

Appendix 8: Life Sciences Center Zone

Concerning: Life Sciences Center
Zone
Draft No. & Date: 7/16/09
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 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.

Research, development and related activities;

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.

Add New Section 59-C-5.478. Definitions

Cultural, entertainment, and recreation;

Communication facilities or structures

Food services;
Health care services;
Personal services;
Retail trade;
Transportation facilities or structures; and
Utilities.

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 **Research, development and related activities:** Study, research, and experimentation in

6 one or more scientific fields such as life sciences or biomedical research,

7 communications, chemistry, computer science, electronics, medicine and physics.

8 Research and development also includes the development of prototypes and the

9 marketing of resultant products. Related activities include the manufacturing, mixing,

10 fermentation, treatment, assembly, packaging and servicing of products. Supporting

11 services such as administrative offices, educational facilities, libraries, and data services

12 are other examples of related activities.

13 * * *

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

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

16 * * *

17 **59-C-5.21. Allowable uses.**

18 * * *

19

	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-1	I-2	I-3	I-4	R&D	LSC* _
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	
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]

	I-1	I-2	I-3	I-4	R&D	LSC*_
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		
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		

	I-1	I-2	I-3	I-4	R&D	LSC*
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]
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				

	I-1	I-2	I-3	I-4	R&D	LSC*_
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]
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	[P ²⁹]
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	[P ²⁹]
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		

	I-1	I-2	I-3	I-4	R&D	LSC*
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:						
-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	p34					
Fire stations, publicly supported.	P		P	P	P	[P]
General offices.	P	p12	P	SE	p13	[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		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	[P ¹⁹]

	I-1	I-2	I-3	I-4	R&D	LSC*_
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]
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]

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

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23 **59-C-5.211. Allowable uses in the LSC Zone.**

24 The following uses are permitted in the LSC Zone:

- 25 (1) health care services;
- 26 (2) domiciliary care homes;
- 27 (3) research, development and related activities;
- 28 (4) Corporate, administrative or business offices for companies principally
29 engaged in health services, research and development or high
30 technology industrial activities.
- 31 (5) general offices limited to no more than 50% of the gross floor area of
32 the buildings on a lot or group of contiguous lots in common
33 ownership and control at the time of subdivision approval;
- 34 (6) private educational institutions;
- 35
- 36 (7) conference centers;
- 37 (8) hotels, motels, and inns;
- 38 (9) dwellings and dormitories;
- 39 (10) housing and related facilities for senior adults or persons with
40 disabilities;
- 41 (11) adult and child day care;
- 42 (12) food services, excluding drive-in restaurants;
- 43 (13) retail trade and personal services;
- 44 (14)cultural, entertainment, and recreation;
- 45 (15) communications facilities or structures;
- 46 (16) publicly owned or operated uses;
- 47 (17) transportation facilities or structures;
- 48 (18) utilities;
- 49 (19) accessory buildings and uses; and
- 50 (20) signs in accordance with the provisions of Article 59-F.

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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.
- (c) Such use must not front on or abut any street with a right-of-way of 70 feet or more unless the street is internal to the industrially zoned area.
Such use, however, must not front on or abut any street with an existing or master planned right-of-way of 100 feet or more. All access to such use must be from interior streets within the industrially zoned area.
- (d) The display of a sign must comply with the requirements established in Article 59-F of this chapter.
- (e) In the I-3 and R&D zones, such use may be located within any building as [a] an incidental use [in accordance with] under the following requirements:
 - (1) Such incidental use must not be located above the first floor;
 - (2) Such incidental use must satisfy the requirements of subsections (a), (b) and (d), above.

74 The provisions of this section shall not apply to any land or building
75 lawfully existing, under construction, or for which a building permit has
76 been issued [~~prior to~~] before August 19, 1987.

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79 **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>
<p>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.</p>						
<p>[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.]</p>						
<p>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.</p>						

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81 1 In unusual circumstances, may be waived by the [planning board] Planning Board at the time of

82 site plan approval upon a finding that a more compatible arrangement of uses would result.

83 2 An entire floor or story or a portion of a floor or story used exclusively for mechanical equipment
84 is excluded from the maximum density of development calculation, and no portion of any floor or
85 story excluded from the maximum density calculation that exceeds the Floor Area Ratio of the
86 zone may be used for any other purpose. The aggregate area of any partial floors or stories
87 excluded from the maximum density of development calculation must not exceed the gross floor
88 area of any full floor of the building.

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

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

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96 * * *

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

98 * * *

99 **59-C-5.47. Special Regulations LSC zone.**

100 **59-C-5.471. Purpose.** The primary purpose of the Life Sciences Center (LSC)
101 Zone is to promote research, academic, and clinical facilities that advance the life
102 sciences, health care services and applied technologies. It is also the purpose of
103 the LSC Zone to provide opportunity for the development of uses that support a
104 Life Science Center, while retaining an environment conducive to high
105 technology research, development, and production.

106 [A life sciences center (LSC) is a major research and development park for
107 facilities of companies specializing in the life sciences and related fields, at a
108 location as recommended in a master sector plan.

109 (a) The goals of an LSC are:

110 (1) To provide a unique reinforcing focus for the life sciences industry
111 to promote the successful expansion of the industry in
112 Montgomery County;

113 (2) To expand the educational and research resources available for
114 Montgomery County residents, employers and work force; and

115 (3) A life sciences center may serve the health care needs of the
116 region.

117 (b) It is the intent that LSC's be developed in a manner which makes a
118 positive contribution to the quality of life in the County. The facilities,
119 landscaping and open space will create an attractive setting and
120 environment conducive to high technology research, development,
121 production and related uses. The purposes of the life sciences center zone
122 are as follows:

123 (1) To promote the development of life science research parks which
124 reflect the highest architectural and environmental standards; to
125 preserve the confidence of corporate users and the surrounding
126 community that future development will be of consistently high
127 quality and to protect and enhance the economic and
128 environmental values of the life sciences center.

- 129 (2) To assure that all buildings are compatible with each other and
130 with their surroundings in terms of exterior design, massing and
131 scale, and type and quality of construction.
- 132 (3) To promote clustering of buildings to encourage and facilitate
133 pedestrian use of open space and common areas and shared
134 facilities.
- 135 (4) To assure the provision of green areas and promote the use of
136 green areas to enhance the appearance of the facilities and the
137 quality of the work environment.]

138 **59-C-5.472. Where applicable.** No land may be classified in the LSC zone
139 unless the land is within an area for which there is an approved and adopted
140 master plan which recommends life sciences center development for the land
141 which is subject to the application of the zone. Development under the LSC zone
142 must be substantially consistent with the recommendations of the applicable
143 master or sector plan.

144 **[59-C-5.473. Development standards.**

145 (a) **Building setbacks.**

- 146 (1) Building setback from the rights-of-way of interior roads is 25 feet
147 Building setback from the rights-of-way of perimeter roads is 50
148 feet.
- 149 (2) Building setback from the right-of-way line at entry gateways is 50
150 feet.
- 151 (3) Building setback from an interior lot line is 20 feet.]

- 152 [(b) **Building height.** Maximum building height is 100 feet, except 125 feet in
153 the health services core of the Shady Grove Life Sciences Center as
154 defined in the 1986 Shady Grove Life Sciences Center Development Plan,
155 as amended.
- 156 (c) **Building coverage.** Maximum building coverage is 25 percent of the lot
157 area except that increased coverage up to 50 percent may be approved
158 when the applicant proposes to construct structured or underground
159 parking.
- 160 (d) **Floor area ratio.** The maximum floor area ratio may be increased to 0.50
161 if special trip reduction is implemented in accordance with the guidelines
162 in Section 59-C-5.475.
- 163 (e) **Green area.** The minimum green area on the site is 25 percent of the lot area.
164 Roofs or below grade parking may be counted as green space if developed
165 for passive or recreational use.
- 166 (f) **Parking setbacks.**
- 167 (1) Parking setback from rights-of-way is 50 feet.
- 168 (2) Parking setback from an interior lot line is 15 feet. Where internal
169 connection between adjacent parking lots is planned, total
170 combined setback is eight (8) feet.
- 171 (3) In the Shady Grove Life Sciences Center, parking setback from the
172 right-of-way line of Blackwell Road and the curb line of access
173 roadways and cul-de-sacs is 25 feet.
- 174 (g) **Parking design standards.]**

220 (5) All trash containers, transformers, meters, telephone junction
221 boxes etc., must be integrated architecturally or effectively
222 screened with screen walls and/or landscaping materials.

223 Locations must be compatible with building and site design.

224 (6) No temporary structures may be constructed or trailers located
225 within the LSC except for those approved by the Director to
226 service a construction project and only for the duration of the
227 construction.]

228 **[(j) Site lighting standards.**

229 (1) Site lighting must be provided to maintain a minimum level of
230 illumination within the parking areas (ft. candle minimum
231 maintained).

232 (2) Maximum pole heights for drives and parking lots must be
233 approximately 24 feet with “cut off” type luminaries. Poles and
234 luminaries must be compatible with established lighting in the
235 existing core area.

236 (3) Lighting bollards must be used adjacent to pedestrian walk areas.
237 The design must be compatible with architectural materials.]

238 **[59-C-5.474. Landscaping guidelines.**

239 (a) Landscaping should be an integral part of the building design and should
240 provide effective screening and shade.

241 (b) Every effort should be made to avoid formality in plantings except as it
242 may be integral to an architectural concept. Emphasis should be placed on

- 243 the natural grouping of groves of trees and every opportunity should be
244 taken to emphasize or take advantage of natural terrain features.
- 245 (c) Plants should be restricted to those with low maintenance requirements
246 and which have already proven themselves hardy and easily cared for in
247 this area.
- 248 (d) To ensure year-round interest and beauty, a skeletal planting of evergreen
249 trees and major shrubs of seasonal interest should be used in each project
250 so that the design does not disintegrate at leaf-fall.
- 251 (e) Native flowering trees should be planted in groves placed near areas of
252 pedestrian use. Whenever possible, larger specimens should be selected in
253 order to create an immediate effect at major points in the design. Smaller
254 plantings may be used in peripheral areas.]

255 **[59-C-5.475. Special trip reduction guidelines.** Where the approved
256 subdivision plan of the life sciences center allows a development density
257 exceeding 0.3 FAR, it is the intent of the special trip reduction guidelines to
258 achieve as a goal a reduction in auto trips for projects of 10 percent below the
259 peak hour trip generation rates adopted by the Planning Board for the
260 administration of the Adequate Public Facilities Ordinance. To help achieve the
261 trip reduction goal, design measures should be incorporated in the project to meet
262 trip reduction objectives established in this section, as well as non-design
263 measures for the purpose of reducing dependence on single-occupant
264 automobiles. The Planning Board may establish a schedule for achieving the goal
265 and time periods during which the trip reduction measures will be in effect. Any

266 or all of the following trip reduction guidelines or other measures proposed by an
267 applicant are to be considered as appropriate on a case-by-case basis taking into
268 consideration specific circumstances of the project.]

269 [(a) **Design guidelines.**

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

274 (2) An uninterrupted pedestrian circulation system linking the various
275 uses within a project . The pedestrian system should provide
276 convenient connections to transit service and employee
277 convenience services to reduce dependence on single-occupant
278 automobiles and to promote an active streetscape.

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

282 [(b) **Non-design guidelines.**

283 (1) Trip reduction programs such as limiting off-street parking after
284 consideration of market demand, flex time, the provision of or
285 participation in share-a-ride programs, transit/vanpool fare
286 discounts, bus shelters, emergency ride-home programs, reserved
287 HOV spaces, or other acceptable measures that may be proposed;
288 provided that a limitation on off-street parking below the

289 applicable standards of Article 59-E shall not be required in order
290 to achieve trip reduction goals.

291 (2) Development phased in accordance with public or private transit
292 availability.]

293 [(c) **Implementation.**

294 (1) The Planning Board may establish a schedule for achieving the
295 requirements and time periods during which the trip reduction
296 measures will be in effect. The Planning Board may also require
297 the applicant to enter into an agreement providing for the
298 monitoring, enforcement, and other terms of the trip reduction
299 program. Provision must be made in the agreement to allow for
300 the inclusion of a maximum cost for the implementation of
301 substitute components of the trip reduction measures in the event
302 initial components do not achieve the requirements.

303 (2) Results of on-site trip reduction programs implemented by the
304 applicant to satisfy other traffic mitigation conditions of development
305 approvals may be credited toward achieving the trip reduction
306 requirement. All traffic mitigation requirements otherwise applicable
307 remain in effect. The Planning Board may phase implementation of
308 some or all of the trip reduction in accordance with the build-out of the
309 project and/or availability of transit so that the measures are feasible
310 and effective, except the Planning Board must not defer such

311 implementation for more than 10 years from the issuance of any use-
312 and-occupancy permit for a building in the project.]

313

314 **59-C-5.473. Special regulations for use of a Building Lot Termination (BLT)**

315 **Development Right.**

316 Except for residential development subject to the requirement of workforce

317 housing under Section 59-C-5.474(b) and except for health care services:

318 (a) 12.5 percent of any floor area above 0.50 must be supported through the

319 purchase by the applicant of a BLT easement or through a contribution to the

320 Agricultural Land Preservation Fund under Chapter 2B, for purchase of a

321 BLT easement on real property to preserve agricultural land in the County.

322 One buildable RDT zoned lot must be extinguished for each 9,000 square

323 feet of residential space, or for each 7,500 square feet of non-residential

324 space.

325 (b) If the applicant for development under the LSC zone cannot purchase an

326 easement, or if the amount of density to be attributed to BLT easement is a

327 fraction of the applicable floor area equivalent, the Planning Board must

328 require the applicant to pay the Agricultural Land Preservation Fund an

329 amount set annually by Executive Regulation.

330

331 **59-C-5.474 MPDUs and Workforce Housing.**

332 **(a) Moderately Priced Dwelling Units.** If residential uses are included in a

333 development, Moderately Priced Dwelling Units must be provided under Chapter

334 25A. The maximum residential FAR may be increased in proportion to any
335 MPDU density bonus units provided on-site.

336

337 **(b) Workforce Housing.**

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

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

347

348 (A) any residential density or residential FAR limit of the applicable
349 zone to be exceeded to the extent required for the number of
350 workforce housing units that are constructed, but not by more than
351 5 percent;

352

353 (B) any residential density or residential FAR limit established in a
354 master or sector plan to be exceeded to the extent required for the
355 number of workforce housing units that are constructed, but not

356 more than the maximum density and FAR of the zone, except as
357 provided in paragraph (2)(A), and
358
359 (C) any building height limit established in a master or sector plan to
360 be exceeded to the extent required for the number of workforce
361 housing units that are constructed, but not more than the maximum
362 height of the zone.

363

364

365 **59-C-5.475 Parking.** Off-street parking must satisfy Article 59-E.

366

367 **59-C-5.476. Procedure for application and approval.**

368 (a) [The procedure for site plan approval in the LSC zone is set forth in] Site
369 plan approval in the LSC Zone must satisfy Division 59-D-3. The site plan must
370 be substantially consistent with the recommendations of the applicable master or
371 sector plan. In addition to the site plan submission requirements, the applicant
372 must submit for approval comprehensive design standards that address building
373 types, facades, and architecture except when the site plan is proposed for
374 amendment through a limited plan amendment, a consent agenda amendment or a
375 Director level amendment. Site plans also must be substantially consistent with
376 general design principles recommended by the applicable master or sector plan
377 and design guidelines adopted by the Planning Board to implement the applicable
378 master or sector plan.

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

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

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

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

- A. an approved subdivision plan which may restrict the maximum density allowed, and
- B. the 1986 Shady Grove Life Sciences Center Development Plan, as amended. This subparagraph does not apply to any 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

402 Center Development Plan to such University Sites arises by
403 private agreement only.

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

414 **59-C-5.477. Existing approved buildings, building permits, or uses.**

415 (a) Any existing building or structure for which a lawful building permit was
416 issued, and any lawful use which was instituted on property within the
417 Shady Grove Life Sciences Center and subject to the provisions of the
418 1986 Shady Grove Life Sciences Center Development Plan, as amended,
419 prior to a sectional zoning map amendment approved on June 11, 1996,
420 where such lot was rezoned to the life sciences center zone by sectional or
421 local map amendment, will not be regarded as a non-conforming use.
422 Such building or use may be structurally altered, replaced or repaired, or
423 may be changed in conformance with the requirements of the previous
424 lease agreement or memorandum of understanding with the County

425 entered into prior to June 30, 1984, so long as it remains an otherwise
426 lawful use. Properties which are subject to a lease agreement or
427 memorandum of understanding with the County entered into prior to June
428 30, 1984 may be developed [in accordance with] under agreements and
429 procedures applicable prior to June 11, 1996. Any lawful uses or
430 development which were approved in a plan of development approved by
431 the District Council may be instituted on the Shady Grove Life Sciences
432 Center properties.

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

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

445 (d) Any preliminary plan or site plan approved before the date the LSC zone
446 was applied to the property remains valid, and construction may proceed
447 subject to applicable approvals. A preliminary plan approved before the

448 date the LSC zone was applied to the property may be amended under the
449 standards of the previous zone or under the LSC zone standards.

450

451 **59-C-5.478. Definitions.**

452 In the Life Sciences Center Zone, the following words and phrases have the meanings
453 indicated:

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

458 **Communications facilities or structures:** Facilities or structures that support or
459 facilitate communications by radio, television, or telephone. Such facilities or structures
460 include amateur radio facility, cable communications system, radio and television
461 broadcasting studio, radio and television stations, telephone office or communications
462 center, and rooftop mounted antennas and related equipment.

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

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

468 **Personal services:** Establishments that provide services to individuals, households, and
469 businesses. These establishments include self-service laundromats, dry cleaning and
470 laundry establishments of no more than 3,000 square feet of gross floor area, dry cleaning

471 and laundry pick-up stations, beauty and barber shops, shoe repair, photo studios and
472 photo finishing services, data services, appliance repair shops, duplicating services, tailor
473 or dress making shops, and pet grooming services.

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

478 **Transportation facilities or structures:** Facilities or structures that support or facilitate
479 transportation of people. Such facilities or structures include bus terminals, bus stops,
480 transit stations, transit stops, taxi stands, heliports, helistops and off-street parking of
481 motor vehicles, in connection with any use permitted.

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

484

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

487

488 This is a correct copy of Council action.

489 _____

490 Linda Lauer, Clerk of the Council

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