



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item # 3**  
**5/30/02**

**DATE:** May 24, 2002  
**TO:** Montgomery County Planning Board  
**VIA:** Michael Ma, Zoning Supervisor *Ma*  
**FROM:** Greg Russ, Zoning Coordinator  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To allow research and development as a permitted use in the Cherry Hill Road Employment Area Overlay Zone, under certain circumstances.

**TEXT AMENDMENT:** No. 02-06  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmembers Praisner and Berlage  
**INTRODUCED DATE:** April 30, 2002

**PLANNING BOARD REVIEW:** May 30, 2002  
**PUBLIC HEARING:** June 4, 2002, 1:30pm

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**STAFF RECOMMENDATION:** APPROVAL

#### **PURPOSE OF THE TEXT AMENDMENT**

To allow 'research and development' as a permitted use in the U.S. 29/Cherry Hill Road Employment Area Overlay Zone.

#### **BACKGROUND/ANALYSIS**

The site of the former WSSC Sludge composting facility (i.e., "Site 2") is zoned I-2 and located in the U.S. 29/Cherry Hill Road Employment Area Overlay Zone. It is one of several sites identified by the County for a potential technology park, possibly a public/private partnership reminiscent of the Shady Grove Life Sciences Center. Currently, research and development uses are not permitted in the base (I-2) and the overlay zone.

## **Definition: Research and Development**

Research and development is defined as follows:

*Research, development and related activities: Study, research and experimentation in one or more scientific fields such as 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.*

## **U.S. 29/Cherry Hill Road Employment Area Overlay Zone of the Fairland Master Plan**

The purpose of this overlay zone is to:

- (a) Develop a compatible mix of office, regional commercial, and light industrial uses within a designated employment area.
- (b) Establish a uniform set of development standards for the zone.
- (c) Allow local and regional retail and service uses.
- (d) Encourage the use of appropriate traffic-limiting measures, where such measures are not already in place, such as car pools and use of mass transit.
- (e) Eliminate uses not considered compatible with the intent of this overlay zone.

Staff has no objection to allowing research and development as a permitted use in the U.S. 29/Cherry Hill Road Employment Area Overlay Zone. Staff believes that this use would have minimal, if any, impact on other uses that are permitted in this zone. As defined, however, research and development includes the term, "and related uses" which includes "*manufacturing, mixing, fermentation, treatment, assembly, packaging and servicing of products*"; activities similar to several that are not permitted in this overlay zone. Those similar activities include:

*-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; and*

*-Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development.*

As such, staff believes that the text amendment should reflect the exclusion of "related uses" such as "*manufacturing, mixing, fermentation, treatment, assembly, packaging and servicing of products*". Alternatively, the text amendment could be amended to permit the manufacturing, compounding, processing or packaging of those products resulting from biotechnical and biogenetic research and development.

## **RECOMMENDATION**

The staff supports the proposed text amendment to allow research and development as a permitted use in the U.S. 29/Cherry Hill Road Employment Area Overlay Zone with the exclusion of “related uses” as stated in the definition. This amendment can be accomplished through the proposed language, as amended, in Attachment 1.

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### **Attachments**

1. Proposed Text Amendment 02-06

ATTACHMENT 1

Zoning Text Amendment No: 02-06  
Concerning: Cherry Hill Employment Area  
Overlay Zone  
Draft No. & Date: 1 – 4/24/02  
Introduced: April 30, 2002  
Public Hearing: June 4, 2002; 1:30 PM  
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**

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By: Councilmembers Praisner and Berlage

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

- allowing research and development as a permitted use in the Cherry Hill Road Employment Area Overlay zone.

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

DIVISION 59-C-18	“OVERLAY ZONES”
Section 59-C-18.13	“U.S. 29/Cherry Hill Road Employment Area Overlay Zone of the Fairland Master Plan”
Section 59-C-18.132.	“Regulations”

**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-C-18 is amended as follows:**

2       **DIVISION 59-C-18. OVERLAY ZONES.**

3       \* \* \*

4       **59-C-18.13. U.S. 29/Cherry Hill Road Employment Area Overlay Zone of the**  
5       **Fairland Master Plan.**

6       \* \* \*

7       **59-C-18.132. Regulations.**

8       **(a) Land uses.**

9       (1) The following uses are permitted in the U.S. 29/Cherry Hill Road Employment  
10       Area overlay zone:

11       (A) All permitted or special exception uses allowed in the underlying zones are  
12       allowed in the U.S. 29/Cherry Hill Road Employment Area overlay zone,  
13       except as specifically modified and set forth in this overlay zone.

14       (i) The following additional retail commercial and industrial uses are  
15       permitted:

16       Beauty supply stores.

17       Computer and computer supply stores.

18       Eating and drinking establishment, excluding a drive-in.

19       Electronics stores.

20       Express or mailing offices.

21       Food and beverage stores.

22       Music stores.

23       Office supply stores.

24       Pet supply stores.

25       Research and development, excluding any prohibited uses under  
26       Section C-18.132 (a)(2).

27       Theaters, indoor.

1           **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
2 date of Council adoption.

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4 This is a correct copy of Council action.

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9 Mary A. Edgar, CMC

10 Clerk of the Council