



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

MCPB
Item # 6
07/16/09

DATE: July 9, 2009
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *RK*
Ralph Wilson, Zoning Supervisor *RDW*
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, Zoning Ordinance

INTRODUCED BY: District Council at the request of the Planning Board

INTRODUCED DATE:

PLANNING BOARD REVIEW: May 14, 2009; May 28, 2009, July 16, 2009

PUBLIC HEARING:

STAFF RECOMMENDATION: Transmit ZTA revising the Life Sciences Center (LSC) Zone to County Council for introduction.

On May 14 and 28, the Planning Board held worksessions on the proposed changes to the LSC Zone concurrently with its discussions on the Public Hearing Draft Gaithersburg West Master Plan. At the May 28 worksession, the Board agreed to remove the special trip reduction guidelines (59-C-5.474) and to remove the green area requirement (59-C-5.473(a)), but to retain the public use space requirement. The Board also increased the proposed maximum height limit from 143 feet to 150 feet.

On June 11, the Board discussed economic issues associated with the LSC Zone and decided to retain the Building Lot Termination (BLT) requirement.

On July 8, the Zoning Text Amendment Advisors ("Advisors") reviewed the proposed revisions to the LSC Zone. The Advisors were concerned that substituting broader land use categories and new definitions in place of the current LSC zone land use table may have unintended consequences. It was recognized that this may be a needed Code reform, but probably better addressed in the context of a comprehensive look at the zoning ordinance. As proposed, the broader categories (and associated definitions) included in the current draft could create major interpretation problems for the Department of Permitting Services (DPS).

Staff is inclined to agree with the Advisors. If the Planning Board decides to retain the traditional land use table, certain additional land uses will have to be added to satisfy LSC development objectives. Staff will have an updated land use table available for review at the Board meeting. An alternative approach may be to limit the applicability of the proposed definitions by including them within the LSC zone itself. This could serve as an interim measure without the potential unintended consequences associated with the draft zone.

A summary of the proposed changes and a clean copy of the ZTA are attached.

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

- New definitions corresponding to new broad uses categories proposed in Section 59-C-5.211 (Allowable Uses in the LSC) **POSSIBLY MOVE WITHIN LSC ZONE**
- 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.

- 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.) **POSSIBLY RETURN TO LAND USE TABLE-PER ZONING TEXT AMENDMENT ADVISORS' COMMENTS**

**New Section-59-C-5.211. Allowable uses in the LSC Zone. POSSIBLY RETURN TO
LAND USE TABLE-PER ZONING TEXT AMENDMENT ADVISORS**

- 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.

- 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)

- Building height is increased from a maximum of 100 feet to a maximum of 150 feet
- The 25% green area requirement is removed from the development standards table and replaced with a 20% public use space requirement.
- 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.
- Elimination of the requirement that any density above a floor area ratio of 0.30 require approval of a traffic mitigation agreement in accordance with “Special trip reduction guidelines” (Section 59-C-5.474)
- Maintain the existing requirement that the FAR for a 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 lower 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.
- 2 new Footnotes —provide guidelines for Planning Board approval of height and density limits.

Sec. 59-C-5.47. Special Regulations LSC zone.

- Modified the purpose clause (**Subsection 59-C-5.471**) to highlight the primary purpose of life sciences, health care services and applied technologies. Also to provide opportunity for the development of uses that support Life Science Center while maintaining the primary goal.
- Under **Subsection 59-C-5.472**. (“Where applicable.”) a statement is added that requires development under the LSC zone to be substantially consistent with the recommendations of the applicable master of sector plan.
- Delete **Subsection 59-C-5.473**. “Development standards” and address standards in the Development Standards table. This includes the elimination of the specific building setbacks and building coverage provisions in favor of establishing these standards during the site plan approval process. This also includes the elimination of the existing design, lighting, and landscape guidelines in favor of guidelines to be established specific to each master or sector plan.
- Elimination of the “Special trip reduction guidelines” (**Subsection 59-C-5.475**). Currently any density above a floor area ratio of 0.30 requires approval of a traffic mitigation agreement in accordance with “Special trip reduction guidelines” These issues are addressed by current Growth Policy provisions.
- **New Subsection 59-C-5.473**, “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.
- **New Subsection 59-C-5.474**, 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.
- **New Subsection 59-C-5.475**, “Parking.” Off-street parking must satisfy Article 59-E.
- **Subsection 59-C-5.476.**, “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. Minor amendments to the site plan would be exempt from the comprehensive guideline provision. 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.

- **Subsection 59-C-5.477,** "Existing approved buildings, building permits, or uses." includes existing grandfathering provisions as well as proposed new provisions that grandfather existing buildings, structures or uses that have a lawful building permit and development under a preliminary plan or site plan approved before the LSC zone was applied to the property.
- **POSSIBLY PLACE NEW DEFINITIONS WITHIN THIS SECTION**

Zoning Text Amendment No:
Concerning: Life Sciences Center
Zone
Draft No. & Date: 7/9/09
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 to:

- modify 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; to establish the use of building lot termination development rights in the LSC Zone; and to generally amend the provisions of 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.

Cultural, 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 **Cultural, entertainment, and recreation:** Establishments that operate facilities or
6 provide services to meet cultural, entertainment, and recreational interests of their
7 patrons. Such establishments include art/cultural centers, health clubs, libraries, private
8 clubs, and 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 * * *

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

* * *

Research, development and related activities: Study, research, and experimentation in one or more scientific fields such as life sciences or biomedical research, communications, chemistry, computer science, electronics, medicine and physics. Research and development also includes the development of prototypes and the marketing of resultant products. Related activities include the manufacturing, mixing, fermentation, treatment, assembly, packaging and servicing of products. Supporting services such as administrative offices, educational facilities, libraries, and data services are other examples of related activities.

* * *

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

* * *

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

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

* * *

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

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

Sec. 59-C-5.2. Land uses.

* * *

59-C-5.21. Allowable uses.

* * *

	I-1	I-2	I-3	I-4	R&D	LSC*
(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* ₋
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	p ³⁵ / SE	p ³⁵ / SE	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.	p8			p8		
Building material and supply, wholesale and retail. ²⁰	P	P		P	p37	
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		p31				
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		p36	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		p24			
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	[p29]
Educational institution, private	p34					
Fire stations, publicly supported.	P		P	P	P	[P]
General offices.	P	p12	P	SE	p13	[p13]
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		p24		p24	[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		p19	P	p19	[p19]
Universities and colleges providing teaching and research facilities.	p32		P		P	[P]
Warehousing and storage services:						
-Industrial and commercial users.	P	P	p16	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]

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

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

The following uses are permitted in the LSC Zone:

(1) research, development and related activities;

(2) private educational institutions;

(3) health care services;

(4) general offices limited to no more than 50% of the gross floor area of the buildings on a lot or group of contiguous lots in common ownership and control at the time of subdivision approval;

(5) conference centers;

(6) hotels, motels, and inns;

- (7) dwellings and dormitories;
- (8) housing and related facilities for senior adults or persons with disabilities;
- (9) domiciliary care homes;
- (10) adult and child day care;
- (11) food services, excluding drive-in restaurants;
- (12) retail trade and personal services;
- (13) cultural, entertainment, and recreation;
- (14) communications facilities or structures;
- (15) publicly owned or operated uses;
- (16) transportation facilities or structures;
- (17) utilities;
- (18) accessory buildings and uses; and
- (19) signs in accordance with the provisions of Article 59-F.

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

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

- (a) Such use must not be located in an industrially zoned area containing less than ten contiguous acres of land classified in industrial zones.
- (b) Such use must not occupy more than 5 percent of the total floor area of the buildings on a lot or group of contiguous lots in common ownership and control at the time of subdivision approval.

- 95 (c) Such use must not front on or abut any street with a right-of-way of 70
96 feet or more unless the street is internal to the industrially zoned area.
97 Such use, however, must not front on or abut any street with an existing or
98 master planned right-of-way of 100 feet or more. All access to such use
99 must be from interior streets within the industrially zoned area.
- 100 (d) The display of a sign must comply with the requirements established in
101 Article 59-F of this chapter.
- 102 (e) In the I-3 and R&D zones, such use may be located within any building as
103 [a] an incidental use [in accordance with] under the following
104 requirements:
- 105 (1) Such incidental use must not be located above the first floor;
106 (2) Such incidental use must satisfy the requirements of subsections
107 (a), (b) and (d), above.
- 108 The provisions of this section shall not apply to any land or building
109 lawfully existing, under construction, or for which a building permit has
110 been issued [prior to] before August 19, 1987.

111 * * *

112

113 **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] 150*
(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]
<u>-In the LSC Zone the minimum public use space is as follows but may be provided in part or entirely off-site on a separate lot or parcel classified under the LSC Zone. A payment instead of all or some of the required public use space may be made at the time of site plan review if approved under the applicable provisions of Section 59-D-2.31.</u>						20
-Off-street parking is not allowed to occupy more than			45 ¹			
59-C-5.321. Maximum density of development. ² The maximum density of development must not exceed the following floor area ratio which is to be based on and may be averaged over the gross tract area.					0.30	

	I-1	I-2	I-3	I-4	R&D	LSC
<p>In the I-3 and LSC zones, 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. [Adequate Public 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.]</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 lower floor area ratio elsewhere on the property so 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, 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-5.473.</u></p>			0.50			[0.30] <u>2.0**</u>
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.						
[In the LSC zone, the maximum density may be increased to a maximum floor area ratio of 0.50 provided the applicant for development obtains approval of a traffic mitigation agreement in accordance with Section 59-C-5.475.]						
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.						

114

115 1 In unusual circumstances, may be waived by the [planning board] Planning Board at the time of
116 site plan approval upon a finding that a more compatible arrangement of uses would result.

117 2 An entire floor or story or a portion of a floor or story used exclusively for mechanical equipment
118 is excluded from the maximum density of development calculation, and no portion of any floor or
119 story excluded from the maximum density calculation that exceeds the Floor Area Ratio of the
120 zone may be used for any other purpose. The aggregate area of any partial floors or stories
121 excluded from the maximum density of development calculation must not exceed the gross floor
122 area of any full floor of the building.

123 * In approving height limits, the Planning Board must consider factors such as: the size of the lot or
124 parcel; the relationship of existing and proposed buildings and structures to surrounding uses; and
125 the need to preserve light and air for the occupants of the development and occupants of
126 surrounding properties.

127 ** In approving the densities, the Planning Board must consider the size of the parcel and the
128 relationship of the existing and proposed buildings and structures to surrounding uses.

129 * * *

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

131 * * *

132 **59-C-5.47. Special Regulations LSC zone.**

133 **59-C-5.471. Purpose.** The primary purpose of the Life Sciences Center (LSC)
134 Zone is to promote research, academic, and clinical facilities that advance the life
135 sciences, health care services and applied technologies. It is also the purpose of
136 the LSC Zone to provide opportunity for the development of uses that support a
137 Life Science Center, while retaining an environment conducive to high
138 technology research, development, and production.

139

140 **59-C-5.472. Where applicable.** No land may be classified in the LSC zone
141 unless the land is within an area for which there is an approved and adopted
142 master plan which recommends life sciences center development for the land
143 which is subject to the application of the zone. Development under the LSC zone
144 must be substantially consistent with the recommendations of the applicable
145 master or sector plan.

146

147 **59-C-5.473. Special regulations for use of a Building Lot Termination (BLT)**

148 **Development Right.**

149 Except for residential development subject to the requirement of workforce
150 housing under Section 59-C-5.474(b) and except for health care services:
151 (a) 12.5 percent of any floor area above 0.50 must be supported through the
152 purchase by the applicant of a BLT easement or through a contribution to the
153 Agricultural Land Preservation Fund under Chapter 2B, for purchase of a
154 BLT easement on real property to preserve agricultural land in the County.
155 One buildable RDT zoned lot must be extinguished for each 9,000 square
156 feet of residential space, or for each 7,500 square feet of non-residential
157 space.
158 (b) If the applicant for development under the LSC zone cannot purchase an
159 easement, or if the amount of density to be attributed to BLT easement is a
160 fraction of the applicable floor area equivalent, the Planning Board must
161 require the applicant to pay the Agricultural Land Preservation Fund an
162 amount set annually by Executive Regulation.

59-C-5.474 MPDUs and Workforce Housing.

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

(b) Workforce Housing.

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

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

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

(B) any residential density or residential FAR limit established in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not more than the maximum density and FAR of the zone, except as provided in paragraph (2)(A), and

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

59-C-5.475 **Parking.** Off-street parking must satisfy Article 59-E.

59-C-5.476. **Procedure for application and approval.**

(a) Site plan approval in the LSC Zone must satisfy Division 59-D-3. The site plan must be substantially consistent with the recommendations of the applicable master or sector plan. In addition to the site plan submission requirements, the applicant must submit for approval comprehensive design standards that address building types, facades, and architecture except when the site plan is proposed for amendment through a limited plan amendment, a consent agenda amendment or a Director level amendment. Site plans also must be substantially consistent with general design principles recommended by the applicable master or sector plan

208 and design guidelines adopted by the Planning Board to implement the applicable
209 master or sector plan.

210
211 (b) For site plan or subdivision plan approvals before (ZTA Effective Date),
212 _____, [T]the following regulations apply [in the LSC zone]:

213 (1) In the Shady Grove Life Sciences Center except as provided
214 below, an applicant for site plan or subdivision plan approval must
215 comply with the requirements of the Amended and Restated
216 Declaration of Covenants and Easements dated March 9, 1990 and
217 recorded May 25, 1990 in Liber 9332 at folio 591, or as the
218 Declaration may be later amended, that governs the development
219 of the Shady Grove Life Sciences Center. Any project that
220 receives site plan or subdivision plan approval on property
221 identified as University Sites in the 1995 Shady Grove Life
222 Sciences Center Development Plan is not required to comply with
223 the Declaration.

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

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

the 1995 Shady Grove Life Sciences Development Plan.

Any application of the 1986 Shady Grove Life Sciences

Center Development Plan to such University Sites arises by

private agreement only.

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

59-C-5.477. Existing approved buildings, building permits, or uses.

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

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

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

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

276 (d) Any preliminary plan or site plan approved before the date the LSC zone
277 was applied to the property remains valid, and construction may proceed
278 subject to applicable approvals. A preliminary plan approved before the
279 date the LSC zone was applied to the property may be amended under the
280 standards of the previous zone or under the LSC zone standards.

281

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

284

285 This is a correct copy of Council action.

286 _____

287 Linda Lauer, Clerk of the Council

288