards.**

130

131 **(a) Green area.** The minimum green area on the site is 25 percent of the lot area,
132 but may be reduced to not less than 15% of the lot area by the Planning
133 Board if consistent with the objectives of the master or sector plan. Public
134 facilities and amenities may be provided in lieu of the green area
135 requirement if the Planning Board determines that such public facilities
136 and amenities would be more beneficial to the proposed development than
137 strict adherence to the specific green area requirement. Roofs or below
138 grade parking may be counted as green space if developed for passive or
139 recreational use.

140 **(b) Public use space.** The minimum public use space on the site is 15% of the
141 net tract area but may be reduced by the Planning Board if consistent with
142 the objectives of the master or sector plan.

143

144 **59-C-5.474. Special trip reduction guidelines.** Where the approved subdivision
145 plan of the life sciences center allows a development density exceeding 0.3 FAR,
146 it is the intent of the special trip reduction guidelines to achieve as a goal a
147 reduction in auto trips for projects of 10 percent below the peak hour trip
148 generation rates adopted by the Planning Board for the administration of the
149 Adequate Public Facilities Ordinance. To help achieve the trip reduction goal,
150 design measures should be incorporated in the project to meet trip reduction
151 objectives established in this section, as well as non-design measures for the

152 purpose of reducing dependence on single-occupant automobiles. The Planning
153 Board may establish a schedule for achieving the goal and time periods during
154 which the trip reduction measures will be in effect. Any or all of the following
155 trip reduction guidelines or other measures proposed by an applicant are to be
156 considered as appropriate on a case-by-case basis taking into consideration
157 specific circumstances of the project.

158 (a) **Design guidelines.**

159 (1) Buildings clustered near internal streets to minimize walking
160 distance to available transit and to promote an attractive, active and
161 safe pedestrian-oriented streetscape, to accommodate bus service,
162 carpooling and vanpooling within a project.

163 (2) An uninterrupted pedestrian circulation system linking the various
164 uses within a project . The pedestrian system should provide
165 convenient connections to transit service and employee
166 convenience services to reduce dependence on single-occupant
167 automobiles and to promote an active streetscape.

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

171 (b) **Non-design guidelines.**

172 (1) Trip reduction programs such as limiting off-street parking after
173 consideration of market demand, flex time, the provision of or
174 participation in share-a-ride programs, transit/vanpool fare

175 discounts, bus shelters, emergency ride-home programs, reserved
176 HOV spaces, or other acceptable measures that may be proposed;
177 provided that a limitation on off-street parking below the
178 applicable standards of Article 59-E shall not be required in order
179 to achieve trip reduction goals.

180 (2) Development phased in accordance with public or private transit
181 availability.

182 (c) **Implementation.**

183 (1) The Planning Board may establish a schedule for achieving the
184 requirements and time periods during which the trip reduction
185 measures will be in effect. The Planning Board may also require
186 the applicant to enter into an agreement providing for the
187 monitoring, enforcement, and other terms of the trip reduction
188 program. Provision must be made in the agreement to allow for
189 the inclusion of a maximum cost for the implementation of
190 substitute components of the trip reduction measures in the event
191 initial components do not achieve the requirements.

192 (2) Results of on-site trip reduction programs implemented by the
193 applicant to satisfy other traffic mitigation conditions of development
194 approvals may be credited toward achieving the trip reduction
195 requirement. All traffic mitigation requirements otherwise applicable
196 remain in effect. The Planning Board may phase implementation of
197 some or all of the trip reduction in accordance with the build-out of the

198 project and/or availability of transmit so that the measures are feasible
199 and effective, except the Planning Board must not defer such
200 implementation for more than 10 years from the issuance of any use-
201 and-occupancy permit for a building in the project.

202

203 **59-C-5.475. Special regulations for use of a Building Lot Termination (BLT)**

204 **Development Right.**

205 Except for residential development subject to the requirement of workforce
206 housing under Section 59-C-5.476(b) and except for health care services, any
207 gross floor area greater than a FAR of 0.50 must be subject to the following
208 requirements:

209 (a) 12.5 percent of any floor area above 0.50 must be supported through the
210 purchase by the applicant of a BLT easement or through a contribution to the
211 Agricultural Land Preservation Fund under Chapter 2B, for purchase of a
212 BLT easement on real property to preserve agricultural land in the County.
213 One Buildable RDT lot must be extinguished for each 9,000 square feet of
214 residential space, or for each 7,500 square feet of non-residential space.

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

220

221 **59-C-5.476 MPDUs and Workforce Housing.**

222 **(a) Moderately Priced Dwelling Units.** If residential uses are included in a
223 development, Moderately Priced Dwelling Units must be provided under Chapter
224 25A. The maximum residential FAR may be increased in proportion to any
225 MPDU density bonus units provided on-site.

226

227 **(b) Workforce Housing.**

228 (1) Notwithstanding Section 59-A-6.18 and Chapter 25B, this zone
229 requires that any site plan containing residential units at a minimum
230 density of 20 dwelling units per acre or containing a minimum of 100
231 dwelling units include, an amount of workforce housing units that is not
232 less than 5 percent of the total number of proposed market dwellings,
233 not including any MPDUs or resulting bonus density units, or dwelling
234 units excluded under Chapter 25B.

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

237

238 (A) any residential density or residential FAR limit of the applicable
239 zone to be exceeded to the extent required for the number of
240 workforce housing units that are constructed, but not by more than
241 5 percent;

242

243 (B) any residential density or residential FAR limit established in a
244 master or sector plan to be exceeded to the extent required for the
245 number of workforce housing units that are constructed, but not
246 more than the maximum density and FAR of the zone, except as
247 provided in paragraph (1), and

248
249 (C) any building height limit established in a master or sector plan to
250 be exceeded to the extent required for the number of workforce
251 housing units that are constructed, but not to more than the
252 maximum height of the zone.

253
254

255 **59-C-5.477 Parking.** Off-street parking must be provided in accordance with the
256 requirements of Article 59-E.

257

258 **59-C-5.478. Procedure for application and approval.**

259 (a) The procedure for site plan approval in the LSC zone is [set forth in] under
260 Division 59-D-3. The site plan must be substantially consistent with the
261 recommendations of the applicable master or sector plan. In addition to the site
262 plan submission requirements, the applicant must submit for approval
263 comprehensive design standards that address building types, facades, and
264 architecture. Site plans also must be substantially consistent with general design
265 principles recommended by the applicable master or sector plan and design

266 guidelines adopted by the Planning Board to implement the applicable master or
267 sector plan.

268

269 (b) For site plan or subdivision plan approvals before (ZTA Effective Date),

270 _____, [T]the following regulations apply [in the LSC zone]:

271 (1) In the Shady Grove Life Sciences Center except as provided
272 below, an applicant for site plan or subdivision plan approval must
273 comply with the requirements of the Amended and Restated
274 Declaration of Covenants and Easements dated March 9, 1990 and
275 recorded May 25, 1990 in Liber 9332 at folio 591, or as the
276 Declaration may be later amended, that governs the development
277 of the Shady Grove Life Sciences Center. Any project that
278 receives site plan or subdivision plan approval on property
279 identified as University Sites in the 1995 Shady Grove Life
280 Sciences Center Development Plan is not required to comply with
281 the Declaration.

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

- 284 A. an approved subdivision plan which may restrict the
285 maximum density allowed, and
286 B. the 1986 Shady Grove Life Sciences Center Development
287 Plan, as amended. This subparagraph does not apply to any
288 project on the property identified as the University Sites in

289 the 1995 Shady Grove Life Sciences Development Plan.
290 Any application of the 1986 Shady Grove Life Sciences
291 Center Development Plan to such University Sites arises by
292 private agreement only.

293 (3) Any proposed development shown on a site plan or plan of
294 development approved prior to June 11, 1996 may be constructed
295 in accordance with the approved plan regardless of whether said
296 development is built in one or more phases. Such development is
297 not subject to the provisions of Section 59-G-.1 and 59-G-4.25,
298 and may be continued, repaired, reconstructed, or structurally
299 altered in accordance with the approved site plan or plan of
300 development. In cases where detailed review of subsequent phases
301 of an approved plan is anticipated, such reviews will continue to be
302 required under the provisions of Division 59-D-3.

303 **59-C-5.479. Existing approved buildings, building permits, or uses.**

304 (a) Any existing building or structure for which a lawful building permit was
305 issued, and any lawful use which was instituted on property within the
306 Shady Grove Life Sciences Center and subject to the provisions of the
307 1986 Shady Grove Life Sciences Center Development Plan, as amended,
308 prior to a sectional zoning map amendment approved on June 11, 1996,
309 where such lot was rezoned to the life sciences center zone by sectional or
310 local map amendment, will not be regarded as a non-conforming use.
311 Such building or use may be structurally altered, replaced or repaired, or

312 may be changed in conformance with the requirements of the previous
313 lease agreement or memorandum of understanding with the County
314 entered into prior to June 30, 1984, so long as it remains an otherwise
315 lawful use. Properties which are subject to a lease agreement or
316 memorandum of understanding with the County entered into prior to June
317 30, 1984 may be developed in accordance with agreements and procedures
318 applicable prior to June 11, 1996. Any lawful uses or development which
319 were approved in a plan of development approved by the District Council
320 may be instituted on the Shady Grove Life Sciences Center properties.

321 (b) Construction underway in the Shady Grove Life Sciences Center pursuant
322 to a building permit validly issued and existing at the time of
323 reclassification to the life sciences center zone shall be permitted, and
324 buildings and structures so constructed shall not be considered
325 nonconforming.

326 (c) Any lawful structure, building, or use that existed for which a building
327 permit was issued after June 11, 1996 and before the date the LSC zone
328 was applied to the property is a conforming structure or use and may be
329 continued, structurally altered, repaired, renovated, or enlarged up to 10
330 percent of the gross building floor area. However, any enlargement of the
331 building that is more than 10 percent of the gross floor area, or
332 construction of a new building must comply with the new standards of the
333 LSC zone.

334 (d) Any preliminary plan or site plan approved before the date the LSC zone
335 was applied to the property remains valid, and construction may proceed
336 subject to applicable approvals. A preliminary plan approved before the
337 date the LSC zone was applied to the property may be amended under the
338 standards of the previous zone or under the LSC zone standards.

339

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

342

343 This is a correct copy of Council action.

344 _____

345 Linda Lauer, Clerk of the Council

346